



Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

Ministry of Natural Resources and Environment

and

Ministry of Public Works and Transport

Lao Environmental and Waste Management Project (P175996)

SOCIAL IMPACT ASSESSMENT AND SOCIAL MANAGEMENT PLAN (SIA-SMP)

Volume II - Attachments

(Revised Draft)

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Environment Protection Fund

14 November 2022



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ABBREVIATIONS AND ACRONYMS

ASEAN	Association of Southeast Asian Nations
CERC	Contingency Emergency Response Component
CHSP	Community Health and Safety Plan
CMU	Component Management Unit
COVID19	Corona Virus 19
DCC	Department of Climate Change
DHUP	Department of Housing and Urban Planning
DINE	Department of Inspection on Natural Resources
DOE	Department of Environment
DOP	Department of Planning
DPF	Department of Planning and Finance
DPWT	Department of Public Works and Transport
DWR	Department of Water Resources
EDPD	Environmental Research and Disaster Prevention Division
EGEF	Ethnic Group Engagement Framework
EGEP	Ethnic Group Engagement Plan
E&S	Environmental and Social
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESIA	Environment and Social Impact Assessment
ESMF	Environment and Social Management Framework
ESMP	Environment and Social Management Plan
ESS	Environmental and Social Standards
EWMP	Environmental Waste Management Project
EXRI	EX Research Institute Ltd
FGD	Focused Group Discussion
FPIC	Free Prior and Informed Consent
GBV	Gender Based Violence
GDP	Gross Domestic Product
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
IFC	International Finance Corporation
LFND	Lao Front for National Development
LMP	Labour Management Procedures
LSB	Lao Statistics Bureau



Lao PDR Environmental and Waste Management Project (P175996)

LWU	Lao Women's Union
MAF	Ministry of Agriculture and Forestry
MOIC	Ministry of Industry and Commerce
MONRE	Ministry of Natural Resource and Environment
MPWT	Ministry of Public Works and Transport
NCAW	National Commission for the Advancement of Women
NGO	Non Government Organization
NRERI	Natural Resources and Environmental Research Institute
OHS	Occupational Health and Safety
PAH	Project Affected Households
PAP	Project Affected People
PIU	Project Implementation Unit
PMU	Project Management Unit
PONRE	Provincial Offices of Natural Resource and Environment
PPE	Personal Protective Equipment
PRC	Provincial Resettlement Committee
Pre-ESIA	Preliminary Environmental and Social Impact Assessment
PTI	Public Works and Transport Institute
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SEA/SH	Sexual Exploitation and Abuse and Sexual Harassment
SEP	Stakeholder Engagement Plan
SIA	Social Impact Assessment
SMP	Social Management Plan
UDAAs	Urban Development Administrative Authorities
US\$	United States dollar
UXO	Unexploded Ordnance
WBG	World Bank Group
VAC	Violence Against Children
WB	The World Bank
WBG	World Bank Group



ATTACHMENT 1A LABOR MANAGEMENT PROCEDURES (LMP) FOR C3

A1.1 Instructions: Site- Specific ESMPs will update this information.

Labour Management Procedures (LMP) is mandated by WB ESS2 to identify the main labour requirements and risks associated with a project and to determine the resources necessary to address project labour issues. The LMP is a living document to be reviewed and updated throughout development and implementation of the project. The LMP applies to all project workers, irrespective of contracts being full-time, part-time, temporary or casual.

A1.2 USE OF LABOUR IN THE PROJECT

The World Bank ESS2 defines four categories of project workers:

- **Direct workers** - people employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project.
- **Contracted workers** - people employed or engaged through third parties to perform work related to core functions of the project, regardless of location. These could be either international or national workers.
- **Primary supply workers** - people employed or engaged by the Borrower’s primary suppliers (primary supply workers).
- **Community workers** - people employed or engaged in providing community labour, generally voluntarily. There will be no community workers engaged on the Project.
- **Civil Servant**- those employed directly by the Government.

Table 1A-1 shows expected to have the following type of workers:

Table 1A-1: Expected Type of Workers

Category of worker	Characteristics of Project Workers	Timing of Labour Requirements
Civil servant	Government workers at MPWT in Vientiane and other line ministries.	Throughout the whole project cycle
Contracted Workers	DDIS E&S Specialist, DDIS design engineers as well as DDIS supervisors on site and other DDIS staff which may be contracted by DDIS. TA and other contracts will also be included.	Throughout the whole project cycle
Direct Worker	Contractor team engaged to	Construction and maintenance



Category of worker	Characteristics of Project Workers	Timing of Labour Requirements
	rehabilitate or construct the landfill project. .	
Contracted worker	Contractor may sub-contract staff to work in construction, both skilled and unskilled staff. Contractor will be encouraged to hire locally and/or in Lao, and ensure 15% of unskilled workers are women.	Construction and maintenance
Supply workers	Companies/factories supplying materials for construction, in particular raw materials, such as soil, stone aggregates, cement, concrete cement, asphalt, etc.	Construction and potentially maintenance
Contracted workers	Civil society, NGO or consultant staff may be hired to deliver training activities such as HIV/AIDs or SEA/SH, or conduct additional assessments, ideally Lao and/or Lao-based.	Throughout the whole project cycle

The project will ensure that no workers of any type are under 18 years. There will be no community workers engaged on the Project.

A1.3 ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

The project will hire a range of workers for the overall delivery of the project. Construction workers are deemed to be the highest labour risk, both due to the nature of their work (usually short-term contracts) and their interactions with the community, which can heighten risks of SEA/SH and VAC. Table 1A-2: Identifies Key Potential Labour Risks.

Table 1A-2: Key potential labour risks

Project Activity	Key Labour Risks
General project administration and implementation (hiring of consultants, monitoring and reporting, financial management, audits, E&S)	<ul style="list-style-type: none"> • Covid-19 transmission risks • SEA/SA risks for staff, in particular women



Project Activity	Key Labour Risks
management, project coordination)	
Design of infrastructure subprojects, including consultation activities and conducting surveys (if needed)	<ul style="list-style-type: none"> • Sedentary work (OHS) • SEA/SH and VAC when designers and/or project consultations close to communities • Covid-19 transmission risks
Construction works, including procuring materials for the landfill subproject activities and other construction	<ul style="list-style-type: none"> • Operating heavy machinery (OHS) • Traffic hazards (OHS) • Accidents or emergencies (OHS) • Risks of workplace accidents, particularly when operating construction equipment and when handling heavy equipment and materials • Risks from exposure to hazardous substances (dust, cement, chemicals used in construction etc.) • Risks associated with living conditions in site camps, which may include inadequate provision of water and sanitation as well as the risk that construction camps become locations for transmission of sexually transmitted diseases (STD) or expose workers to vector-transmitted diseases such as malaria and dengue and to risk of snakebites and insect stings • SH/SEA and VAC risks for workers and community • Discrimination of women and other vulnerable persons, in particular for unskilled jobs, including unequal and low pay. • Child labour (in supply chain and contracted staff) • Covid-19 transmission risks
Delivering trainings	<ul style="list-style-type: none"> • SH/SEA and VAC to workers and community • Spread of sexually-transmitted diseases • Covid-19 transmission risks



Project Activity	Key Labour Risks
Implementation of TA activities including trainings, meetings, workshops, etc.	<ul style="list-style-type: none">• SH/SEA and VAC when designers and/or project consultations close to communities and/or within staff and/or participants in trainings• Covid-19 transmission risks

A1.4 BRIEF OVERVIEW OF THE LABOUR LEGISLATIONS

The workers in Lao PDR are managed and protected under a relatively comprehensive legal framework. The main laws and regulations relating to labour matters in Lao PDR are listed below:

- The Constitution of Lao PDR (2015) no. 63/NA dated December 8, 2015.
- Law on Social Security (Amended 2018) no. 54/NA, dated June 27, 2018.
- Law on Labour (Amended 2013) no. 43/NA, dated December 24, 2013.
- Law on Hygiene, Disease Prevention and Health Promotion (Amended 2011) no.08/NA, dated December 21, 2011.
- Law on Health Insurance (2018) no. 60/NA, dated December 13, 2018.
- Decree on the Ethics and Morals of Civil Servants no .184/PM, dated June 26, 2019.
- Ministerial Agreement on Occupational Health and Safety in the Construction Site no. 3006/MLSW, dated August 21, 2013; and
- Guidelines on the Implementation of the Law on Social Security (Amended) no. 2751/MLSW, dated July 24, 2015.

The Constitution of Lao PDR (2015). Article 27 define that “The State and society attend to developing skilled labour, upgrading labour discipline, promoting vocational skills and occupations and protecting the legitimate rights and benefits of workers”.

Law on Labour (Amended 2013). The main law regulating employment relationships in Lao PDR is the Labour Law (amended Labour Law no. 43/NA, 2013). This law defines the principles, regulations and measures on administration, monitoring, labour skills development, recruitment, and labour protection in order to enhance the quality and productivity of work in society, so as to ensure the transformation to modernization and industrialization aimed at safeguarding the rights of employees and employers, as well as the legitimate interests and the continual improvement of their livelihoods, while contributing to the promotion of investment, national socio-economic development, and regional and international links. The law grants certain protections to groups of employees (including women, children, etc.) as follows:



- **Gender Equity.** Article 96 states that “Female employees have the right to employment and professions in every sector that do not conflict with the law, including production, business and management, and may participate in training, labour skills improvement and providing expertise. Female employees shall receive a salary or wages equal to that of male employees, excepting some forms of work that has negative effects upon the reproductive health of women, which must be protected in every case”.
- **Child Labour.** Article 101 states that “Employers may accept employees under the age of 18 years but not younger than 14 years; however, they are prohibited from working overtime. When necessary, the employer may accept and use youth employees under the age of fourteen, but not younger than twelve years, and must ensure the work is light work”; Article 102 lists the tasks prohibited for minor employees, it defined that “Cases wherein the use of youth employees is prohibited are including (i) work in activities, duties and locations that are unsafe, dangerous to the health of the body, psychology or mind; (ii) forced labour; (iii) work to repay debts; (iv) human trafficking; (v) trade or deception into the sex industry or solicitation of prostitution, photography or pornography; and (vi) trade or deception into the movement and production, transportation, possession of narcotics or addictive substances”.
- **Disabled Labourers.** Article 33 state that “promotion of occupational freedom, working from the home, and the hiring of disadvantaged persons, women, disabled persons, or the elderly”.

The Law on Labour in general is a comprehensive document that meets many of the ESS2 requirements. Table 3 presents a gap analysis showing correlation between main ESS2 criteria and the labour law.

Law on Social Security (Amended 2018). This law defines the principles, rules and provisions for the organization, implementation, management, monitoring, and inspection of social security affairs with a view to make it systematic, strengthened, and effective for better protecting rights and interests of employers and employees who contribute to the Social Security Fund, and receive social security benefits, as well as to assure livelihood improvement, social solidarity, and national socio-economic development.

Law on Health Insurance (2018). This law defines principles, regulations and measures concerning the management and utilization of the national health insurance scheme in an appropriate manner and in consistent with the rules of law to ensure the access to health care services of insured individuals, including all ethnic groups thoroughly and equitably. The law is aiming to promote healthy for all and improve labour force to contribute to the protection and development of the nation.



Labour Law (2013) which governs all different sectors and industries in Lao PDR enacts general regulations on the occupational health and safety at the workplaces and the regime on Labour accidents, occupational disease of employees. Under this law, the employers are required to implement measures to ensure OHS at the workplace, and the employees must comply with them. The main measures are as follow:

- Instill appropriate measures to ensure workplace health and safety for the employee working under its administration.
- Ensure the workplace, machinery, equipment, and procedures in the production of metals or chemicals and explosive materials in the labour unit are safe or do not pose a danger to the health of employees.
- Regularly inspect all safety measures and improve any that are inappropriate.
- Assess risks to employee health and safety at least once per year and then report to the Labour Administration Agency.
- Maintain the workplace, safety systems, environment and atmosphere when working to ensure good conditions for the health of the employees.
- Provide appropriate facilitation of welfare for employees in the workplace.
- Supply information, recommendations, training, and protection for employees so that they may undertake their work safely.
- Supply individual safety equipment to employees in full and in good condition according to international standards.
- Prohibit the use of addictive substances or drink, or any mind-altering substances in or around the workplace.
- Hold training on basic health and safety knowledge, protection from occupational diseases, namely HIV, for the employees at least once per year; and
- Appoint employees responsible for labour health and safety.

The labour law also describes responsibilities of employers in case an employee is a victim of a workplace accident or an occupational injury, as well as the rights and insurance packages to which the workers involved are entitled in these situations.

Law on Hygiene, Disease Prevention and Health Promotion (2011). This law seeks to assure occupational health and hygiene in the workplace. It also provides state management and rights and obligations of organizations and individuals in occupational safety and hygiene. Labour hygiene refers to maintaining and ensuring working conditions that protect the health of workers in the various sectors from diseases, toxic chemicals, and radioactive materials hazardous to the health or life of workers and people in the vicinity.



Employers shall provide safety equipment to workers, and shall ensure the hygiene of working premises, specifically employers shall provide premises with sufficient light and air circulation, the appropriate temperature, and levels of humidity, vibration, sound, smell, and dust that are within the defined standards provided under regulations.

Ministerial Agreement on Occupational Health and Safety in the Construction Site (2013).

Determining the criteria for the promotion and development of construction sites that meet the safety and health requirements of employees, create measures to the prevention of accidents and occupational diseases to protect the lives, properties of employees and employers were working at construction sites.

Hence, when a Lao employee employed in Lao PDR who has contributed to social insurance is injured or is ill or even dies during his or her jobs, all associated expenses, such as reimbursement for being unable to work, retraining and even lump payments for permanent impairments or death, are covered by the Social Insurance Fund of Lao PDR.

A1.5 LABOUR MANAGEMENT RESPONSIBILITIES

1) Organizational responsibilities relevant to labour management in the Project is described below..

Engagement and Management of Contractors/Subcontractors. The MPWT are responsible for contractor engagement and compliance with contract conditions to address all LMP aspects as part of procurement for works and consultancy/technical assistance activities.

Meanwhile the Contractor is responsible for management of subcontractors in accordance with contract specific Labour Management Plans (LMP).

Record keeping on Labour and Working Conditions. Contractors will keep records in accordance with specifications set out in this LMP. The MPWT may at any time require records to ensure that labour conditions are met. MPWT will review records against actuals, at a minimum on a monthly basis, and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

Training of Workers. Contractors are required to provide training to staff and workers as necessary to fulfil this labour management plan.. The contractor will be obligated to make staff available for any mandatory trainings required by the project, as specified by the contract.

Addressing Worker Grievances. The Contractors will be required to implement a Grievance Redress Mechanism (GRM) for workers which responds to the minimum requirements in this LMP. The Project will review records on a monthly basis. The Project will keep abreast of GRM complaints, resolutions and reflect in quarterly reports to the World Bank.



Occupational, Health and Safety. Contractors must designate a minimum of one safety representative to ensure day-to-day compliance with specified safety measures and records of any incidents. Minor incidents and near misses should be reported to concerned Ministry on a monthly basis; serious incidents should be reported immediately. Minor incidents should be reflected in the quarterly reports to the World Bank, and major issues should be flagged to the World Bank immediately.

MPWT and all workers will:

- Comply with Lao legislation, WB's ESS2 requirements and other applicable requirements which relate to OHS hazards including the LMP;
- Enable active participation in OHS risks elimination through promotion of appropriate skills, knowledge and attitudes towards hazards;
- Continually improving the OHS management system and performance;
- Communicate this policy statement to all persons working on the project with emphasis on individual OHS responsibilities; and
- Make this policy statement available to all interested parties.

Contractor's Safety Officer(s) will be responsible for:

- Identification of potential hazards to project workers, particularly those that may be life threatening;
- Provision of preventative and protective measures, including modification, substitution, or elimination of hazardous conditions or substances;
- Training of project workers and maintenance of training records;
- Documentation and reporting of incidents;
- Emergency prevention and preparedness and response arrangements to emergency situations; and
- Remedies for adverse impacts such as occupational injuries, deaths, disability and disease.

The **contractor(s)** will be required to:

- Develop and implement procedures to establish and maintain a safe working environment, including that workplaces, machinery, equipment and processes under their control are safe and without risk to health in line with OHS requirements and this LMP;
- Actively collaborate and consult with project workers in promoting understanding and methods for implementation of OHS requirements;



- Provide OHS training to all employees involved in works or site supervision;
- Provide laminated signs of relevant safe working procedures in a visible area on work sites, in English and local language as required;
- Provide PPE as suitable to the task and hazards of each worker, without cost to the worker, including Covid-19 related-PPE as necessary;
- Be responsible for implementing COVID19 measures as part of their contract, through explicitly mentioning it in bid documents and contracts.
- Hire a SEA/SH service provider to provide SEA/SH training to their workers.
- Appropriate accommodation in worker's camps as per Attachment 08 (ESCOP) of the ESMF
- Put in place processes for project workers to report work situations that they believe are not safe or healthy and to remove themselves from situations they have reasonable justification to believe are unsafe;
- Confirm appropriate measures are in place for working in communities with known risk of conflict / violence;
- Ensure availability of first aid boxes in all work locations;
- Provide employees with access to toilets and potable drinking water; and
- Properly dispose of solid waste at designated permitted disposal/landfill sites.

Further to enforcing the compliance of environmental and social management, contractors will be responsible and liable for the safety of site equipment, labourers and daily workers attending to the construction site and safety of citizens for each subproject site, as mandatory measures.

A1.6 POLICIES AND PROCEDURES

MPWT and EDPD/PTI shall incorporate standardized environmental and social clauses in the tender documentation and contract documents in order for potential bidders to be aware of environmental and social performance requirements that shall be expected from them, are able to reflect that in their bids, and required to implement the clauses for the duration of the contract. The Project will enforce compliance by contractors with these clauses.

As a core contractual requirement, the contractor is required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the MPWT and EDPD/PTI. The contractual arrangements with each project worker must be clearly defined. All environmental and social requirements will be included in the bidding documents and contracts.



All workers must be aware and sign the Manager's Code of Conduct and/or the Individual Code of Conduct as applicable.



TABLE 1A-3: GAP ANALYSIS ON THE LAW ON LABOUR (AMENDED 2003) VS ESS-2 REQUIREMENT

ESS2 REQUIREMENT	LAW ON LABOUR	KEY GAPS	COMMENT	MEASURES
Terms and conditions of employment	<p>An employment contract is an agreement between an employee and an employer or between an employee representative and an employer representative regarding conditions of work, salary or wages, welfare, and other policies (Article 75)</p> <p>Employment contracts may take two forms that includes verbal or written (Article 77)</p>	No major gaps are noted. However, verbal form of contract is not a good practice and not formally recognized under ESS2 as it can be changed and violated by either parties (employer and employees) without any written evidence and official references.	-	<p>Project direct workers will have written terms and conditions of employment.</p> <p>Contractors to be required to comply with Labour Law provisions.</p> <p>The project will ensure that no workers of any type are under 18 years. There will be no community workers engaged on the Project.</p>
Non-discrimination and equal opportunity	<p>Employment contract between the employee and the employer, ensuring both parties benefit without discrimination (Article 5)</p> <p>Prohibition on obstructing employment or using direct or indirect force to make an employee stop work due to marital status, gender discrimination, or infection of HIV (141)</p>	No major legislative gaps identified	No clear enforcement mechanism	<p>Non-discrimination and equal opportunity to be applied to employment of project direct workers.</p> <p>Fair and non-discriminatory employment practices to be required for contracted workers. Where contractors hire workers from the beneficiary community, disadvantaged and vulnerable community members</p>



ESS2 REQUIREMENT	LAW ON LABOUR	KEY GAPS	COMMENT	MEASURES
				are to have equal access to opportunities.
Rights to organize	Section XIV Tripartite Organizations, that includes the labour administration agency, agencies representing employers, agencies representing employees and bargaining and collective labour contracts	No major gap	Lao's trade unions are prominent in government organization but not common in other sectors	GRM will be available to workers, and can be used for example to submit complaints if workers are denied their right to organize
SEA/SH	Regulations in Laos exist to protect the rights of women, violence against women and children. .	No clear enforcement mechanism Lack of service providers	Cultural barriers may prevent reporting of SEA/SH. Lao Women's Union is an important counterpart given their role in the villages.	The SIA-SMP provides guidelines on how to address the identification and mitigation measures associated with these issues. Specific guidelines is provided in terms of Labor Management Procedures (see Attachments 1A and 1B).
Prevention / restriction of child labour	Employers may accept employees under the age of 18 years but not younger than 14 years; however, they are prohibited	ESS2 does not allow workers under 18 years (unless the national law	Employment of children working in farming alongside with	The project will ensure that no workers of any type is under 18 years.



ESS2 REQUIREMENT	LAW ON LABOUR	KEY GAPS	COMMENT	MEASURES
	<p>from working overtime. When necessary, the employer may accept and use youth employees under the age of 14, but not younger than 12 years, and must ensure the work is light work¹ (Article 101)</p> <p>Cases wherein the use of youth employees is prohibited are including (i) work in activities, duties and locations that are unsafe, dangerous to the health of the body, psychology or mind; (ii) forced labour; (iii) work to repay debts; (iv) human trafficking; (v) trade or deception into the sex industry or solicitation of prostitution, photography or pornography; and (vi) trade or deception into the movement and</p>	<p>specifies a higher age). ILO² (2014) notes that prohibitions on child labour apply only in formal employment, whereas most child workers work in non-formal agriculture</p>	<p>parents is culturally accepted.</p>	<p>Age of employees to be verified and monitored as part of contract supervision. Suppliers to certify non-use of child labour, with verification measures in high-risk sectors</p>

¹ Light work refers to work that is not harmful to the child and does not interfere with a child’s education, or her ability to benefit from education (that work will be only a few hours from time to time).

² Lao PDR has ratified a total of 10 ILO Conventions, including five of the eight ILO Fundamental Conventions (C029 - Forced Labor Convention, C100 - Equal Remuneration Convention, C111 - Discrimination (Employment and Occupation) Convention, C138 - Minimum Age Convention, and C182 - Worst Forms of Child Labor Convention), one of four Governance Conventions (C144 - Tripartite Consultation (International Labor Standards) Convention) and four of 178 Technical Conventions (C004 - Night Work (Women) Convention, C006 - Night Work of Young Persons (Industry) Convention, C013 - White Lead (Painting) Convention, and C171 - Night Work Convention)



ESS2 REQUIREMENT	LAW ON LABOUR	KEY GAPS	COMMENT	MEASURES
	production, transportation, possession of narcotics or addictive substances” (Article 102)			
Prevention of forced labour	Unauthorized use of forced labour (Article 59)	No gaps		Forced labour, including debt bondage, is prohibited in any form. Suppliers to certify non-use of forced labour, with verification measures in high-risk sectors Project to monitor and report within 48 hours including notification of any incident.
Grievance mechanism	The Law on Grievance Redress (2016) also outlines conflict resolution procedures.	There is no specific national guidelines for labour conflict resolution.		Project to assign one ESS supporting staff for EPFOO, MPWT and MONRE to track and monitor the process of worker grievance mechanism. Project will evaluate and report on implementation of the mechanism.
Identification of potential hazards	The employer must inspect and assess risks to safety and health within the	Largely consistent	Enforcement of safety standards is weak, in	The project has measures in place in the ESMF and future



ESS2 REQUIREMENT	LAW ON LABOUR	KEY GAPS	COMMENT	MEASURES
	labour unit and workplace regularly (Article 122)		the informal and construction sectors	ESMPs with procedures to identify risks and establish occupation, health, and safety risk assessment and mitigation measures
Provision of preventive and protective measures	<p>Labour Law (2013) which governs all different sectors and industries in Lao PDR enacts general regulations on the occupational health and safety at the workplaces and the regime on Labour accidents, occupational disease of employees. Under this law, the employers are required to implement measures to ensure OHS at the workplace, and the employees must comply with them.</p> <p>Ministerial Agreement on Occupational Health and Safety in the Construction Site (2013). Determining the criteria for the promotion and development of construction sites that meet the safety and health requirements of employees, create measures to the prevention of accidents and occupational diseases to</p>	No major gaps		<p>Strategy built for direct project staff in Occupational, Health and Safety (OHS)</p> <p>Workplace safety measures for contract workers under the requirements on Environment, Social, Health and Safety (ESHS) as part of ESMPs</p>



ESS2 REQUIREMENT	LAW ON LABOUR	KEY GAPS	COMMENT	MEASURES
	protect the lives, properties of employees and employers were working at construction sites.			
Training of workers and maintenance of training records	Not clearly listed safety training, are mentioned	Requirement for safety training is not clearly spelled out in the national law		ESMF and future ESMPs require adequate safety training for all staffs/workers
Documentation and reporting of occupational accidents, disease and incidents	Whenever an accident occurs within a labour unit that causes the employees to take time off work for four or more days, the employer must record the cause of the accident in detail and report it to the Labour Administration Agency (Article 125)	ESS2 requires reporting procedures		All workplace health and safety incidents to be recorded in a register, as part of ESMPs. Minor incidents and near misses should be reported to MPWT on a monthly basis; serious incidents should be reported immediately.
Emergency Preparedness	Not specifically mentioned	Emergency Preparedness response measure is not specifically mentioned in the national law		All worksites to have health and safety plan including emergency plans in line with the ESMF and future ESMPs



ESS2 REQUIREMENT	LAW ON LABOUR	KEY GAPS	COMMENT	MEASURES
Remedies for adverse impacts	Employers need to maintain the workplace, safety systems, environment and atmosphere when working to ensure good conditions for the health of the employees; and provide appropriate facilitation of welfare for employees in the workplace (Article 119)	Largely consistent except the requirement for safety training and Emergency Preparedness response measure		All workers to be insured for occupational hazards including relating to Covid-19 transmission at the workplace



A1.7 OVERVIEW OF THE LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

Occupational Health and Safety (OHS)

OHS strategy will include specific measures to ensure the safety of workers travelling to project sites, including (1) project cars to be driven by professional drivers only; (2) compulsory helmet use for drivers and passengers on project motorcycles at all times, and on private motorcycles when used for project-related tasks; (3) travel by motorcycle for project-related purposes to be in daylight hours only; and (4) measures to monitor, anticipate and avoid potential security risks while travelling, including liaison with local police and authorities and encouraging project workers to share any concerns they may have.

Project workers will receive health and safety training including prevention of infection through contaminated food and/or water and/or through vector-borne diseases and avoidance of snakebites and insect stings. Site-specific risks will be assessed as part of the ESMP which will include plans for emergency evacuation and identification of emergency health facilities. If necessary, stocks of snakebite antivenom will be maintained at project sites, or availability otherwise ensured.

OHS strategy shall ensure to provide to a working environment that will protect the health and safety of all workers from the COVID19 virus. To prevent the spread or getting COVID, the OHS strategy will have to cover all required government health and safety measures (such as wearing masks, use of disinfectant, limiting social contacts) and take into account the latest COVID-safe guidelines mandated by the government and/or best practice in the country, in order to maintain a safe working environment for workers and for the community and minimize the risk of COVID-19 transmission. This should include hygiene practices, use of PPE and ensuring sick workers can self-isolate (if national regulations allow self-isolation). This will reduce risks associated with illness in the workers. The OHS strategy will cover commitments on supporting staff tested positive, e.g., providing continued pay during mandatory quarantine periods.

UXO risks will be assessed for all sites with the assistance of National Regulatory Authority for the UXO/Mine Action Sector in the Lao PDR (UXO-NRA) and appropriate risk mitigation measures adopted.

The Health and Safety specifications will include the following provisions:

- Ensuring workplace health and safety standards in full compliance with law of Lao PDR, at a minimum, and including (1) basic safety awareness training to be provided to all persons as a pre-condition for presence at an active construction site; (2) all vehicle drivers to have appropriate licenses, and all construction equipment operators to be trained including in safety procedures; (3) Safe management of the area around operating equipment



(e.g. turning circle of excavators), including stationing a flag-person where necessary; (4) all workers on construction sites to be equipped with hard helmets, safety boots, glasses for eye protection and protective gloves; (5) secure scaffolding and fixed ladders to be provided for work above ground level; (6) First aid equipment and facilities to be provided in accordance with the Labour Law; (8) at least one supervisory staff trained in safety procedures to be present at all times when construction work is in progress; and (9) adequate provision of hygiene facilities, resting areas etc.

- All workplace health and safety incidents to be properly recorded in a register which will be shared with the supervising engineer. The register should include (1) time and place of incident; (2) type of incident; (3) type of injury or other impact occurring, and number of workers affected; and (4) actions taken (first aid, evacuation etc.).
- All workers to be covered by insurance against occupational hazards, including Covid-19 contracted in the workplace.
- All work sites to have a health and safety plan including identification of potential hazards and actions to be taken in case of emergency, including location of accident and emergency facilities.
- Any on-site accommodation to be safe and hygienic, including provision of an adequate supply of potable water, washing facilities, sanitation, accommodation and cooking facilities. Location and layout of site camps to be agreed with construction supervisors and risk assessment conducted.
- Workers residing at site accommodation to receive training in preventing prevention of infection through contaminated food and / or water and or through vector-borne diseases; and in avoidance of sexually transmitted diseases.
- Fair and non-discriminatory employment practices. Where contractors hire workers from the beneficiary community, disadvantaged and vulnerable community members are to have equal access to opportunities. Where large numbers of community members are employed, childcare facilities to be provided.
- For this project, the minimum age will be 18 years. This rule will apply for both national and international workers. Workers will be required to provide proof of their identify and age before commencing any works on site.
- Under no circumstances will contractors, suppliers or sub-contractors engage forced labour.



- An analysis on primary supplies is required, to ensure that no forced labour (including debt bondage labour) or child labour (except as permitted by the Labour Law) has been used in production of the materials.
- All employees to be aware of their rights under the Labour Law, including the right to organize;
- All employees to be informed of their rights to submit a grievance through the Project Worker Grievance Mechanism.

Additional guidelines on OHS can be found in Attachment A1-1.

Terms and Conditions and Equal Opportunities

All terms and conditions as outlined in the World Bank Environmental and Social Framework (ESF) ESS2, paragraphs 10 to 15 apply to contracted workers. In addition,

- In line with national law, the maximum working hours are limited to 8 hours per day, 6 days a week.
- Employers shall guarantee that the workers shall have at least one resting day per week, and take vacation during Lao New Year and any other holidays prescribed by laws and regulations.
- Employment opportunities will be available to all. This includes equal pay for equal work, regardless whether the person performing the work is male or female.
- The wages paid by the employers to the workers shall not be lower than the local minimum wage of Lao PDR which is LAK1,200,000 Lao Kip per month³.
- Provisions of the Labour Law must be followed, including maternity leave for females if applicable.

The labour contract shall be provided to workers in writing and shall have the following provisions:

- a) The term of the labour contract;
- b) Work content;
- c) Labour protection and working conditions;
- d) Remuneration for labour;
- e) Labour discipline;
- f) Conditions for termination of the labour contract;

³ Based on the Prime Minister's Office under Notification No. 829/PMO dated 13 June 2022



- g) Responsibility for breach of labour contract;
- h) Individual Staff Code of Conduct;
- i) Grievance Redress Mechanism.

Grievance Mechanism

There will be a specific Grievance Redress Mechanism (GRM) for project workers under Component 3 as per the process outlined below. This considers culturally appropriate ways of handling the concerns of direct and contracted workers. Processes for documenting complaints and concerns have been specified, including time commitments to resolve issues.

In addition, this GRM should be communicated to all relevant stakeholders (such as workers and the community) as part of project engagement. Special communications will be held with the vulnerable groups identified at each location.

All project workers will be informed of the Grievance Mechanism process as part of their contract and induction package.

The process for the Worker GRM is as follows:

- The first step is that the Project Worker Aggrieved Person/Party may report their grievance in person, by phone, text message, mail or email (including anonymously if required) to the Contractor as the initial focal point for information and raising grievances. For complaints that were satisfactorily resolved, the incident and resultant resolution will be logged and reported to the MPWT E&S focal person. SEA/SH Related Grievance Person/Party may also use this channel or may go to a service provider engaged by the contractor (to be defined in the ESIA).
- As a second step, where the Project Worker is not satisfied, the Contractor will refer the aggrieved party to the Lao Federation of Trade Unions, and report to the MPWT Management. The Lao Federation of Trade Unions endeavours to address and resolve the complaint and inform the Aggrieved Person/Party in two weeks or less. For complaints that were satisfactorily resolved, the incident and resultant resolution will be logged by MPWT E&S focal person. Where the complaint has not been resolved, MPWT will refer to the Project Manager/Director for further action or resolution.
- As a third step, if the matter remains unresolved, or the Project Worker is not satisfied with the outcome, the MPWT should refer the matter to the EWMP Steering Committee for a resolution, which shall aim to resolve the grievance in three weeks or less. The MPWT E&S focal person will log details of issue and resultant resolution status.. Up until the third stage there will be no fees for the lodgement of grievances. However, if the complaint remains unresolved or the



complainant is dissatisfied with the outcome proposed by the Project Steering Committee, the Aggrieved Person may refer the matter to the appropriate legal or judicial authority, at the complainant's own expense. A decision of the Court will be final.

Each grievance record should be allocated a unique number reflecting year and sequence of received complaint (for example 2023-01, 2023-02 etc.). Complaint records (letter, email, record of conversation) should be stored together, electronically or in hard copy. GRM Focal Point in MPWT will be responsible for undertaking a regular (at least monthly) review of all grievances to analyse and respond to any common issues arising. The MPWT is also responsible for oversight of the GRM and regular reporting the grievance status in regular project reports.

A1.8 CONTRACTOR MANAGEMENT

The tendering process for contractors will require that contractors can demonstrate their labour management and OHS standards, which will be a factor in the assessment processes.

Contractual provisions will require that contractors:

- Prepare a C-ESMP in line with the ESMP and this LMP.
- Monitor, keep records and report on terms and conditions related to labour management;
- Provide workers with evidence of all payments made, including benefits and any valid deductions;
- Keep records regarding labour conditions and workers engaged under the Project, including contracts, registry of induction of workers including Code of Conduct, hours worked, remuneration and deductions (including overtime);
- Record safety incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, etc.);
- Report evidence that no child labour is involved, for instance by keeping employment records and/or proof of age checks when needed;
- Training/induction dates, number of trainees, and topics;
- Details of any worker grievances including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken. Grievances listed should include those received since the preceding report and those that were unresolved at the time of that report;



- Sign the Manager's Code of Conduct and/or the Individual Code of Conduct as applicable and keep records and report on the CoC signing.

Monitoring and performance management of contractors will be the responsibility of concerned Ministry.

A1.9 PRIMARY SUPPLY CHAIN WORKERS

The Contractor shall be responsible for conducting due diligence on the primary supply workers (those providing key materials in particular raw materials), to ensure there is no indentured/forced or child labour (as per the Labour Law 2013).

In conducting due diligence, the contractor (or contractor's staff) should:

- Inform the provider, that the Contractor will not engage a provider who has forced or child labourers;
- When possible, visit the company/factory, and conduct interviews with key personnel about their working conditions, as well as informal random interviews with workers;
- Conduct secondary due diligence, by asking information from others who may be familiar with the provider, to make sure there are no reported instances of forced or child labour;
- If necessary, and when possible, engage the Ministry of Labour and Welfare (MOLSW) to conduct checks on supplier to ensure no child labour or forced labour;
- Keep records of the information and include in reporting to MPWT.

A1.10 CAPACITY BUILDING

While the provisions outlined in this LMP are mostly consistent with the requirements of the Labour Law 2013, with only limited additional provisions (for example, the Worker Grievance Redress Mechanism) to meet the requirements of ESS2, the LMP considerably exceeds actual practice in labour management in Lao PDR. Therefore, to ensure that project partner agencies, contractors and suppliers, and particularly local construction contractors, can meet these obligations, the project will develop and deliver trainings and simple awareness raising materials. This will be the responsibility of DDIS Labour Management Specialist.

Key project personnel who will require training include:

- Human resources staff or administration staff responsible for recruitment of direct project workers;
- Procurement staff;
- MPWT staff;



- Relevant staff from other ministries benefiting from training activities, etc
- Management Focal Points in each project partner agency;
- Staff, consultants and consultants' staff acting as contract supervisors and responsible for monitoring compliance with the policy;
- Commune and village leaders.

EDPD/PTI (MPWT) shall develop and deliver a short training course for contractors and / or contractors' site managers, explaining the obligations of the contractor as set out in the Health and Safety specifications. Supervising engineers are also to attend these courses.

The Project will also prepare a simple booklet, in Lao language and with easy-to understand illustrations, explaining the requirements of the LMP as applicable to contracted workers in the project. The booklet will include details of the Worker Grievance Redress Mechanism. This booklet will be disseminated to all project direct workers and explained to them during induction training.



Appendix A1.1 OHS Guidelines

The objective of this guideline is to provide guidance on the:

- Key principles involved in ensuring the health and safety of workers is protected;
- Preparation of Health and Safety plans

The key reference document for this Guideline is the World Bank Group's *Environmental, Health, and Safety (EHS) Guidelines* (April 2007)⁴ and the World Bank's ESS 4.

1. Principles

Employers must take all reasonably practicable steps to protect the health and safety of workers and provide and maintain a safe and healthy working environment. The following key principles are relevant to maintaining worker health and safety:

1.1 Identification and assessment of hazards

Each employer must establish and maintain effective methods for:

- Systematically identifying existing and potential hazards to employees;
- Systematically identifying, at the earliest practicable time, new hazards to employees;
- Regularly assessing the extent to which a hazard poses a risk to employees.

1.2 Management of identified hazards

Each employer must apply prevention and control measures to control hazards which are identified and assessed as posing a threat to the safety, health or welfare of employees, and where practicable, the hazard shall be eliminated. The following preventive and protective measures must be implemented order of priority:

- Eliminating the hazard by removing the activity from the work process;
- Controlling the hazard at its source through engineering controls;
- Minimizing the hazard through design of safe work systems;
- Providing appropriate personal protective equipment (PPE).

The application of prevention and control measures to occupational hazards should be based on comprehensive job safety analyses (JSA). The results of these analyses should be prioritized as part of an action plan based on the likelihood and severity of the consequence of exposure to the identified hazards.

⁴ www.ifc.org/ehsguidelines



1.3 Training and supervision

Each employer must take all reasonably practicable steps to provide to employees (in appropriate languages) the necessary information, instruction, training and supervision to protect each employee's health and to manage emergencies that might reasonably be expected to arise in the course of work. Training and supervision includes the correct use of PPE and providing employees with appropriate incentives to use PPE.

1.4 General duty of employees

Each employee shall:

- Take all reasonable care to protect their own and fellow workers health and safety at the workplace and, as appropriate, other persons in the vicinity of the workplace;
- Use PPE and other safety equipment supplied as required; and
- Not use PPE or other safety equipment for any purpose not directly related to the work for which it is provided.

1.5 Protective clothing and equipment

Each employer shall:

- Provide, maintain and make accessible to employees the PPE necessary to avoid injury and damage to their health;
- Take all reasonably practicable steps to ensure that employees use that PPE in the circumstances for which it is provided; and
- Make provision at the workplace for PPE to be cleaned and securely stored without risk of damage when not required.

2. Design

Effective management of health and safety issues requires the inclusion of health and safety considerations during design processes in an organized, hierarchical manner that includes the following steps:

- Identifying project health and safety hazards and associated risks as early as possible in the project cycle including the incorporation of health and safety considerations into the worksite selection process and construction methodologies;
- Involving health and safety professionals who have the experience, competence, and training necessary to assess and manage health and safety risks;
- Understanding the likelihood and magnitude of health and safety risks, based on:
 - The nature of the project activities, such as whether the project will involve hazardous materials or processes;



- The potential consequences to workers if hazards are not adequately managed;
- Designing and implementing risk management strategies with the objective of reducing the risk to human health;
- Prioritising strategies that eliminate the cause of the hazard at its source by selecting less hazardous materials or processes that avoid the need for health and safety controls;
- When impact avoidance is not feasible, incorporating engineering and management controls to reduce or minimize the possibility and magnitude of undesired consequences;
- Preparing workers and nearby communities to respond to accidents, including providing technical resources to effectively and safely control such events, in particular relating to traffic;
- Improving health and safety performance through a combination of ongoing monitoring of facility performance and effective accountability.

3. Implementation

3.1 Documentation

A Health and Safety Plan must be prepared and approved prior to any works commencing on site. The H&S Plan must demonstrate the Contractor's understanding of how to manage safety and a commitment to providing a workplace that enables all work activities to be carried out safely. The H&S Plan must detail reasonably practicable measures to eliminate or minimise risks to the health, safety and welfare of workers, contractors, visitors, and anyone else who may be affected by the operations. The H&S Plan must be prepared in accordance with the World Bank's EH&S Guidelines and the relevant country health and safety legislation.

3.2 Training and Awareness

Provisions should be made to provide health and safety orientation training to all new employees to ensure they are apprised of the basic site rules of work at / on the site and of personal protection and preventing injury to fellow employees. Training should consist of basic hazard awareness, site-specific hazards, safe work practices, and emergency procedures for fire, evacuation, and natural disaster, as appropriate. Training should also include COVID-19 and HIV/AIDS awareness training.

Visitors are not permitted to access to areas where hazardous conditions or substances may be present, unless appropriately inducted.

3.3 Personal Protective Equipment (PPE)



Personal Protective Equipment (PPE) provides additional protection to workers exposed to workplace hazards in conjunction with other facility controls and safety systems.

PPE is considered to be a last resort that is above and beyond the other facility controls and provides the worker with an extra level of personal protection. The table below presents general examples of occupational hazards and types of PPE available for different purposes. Recommended measures for use of PPE in the workplace include:

- Active use of PPE if alternative technologies, work plans or procedures cannot eliminate, or sufficiently reduce, a hazard or exposure;
- Identification and provision of appropriate PPE that offers adequate protection to the worker, co-workers, and occasional visitors, without incurring unnecessary inconvenience to the individual;
- Proper maintenance of PPE, including cleaning when dirty and replacement when damaged or worn out. Proper use of PPE should be part of the recurrent training programs for Employees
- Selection of PPE should be based on the hazard and risk ranking described earlier in this section, and selected according to criteria on performance and testing established

Objective	Workplace Hazards	Suggested PPE
Eye and face protection	Flying particles, molten metal, liquid chemicals, gases or vapors, light radiation.	Safety Glasses with side-shields, protective shades, etc.
Head protection	Falling objects, inadequate height clearance, and overhead power cords.	Plastic Helmets with top and side impact protection.
Hearing protection	Noise, ultra-sound.	Hearing protectors (ear plugs or ear muffs).
Foot protection	Falling or rolling objects, pointed objects. Corrosive or hot liquids.	Safety shoes and boots for protection against moving & falling objects, liquids and chemicals.
Hand protection	Hazardous materials, cuts or lacerations, vibrations, extreme temperatures.	Gloves made of rubber or synthetic materials (Neoprene), leather, steel, insulating materials, etc.



Objective	Workplace Hazards	Suggested PPE
Respiratory protection	Dust, fogs, fumes, mists, gases, smokes, vapors.	Facemasks with appropriate filters for dust removal and air purification (chemicals, mists, vapors and gases). Single or multi-gas personal monitors, if available.
	Transmission of Covid-19	As needed, facemasks, hand-washing facilities and/or hand sanitizers
	Oxygen deficiency	Portable or supplied air (fixed lines). On-site rescue equipment.
Body/leg protection	Extreme temperatures, hazardous materials, biological agents, cutting and laceration.	Insulating clothing, body suits aprons etc. of appropriate materials.

4. Monitoring

Occupational health and safety monitoring programs should verify the effectiveness of prevention and control strategies. The selected indicators should be representative of the most significant occupational, health, and safety hazards, and the implementation of prevention and control strategies. The occupational health and safety monitoring program should include:

- **Safety inspection, testing and calibration:** This should include regular inspection and testing of all safety features and hazard control measures focusing on engineering and personal protective features, work procedures, places of work, installations, equipment, and tools used. The inspection should verify that issued PPE continues to provide adequate protection and is being worn as required.
- **Surveillance of the working environment:** Employers should document compliance using an appropriate combination of portable and stationary sampling and monitoring instruments. Monitoring and analyses should be conducted according to internationally recognized methods and standards.
- **Surveillance of workers health:** When extraordinary protective measures are required (for example, against hazardous compounds), workers should be provided appropriate and relevant health surveillance prior to first exposure, and at regular intervals thereafter.



- **Training:** Training activities for employees and visitors should be adequately monitored and documented (curriculum, duration, and participants). Emergency exercises, including fire drills, should be documented adequately.
- **Accidents and Diseases monitoring.** The employer should establish procedures and systems for reporting and recording:
 - Occupational accidents and diseases
 - Dangerous occurrences and incidents

These systems should enable workers to report immediately to their immediate supervisor any situation they believe presents a serious danger to life or health. Each month, the contractor shall supply data on trainings delivered, safety incidents prevented and any accidents to the Client’s Consulting Engineer for reporting to the MPWT. These data are to also include incidents related to any sub-contractors working directly, or indirectly, for the Contractor.

The MPWT and DDIS shall be notified of any incident in accordance with the standards below:

Incident Severity Class	Incident Classification	Notification timeframe
Class 1	Fatality	As soon as possible
	Notifiable Injury, Illness or Incident	As soon as possible
Class 2	Lost Time Injury	As soon as practicable but within 48 hours
	Medical Treatment	Within 72 hours

All Class 1 and Class 2 health and safety incidents must be formally investigated and reported to the concerned Ministry through an investigation report. This report shall be based on a sufficient level of investigation by the Contractor so that all the essential factors are recorded. Lessons learnt must be identified and communicated promptly. All findings must have substantive documentation. As a minimum the investigation report must include:

- Date and location of incident;
- Summary of events;



- Immediate cause of incident;
- Underlying cause of incident;
- Root cause of incident;
- Immediate action taken;
- Human factors;
- Outcome of incident, e.g. severity of harm caused, injury, damage;
- Corrective actions with clearly defined timelines and people responsible for implementation;
- Recommendations for further improvement.



ATTACHMENT 1B LABOR MANAGEMENT PROCEDURES (LMP) FOR C1,2,4

Labour Management Procedures (LMP) are mandated by WB ESS2 to identify the main labour requirements and risks associated with activities under Components 1, 2 and 4 to determine the resources necessary to address project labour issues. The LMP is a living document to be reviewed and updated throughout development and implementation of the project. The LMP applies to all project workers, irrespective of contracts being full-time, part-time, temporary or casual.

ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

Table 1B-1: Key potential Labour risks

Project Activity	Key Labour Risks
General project administration and implementation (hiring of consultants, monitoring and reporting, financial management, audits, E&S management, project coordination and trainings)	<ul style="list-style-type: none"> • Covid-19 transmission risks • SEA/SA risks for staff, in particular women
Field work of EPF Project staff, PONRE and DONRE staff to conduct field visits	<ul style="list-style-type: none"> • Road safety • Accidents or emergencies • Risks associated with exposure of project staff to vector-transmitted diseases such as malaria and dengue and to risk of snakebites and insect stings • SH/SEA and VAC risks for workers and community • Unequal pay for men and women • Pay below the minimum wage of LAK1,200,000 Lao KIP per month • Delay in release of salaries and wages • Covid-19 transmission risks
Contractors and workers of the small-and medium-size enterprises and businesses (SMEBs) under	<ul style="list-style-type: none"> • Accidents or emergencies • Risks associated with living conditions of contractors, which may include exposure to vector-transmitted diseases such as malaria and dengue and to risk of snakebites and insect stings



Project Activity	Key Labour Risks
Matching Grant activities	<ul style="list-style-type: none"> • SH/SEA and VAC risks for workers and community • Unequal pay for men and women • Pay below the minimum wage of LAK1,200,000 Lao KIP per month • Delay in release of salaries and wages • Covid-19 transmission risks
Implementation of TA activities including trainings, meetings, workshops, etc.	<ul style="list-style-type: none"> • SH/SEA and VAC when designers and/or project consultations close to communities and/or within staff and/or participants in trainings • Covid-19 transmission risks

EPF Project Management Unit

The EPF PMU is responsible for overall project management and coordination of C1,2,4 the Project, including the compliance with E&S requirements including on labor and working condition. The EPF PMU will mobilize one E&S Coordinator and hire one National E&S consultant with expertise in environmental, social, occupational health and safety issues. The EPF PMU will be responsible for the following tasks relevant to labor and working conditions:

- Undertake the overall implementation of this LMP.
- Ensure that Code of Conduct for public servants is provided in the letter of appointment for project staff in EPF PMU, PONRE and DONRE in line with the Decree on Ethics and Morals of Civil Servants, 2019.
- Engage and manage contractors/subcontractors in accordance with these LMP and the applicable Procurement Documents.
- Monitor that contractors/subcontractors are meeting obligations towards contracted workers as included in the Law on Labor of Lao PDR, LMP and ESMF.
- Monitor for potential risks of serious safety issues in the conduct of activities.
- Monitor training of relevant project workers.
- Develop and implement the grievance mechanism for direct workers, including ensuring that grievances received from the workers are addressed promptly, and reporting the status of grievances and resolutions.
- Monitoring the implementation of the Code of Conduct, Environmental and Social Code of Practice (ESCP) and any other measures to address risks of sexual exploitation and abuse (SEA)/sexual harassment (SH); and

CONTRACTOR MANAGEMENT UNDER THE LEMG ACTIVITY

Construction and other contracts will include labor and occupational health and safety provisions as set out in Lao PDR's legislation and World Bank's Standard Procurement Documents.



The small-and medium-size enterprises and businesses (SMEBs) implementing the Matching grant activities will manage and monitor contractors' output in relation to hired employees, with an emphasis on contractors' conformity with their contractual arrangements (obligations, promises and warranties) and labor relations procedures. This can entail regular assessments, reviews and/or spot checks of project locations and job sites, as well as documents and notes collected by contractors on labor management.

The labor management records of contractors and the reports that could be reviewed would include: representative samples of employment contracts or arrangements between third parties and contract workers, records of grievances received and their resolution, reports of safety inspections, including fatalities and incidents and corrective actions, records of incidents of non-compliance with national law, and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

POLICIES AND PROCEDURES

EPF PMU will incorporate standardized environmental and social clauses in the contract agreement with the project staff and small-and medium-size enterprises and businesses (SMEBs) for the LEMG in order to be aware of environmental and social compliance and requirements that shall be expected from them.

Occupational Health and Safety (OHS)

OHS strategy will include specific measures to ensure the safety of workers travelling to project sites, including (1) project cars to be driven by professional drivers only; (2) compulsory helmet use for drivers and passengers on project motorcycles at all times, and on private motorcycles when used for project-related tasks; (3) travel by motorcycle for project-related purposes to be in daylight hours only; and (4) measures to monitor, anticipate and avoid potential security risks while travelling, including liaison with local police and authorities and encouraging project workers to share any concerns they may have.

Project staff will receive health and safety training including prevention of infection through contaminated food and/or water and/or through vector-borne diseases and insect stings.

OHS strategy shall ensure to provide to a working environment that will protect the health and safety of all workers from the COVID19 virus. To prevent the spread or getting COVID, the OHS strategy will have to cover all required government health and safety measures (such as wearing masks, use of disinfectant, limiting social contacts) and take into account the latest COVID-safe guidelines mandated by the government and/or best practice in the country, in order to maintain a safe working environment for workers and for the community and minimize the risk of COVID-19 transmission. This should include hygiene practices, use of PPE and ensuring sick workers can self-isolate (if national regulations allow self-isolation). This will reduce risks associated with illness in the workers. The OHS strategy



will cover commitments on supporting staff tested positive, e.g., providing continued pay during mandatory quarantine periods.

The Health and Safety specifications will include the following provisions:

Age of Employment

For this project, the minimum age will be 18 years. This rule will apply for both national and international workers. Workers will be required to provide proof of their identify and age before commencing any works on site.

The following age verification will be applied.

Age Verification for Project Workers

To be completed for all project workers and attached to contracts

1. Worker’s Age: _____

2. Sex of worker: _____

3. Requested for Proof of Age: Yes No

4. If NO, provide reason:

5. If YES, type of documentation provided (circle all that apply and attach a copy):

6. National ID Card

7. Family Book

8. Other (please describe) _____

9. Is there doubt about the authenticity of documents provided in Q5 or other signs that the worker is underage (under 18 years) or has provided false documentation?

10. If NO, no further verification is needed.



11. If YES, interviews to verify age will need to be conducted⁵. Please describe result of interviews (who it was conducted with, age verification method, etc.).

12. Was age verified in the interview (i.e. worker is at or above age requirements of 18y or above)?

13. If YES, no further steps are needed.

14. If NO, the worker **cannot be hired**.

Terms and Conditions and Equal Opportunities

All terms and conditions as outlined in the World Bank Environmental and Social Framework (ESF) ESS2, paragraphs 10 to 15 apply to contracted workers. In addition,

- In line with national law, the maximum working hours are limited to 8 hours per day, 6 days a week.
- EPF PMU shall guarantee that the workers shall have at least one resting day per week. The employers shall also make arrangements for the employees to take vacation according to law during Lao New Year and any other holidays prescribed by laws and regulations.
- Employment opportunities will be available to all. This includes equal pay for equal work, regardless whether the person performing the work is male or female.
- The wages paid by the employers to the workers shall not be lower than the local minimum wage of Lao PDR which is LAK1,200,000 Lao KIP per month.
- Provisions of the Labour Law must be followed, including maternity leave for females if applicable.

The labour contract shall be provided to workers writing and shall have the following provisions:

- j) The term of the labour contract;
- k) Work content;
- l) Labour protection and working conditions;
- m) Remuneration for labour;

⁵ Interviews should be conducted with parents, child, school official and/or local official.



- n) Labour discipline;
- o) Conditions for termination of the labour contract;
- p) Responsibility for breach of labour contract;
- q) Individual Staff Code of Conduct;
- r) Grievance Redress Mechanism.

Grievance Mechanism

All project workers will be informed of the Grievance Mechanism process as part of their contract and induction package.

The process for the Worker GRM is as follows:

- The first step is that the Aggrieved Person may report their grievance in person, by phone, text message, mail or email (including anonymously if required) to the Subproject Implementation Agency or line departments of MONRE as the initial focal point for information and raising grievances. For complaints that were satisfactorily resolved by the Aggrieved Person, the incident and resultant resolution will be logged and reported to the EPF PMU. SEA/SH Related Grievance Person/Party should also use this channel as the starting point for information and raising grievances.
- As a second step, where the Aggrieved Person/Party is not satisfied, it will refer the aggrieved party to the EPF PMU. The EPF PMU endeavors to address and resolve the complaint and inform the Aggrieved Person/Party in two weeks or less. For complaints that were satisfactorily resolved by the EPF PMU, the incident and resultant resolution will be logged by the EPF PMU. Where the complaint has not been resolved, the EPF PMU will refer to the Project Manager/Director for further action or resolution.
- As a third step, if the matter remains unresolved, or the Aggrieved Person/Party is not satisfied with the outcome, the EPF PMU should refer the matter to the EWM Project Steering Committee for a resolution, which shall aim to resolve the grievance in three weeks or less. The EPF PMU will log details of issue and resultant resolution status. SEA/SH Related Grievance Person/Party may choose use this channel or go to the service provider engaged by the EPF PMU or as needed by the grievance person. Up until the third stage there will be no fees for the lodgement of grievances. However, if the complaint remains unresolved or the complainant is dissatisfied with the outcome proposed by the Project Steering Committee, the Aggrieved Person may refer the matter to the appropriate legal or judicial authority, at the complainant's own expense. A decision of the Court will be final.



Each grievance record should be allocated a unique number reflecting year and sequence of received complaint (for example 2023-01, 2023-02 etc.). Complaint records (letter, email, record of conversation) should be stored together, electronically or in hard copy. The National Social Consultant will be the focal person under EPF PMU will be responsible for undertaking a regular (at least monthly) review of all grievances to analyze and respond to any common issues arising. The EPF PMU is also responsible for oversight of the GRM and regular reporting the grievance status in regular project reports.



ATTACHMENT 2 COMMUNITY HEALTH AND SAFETY PLAN (CHSP) FOR ALL COMPONENTS

Direct and contract workers (as well as MPWT PMU and Line department staff) are expected to be assigned to the subproject sites. The risks and impacts of Community, Health and Safety (CHS) anticipated from their visit and stay in the project location include increased potential for infectious diseases, vector-borne diseases, soil, water and waste-related diseases, privacy effect and mental well-being. Because of this, proportionate and tailored provisions will be included in specific project Community Health and Safety Plans (CHSP) to be developed prior to any field activity being started. This plan will comply with the World Bank's ESS4 Community Health and Safety, which addresses the need, with particular attention provided to vulnerable communities, to prevent or reduce the risks and impacts to community health and safety that occur from project-related activities.

A2.1 Objectives

The Community, Health and Safety Plan aims to anticipate and prevent adverse health and safety effects from both routine and non-routine situations in the impacted local community during the life cycle in the project.

A2.2 Responsibilities

The key entities responsible for implementing this CHSP is MPWT PMU and Contractors. Key responsibilities are as follows:

MPWT roles and responsibilities to:

- Identifies and evaluates community health risks.
- Identifies mitigation strategies to resolve issues of community health which are impacted by production activities.
- Carries out inspections and audits to successfully enforce community health services.
- Collects, analyzes data, reports, and provides recommendations on initiatives to improve the performance and compliance of the community health programme.

All MPWT staffs have roles and responsibilities to:

- Take all reasonable and practical steps to care for their own health and safety and avoid affecting the health and safety of coworkers and the public.
- Follow all instructions and use the equipment properly.
- Not interfere with any safety arrangements; and
- Report any circumstances which may not comply with the project's CHS management system.



A2.3 Potential Risks and Impacts

ESS4 places a focus on community exposure to project risks and impacts. This includes risks related to road safety and risks related to security staff. ESS4 needs borrowers to tackle water-related, communicable, and non-communicable diseases that may emerge from project activities, including Covid-19 transmission. Knowing that the direct impacts of projects on environmental resources will affect community health and safety, ESS4 mandates borrowers to recognize and minimize these impacts. In initiatives concerning the distribution of services to populations, ESS4 allows borrowers to apply the principle of universal access when theoretically and financially possible.

A2.4 Community Health and Safety

The EWMP is committed to identify and eliminate or manage the security risks associated with its activities and to continually enhance its health, protection, and environmental efficiency in general.

- Design and maintain facilities, establish management systems, provide training, and conduct operations in a manner that safeguards people and property.
- Respond quickly, effectively, and with care to emergencies or accidents resulting from its operations, cooperating with industry organizations and authorized government agencies.
- Comply with all applicable laws and regulations and apply responsible standards.
- Stress to all employees, contractors, and others working in its behalf their responsibility and accountability for safety performance on the job and encourage safe behavior off the job; and
- Undertake appropriate reviews and evaluations of its operations to measure progress and to ensure compliance with this safety policy.
- Fire prevention addresses the identification of fire risks and ignition sources, and measures needed to limit fast fire and smoke development. New facilities will include fire suppression devices such as manual portable extinguishers and fire hose reels.

Human Rights

The EWMP is committed to upholding human rights. The strategy, procedures, and activities of the project embody the spirit and intent of the United Nations Universal Declaration of Human Rights (1948) and the spirit and intent of the ILO Declaration on Fundamental Principles and Rights at Work (International Labour Organization, 1998).

Infrastructure Design and Safety Construction Work



The EWMP will apply the principle of universal access in the design and construction of the landfill facilities. This will include:

- Consideration of universal access as part of the project design.
- Seeking of input from stakeholders, such as organizations representing vulnerable groups and wastepickers
- Explicitly incorporate into procurement documents considerations relating to universal access for vulnerable groups.

Safety of Services

To anticipate and mitigate the risks and impacts that such services can have on community health and safety, the EWMP will develop and incorporate suitable quality management systems.

- All Landfill facilities should be a controlled-access facility and should be designed, constructed, and operated in full compliance with ECC, local building codes, local fire department regulations, local legal/insurance requirements, and in accordance with an internationally accepted life and fire safety (L&FS) standard; and

Traffic and Road Safety

To avoid and mitigate potential road safety hazards to nearby communities and villages, the project will consider road safety initiatives in the project design and during the operation of the landfill.

The EWMP will set the road safety measures, including speed limits within the landfill site and other areas, the requirement to wear a helmet when driving a motorbike, the prohibition of alcohol consumption while driving. That measure will be met under the Law on Land Traffic (2000) regulation and the Decree No 188 on Fines and Measures against Violators of Road Traffic Laws and Regulations (2007). Project stakeholders should immediately dial emergency number #1623 in case of an accident (national coverage).

Ecosystem Services

The project's direct impact on ecosystem services could bring adverse health and safety risks and impacts on affected populations. This will be further explored in the ESIA. The ESIA would identify possible risks and impacts of the project on ecosystem services, including that may be worsened by climate change. Those adverse impacts will be eliminated, reduced and mitigated by the project.

Community Exposure to Health Issues

The EWMP will avoid or minimize the potential for community exposure to waterborne, water-based, water-related, and vector-borne diseases, and communicable (including



COVID-19) and non-communicable diseases that could result from project activities, considering differentiated exposure to and higher sensitivity of vulnerable groups. The project will take measures to avoid or minimize transmission of infectious diseases that may be associated with the increase of temporary project labour for construction work and the project staff who will stay with the local communities during the land survey period.

A2.5 Risk and Mitigation Measures

Table A2-1 outlines the potential risks and impacts associated with community health and safety along with prevention and intervention steps to prevent or minimize these impacts. It also includes the monitoring necessary to determine the effectiveness of those actions.

TABLE A2-1 RISKS AND IMPACT MITIGATION ON THE COMMUNITY HEALTH AND SAFETY

Risk/Impacts	Mitigation Measures	Monitoring	Frequency
<ul style="list-style-type: none"> Injury or accident to community members, or livestock resulting from Project-related transport and travel. 	<ul style="list-style-type: none"> Traffic control management considerations (minimization of movement of vehicles etc.). Ensure drivers successfully complete the Lao government driving safety requirements and possess a valid driver's license for Lao PDR. Implement speed limits for vehicles that pass through the local community's area. Maintain the grievance procedure for the community; and Continue to raise awareness and educate project staff and contractors about road safety. 	Visual site inspection	Routine
<ul style="list-style-type: none"> Spills, leaks and other accidental releases from Project facilities or Project-related activities (transport) resulting in community safety -related risks and impacts (e.g., contamination of water supplies, soil 	<ul style="list-style-type: none"> Assess ability to substitute dangerous materials with safer alternatives.; and Establish an emergency preparedness plan to implement steps to prevent community-affected spills. 	Visual site inspection	In case of accident (Monthly)



Risk/Impacts	Mitigation Measures	Monitoring	Frequency
contamination, etc.)			
<ul style="list-style-type: none"> Sexually transmitted diseases: possible increase the number of STDs, HIV/AIDs (workers entering and leaving the workplace may attract service and sex workers, creating conditions for increase in STDs) The unimproved sanitation will increase Malaria and dengue fever transmission by mosquito vectors. 	<ul style="list-style-type: none"> Ensure that workers are aware and comply on the Code of Conduct (COC) Training and awareness in local communities on STD ; HIV risks and malaria or dengue prevention. Staff education to focus attention on the identification and treatment of curable STDs and malaria or dengue in EWMP areas. 	Verification	Annual
<ul style="list-style-type: none"> The project staff; wastepickers; labourers and contractors who will be working in the project site will have a chance of getting and spreading COVID-19 to the workers in the landfill sites and community 	<ul style="list-style-type: none"> Strictly follow the Labour Management Procedure Project staff; wastepickers, labourer and contractors continuous awareness on COVID19 Make sure your workplaces are clean and hygienic. Physical distancing - avoiding body contact, including shaking hands, maintaining a distance of at least 1.5-2 m between staff; contractors, wastepickers and other people in the nearby local community, and avoiding large gatherings. Promote regular and thorough handwashing by staffs, contractors, wastepickers and local communities. 	Visual site inspection	Routine



Risk/Impacts	Mitigation Measures	Monitoring	Frequency
	<ul style="list-style-type: none"> Consider whether a face-to-face meeting or event is needed; and Have surgical masks available to offer every staff who is working in the subproject site 		
<ul style="list-style-type: none"> Cultural group mixing in Project area could contribute to the misunderstandings and discrimination 	<ul style="list-style-type: none"> Managing cross-cultural workplace issues; and Educate staff and workers on cultural sensitivity, violence, contraband, and harassment etc. Respect for cultural traditions and festivals, including, for example, ceremonies for trees etc. if impacted by the project. 	Verification	Annual
<ul style="list-style-type: none"> Limited access to support for victims of GBV; SH/SEA and VAC due to a lack of service providers 	<ul style="list-style-type: none"> Support Women and Children’s committees to campaign on GBV; SH/SEA and VAC and establish victim support network. Raise awareness of local authorities. ESIA to explore further service provider options Provide access to GRM or refer to service providers 	Verification	Monthly

A2.6: Guidance to Avoid and Minimize Risk due to COVID19

This section offers guidance to MPWT and workers in the landfill to avoid/minimize risks due to CORONA-19. (Standard practice to prevent COVID-19 contagion - given the global concerns relevant to the COVID-19 pandemic, necessary information, and procedures for the prevention of COVID-19 will be extended to all communities working for the project.



Some basic guidelines on the COVID-19 Infection Prevention and Control Protocol (IPCP) recommended by WHO is given below.

A. Hand washing and soap and water



B. Hand hygiene with Alcohol – Based Hand Rup (AHR)



C. Respiratory hygiene and cough

Respiratory hygiene and cough etiquette is a standard precaution that can be used for communities to avoid transmitting respiratory diseases to control respiratory secretions (e.g., coughing, sneezing, etc.).



Cover nose and mouth when coughing, sneezing with tissue or mask.

If no tissues are available, cough or sneeze into the inner elbow rather than hand.

Do not “spit” in environment (use tissue instead).



Dispose used tissue and/or masks in the nearest bin after use.



Avoid shaking hands when sick. Use «traditional greeting» instead.

Perform hand hygiene after contact with respiratory secretions.



D. Surgical mask

Put On

1. Secure ties or elastic bands at middle of head and neck
2. Fit flexible band to nose bridge
3. Fit snug to face and below chin



Put On



Take Off

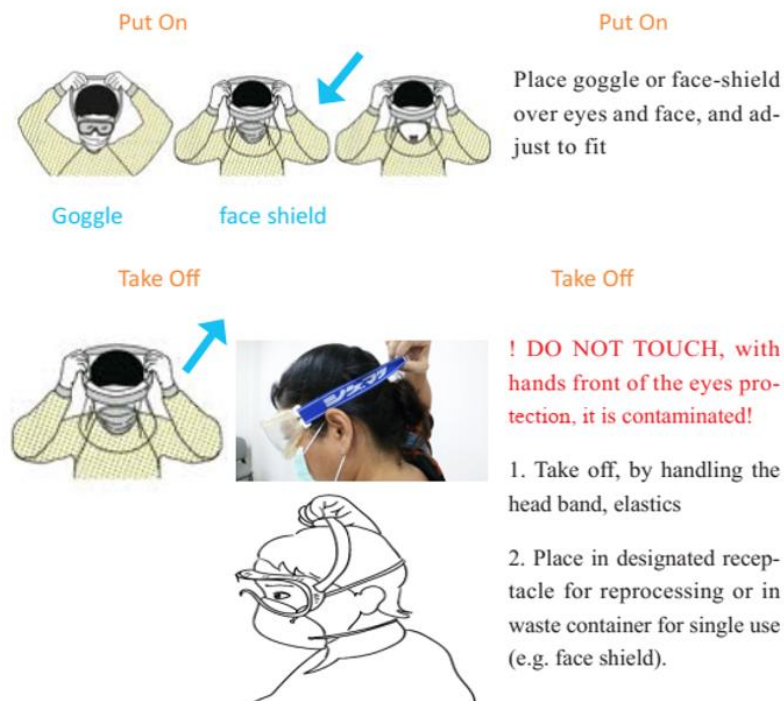


Take Off

! DO NOT TOUCH with hands the front of mask, it is contaminated!

1. Grasp ties or elastics and take off
2. Discard in waste container

E. Eye's protection (safety glass, goggles, or face shield)



A2.7 CHS Implementation and Performance Monitoring

Monitoring of community health and safety is carried out to:

- Assess the effectiveness of mitigation actions and other actions/controls.
- Assess actual impacts against predicted impacts; and
- Assess compliance with applicable legal and other requirements.

Any community health or safety events that meet project-defined incident reporting criteria must be reported as outlined in the Environmental and Social Management Plan, in compliance with the incident management protocol. Notwithstanding this reporting requirement, routine internal reports are also required. At the central stage, the EWMP

A2.8 Training and Awareness

Implementation of this Community Health and Safety Plan will require training of all employees and contractors. Key topics will include:

- Common Standards of instruction for both security guards and security managers, including unique modules on the proper use of force and human rights protection.
- STD and HIV/AIDS prevention and awareness training for all staff, with extension to communities, as appropriate, through education and awareness campaigns.
- Driver training for all drivers of the project including speed limit training in urban areas, safe driving in rural areas and basic first aid;



- COVID-19 prevention training, and
- Awareness of vector transmitted diseases including malaria and dengue.



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ATTACHMENT 3A: CODE OF CONDUCT (COC) ON SEXUAL EXPLOITATION AND ABUSE (SEA), SEXUAL HARASSMENT (SH), AND VIOLENCE AGAINST CHILDREN (VAC) FOR C3

This Attachment provides guidance on the social Code of Conduct (COC) to be included in works contract to address the issues related to Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH), and Violence against Children (VAC) which is a new requirement to be applied to all projects with WB financing. These samples are used in several World Bank projects by the Lao MPWT such as LRSP2 and NR13N starting 2018. Sections A3.1, A3.2, A3.3, A3.4, A3.5, and A3.6 presents (i) background, objectives, scope, and definitions; (ii) Samples code of conduct; (iii) Action plan; (iv) GRM; (v) Services providers; (vi) CoC Focal Point; and (vii) Attachment A3.1 - Potential Procedures for Addressing SEA/SH and VAC.

Table of Content, Objective, Scope, and Definitions are as follows:

1. Background
2. Scope
3. Definitions
4. Sample Codes of Conduct
 - (a) Company Code of Conduct
 - (b) Preventing Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) and Violence Against Children (VAC)
 - (c) Manager's Code of Conduct
 - (d) Preventing Sexual Exploitation and Abuse, Sexual Harassment, and Violence Against Children
 - (e) Individual Code of Conduct
 - (f) Preventing Sexual Exploitation and Abuse, Sexual Harassment, and Violence Against Children
5. SEA/SH Action Plan
 - (a) The SEA/SH and VAC Compliance Team
 - (b) Making Complaints: SEA/SH and VAC Allegation Procedures
 - (c) Addressing Complaints about SEA/SH or VAC
6. GRM
7. Service Provider
8. SEA/SH and VAC Focal Point



- (a) Accountability Measures
- (b) Monitoring and Evaluation
- (c) Awareness-raising Strategy
- (d) Response Protocol
- (e) Survivor Support Measures
- (f) Perpetrator Policy and Response
- (g) Administrative Sanctions

Appendix A3.1 - Potential Procedures for Addressing SEA/SH and VAC

A3.1 Background

The purpose of these *Codes of Conduct and Action Plan to prevent Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH), and Violence against Children (VAC)* is to introduce a set of key definitions, minimum standard sample Codes of Conduct, and guidelines that establish mechanisms for preventing, reporting and addressing SEA/SH and VAC within the work site and in its immediate surrounding communities. The application of the SEA/SH and VAC Codes of Conduct will help prevent and/or mitigate the risks of SEA/SH and VAC on the project.

Mutual respect and fair treatment between those working on the project and local communities is critical to a safe, respectful, and productive workplace and operating environment. SEA/SH and VAC can be one of the most serious violations of respect and fair treatment which can harm the local community, and significantly damage trust and cooperation between parties.

These Codes of Conduct are to be adopted by those working on the project and are meant to: (i) create common awareness about SEA/SH and VAC; (ii) ensure a shared understanding; and, (iii) create a clear system for identifying, responding to, and sanctioning SEA/SH and VAC incidents.

Ensuring that all project staff and contractors and firms understand the values of the project, understand expectations for all employees, and acknowledge the consequences for violations of these values, will help to create a smoother, more respectful and productive project implementation thereby helping ensure that the project's objectives will be achieved.

A3.2 Scope

Apply for EWMP and also in Bidding Document/Contract Document (BD/CD)

A3.3 Definitions

The following definitions apply:



- **Sexual exploitation:** any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- **Sexual abuse:** actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- **Sexual harassment (SH):** Any unwelcome sexual advances, request for sexual favor, verbal or or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.
- **Violence against Children (VAC):** is defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18) including using for profit, labor, sexual gratification, or some other personal or financial advantage.
- **Accountability Measures:** are the measures put in place to ensure the confidentiality of survivors and to hold contractors, consultants and the client responsible for instituting a fair system of addressing cases of SEA/SH and VAC.
- **Child:** is used interchangeably with the term ‘minor’ and refers to a person under the age of 18. This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.
- **Child Protection (CP):** is an activity or initiative designed to protect children from any form of harm, particularly arising from VAC.
- **Consent:** is the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18⁶, even in the

⁶ See UN Resolution 62/214. United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel; UN Secretariat (2003) ST/SGB/2003/13 Special measures for protection from sexual exploitation and sexual abuse; IOM (2016) Policy and Procedures for Preventing and Responding to Sexual Exploitation and Abuse.



event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

- *Consultant*: is as any firm, company, organization or other institution that has been awarded a contract to provide consulting services in the context of the RAMP-II, to the project, and has hired managers and/or employees to conduct this work.
- *Contractor*: is any firm, company, organization or other institution that has been awarded a contract to conduct infrastructure development works in the context of the RAMP-II project and has hired managers and/or employees to conduct this work. This also includes sub-contractors hired to undertake activities on behalf of the contractor.
- *Employee*: is as any individual offering labor to the contractor or consultant within country on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.
- *Employer*: Ministry of Public Works and Transport
- *SEA/SH and VAC Allegation Procedure*: is the prescribed procedure to be followed when reporting incidents of SEA/SH or VAC.
- *SEA/SH and VAC Codes of Conduct*: The Codes of Conduct adopted for the project covering the commitment of the company, and the responsibilities of managers and individuals with regards to SEA/SH and VAC.
- *Grievance Redress Mechanism (GRM)*: is the process established by the EWMP to receive and address complaints.
- *Grooming*: are behaviors that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualize that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
- *Manager*: is any individual offering labor to the contractor or consultant, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor's or consultant's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.
- *Online Grooming*: is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring



the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender⁷.

- *Perpetrator*: is the person(s) who commit(s) or threaten(s) to commit an act or acts of SEA/SH or VAC.
- *Response Protocol*: is the mechanisms set in place to respond to cases of SEA/SH and VAC.
- *Survivor/Survivors*: is the person(s) adversely affected by SEA/SH or VAC. Women, men and children can be survivors of SEA/SH; children can be survivors of VAC.
- *Work Site*: is the area in which infrastructure development works are being conducted, as part of the project.
- *Work Site Surroundings*: is the 'Project Area of Influence' which is any area, urban or rural, directly affected by the project, including all human settlements found on it.

A3.4 Sample Codes of Conduct

This section presents three sample Codes of Conduct as the minimum standard for use under civil works contracts for the EWMP. These codes will be confirmed and agreed upon prior commencement of works and cleared by the Supervision Consultant.

- *Company Code of Conduct*: Commits the company to addressing SEA/SH and VAC issues;
- *Manager's Code of Conduct*: Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
- *Individual Code of Conduct*: Code of Conduct for everyone working on the project, including managers.

(a) Company Code of Conduct: Preventing Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) and Violence Against Children (VAC)

In the context of the Project, the company is committed to creating and maintaining an environment in which Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, associate, or representative of the company. Therefore, in order to ensure that all those engaged in the project are aware of this commitment, and in order to prevent, be aware of, and respond to any allegations of SEA/SH and VAC, the company commits to the following core principles and minimum standards of behaviour that will apply to all company employees, associates, and representatives including sub-contractors, without exception:



- The company—and therefore all employees, associates, and representatives—commit to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Acts of SEA/SH and VAC are in violation of this commitment.
- Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives.
- Acts of SEA/SH or VAC constitute gross misconduct and are therefore grounds for administrative sanctions, which may include penalties and/or termination of employment. All forms of SEA/SH and VAC, including grooming are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker’s camps or at worker’s homes.
- In addition to company sanctions, legal prosecution of those who commit acts of SEA/SH or VAC will be pursued if appropriate.
- Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior are prohibited.
- Unless there is full consent⁸ by all parties involved in the sexual act, sexual interactions between the company’s employees (at any level) and members of the communities surrounding the work place are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
- All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of SEA/SH and/or VAC by a fellow worker, whether in

⁸**Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.



the same company or not. Reports must be made in accordance with SEA/SH and VAC Allegation Procedures.

- Managers are required to report suspected or actual acts of SEA/SH and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.
- Comply with all relevant local legislation, including labor laws in relation to child labor.
- To ensure that the above principles are implemented effectively the company commits to ensuring that:
 - All managers sign the 'Manager's Code of Conduct' detailing their responsibilities for implementing the company's commitments and enforcing the responsibilities in the 'Individual Code of Conduct'.
 - All employees sign the project's 'Individual Code of Conduct' confirming their agreement not to engage in activities resulting in SEA/SH or VAC.
 - Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas, health clinics.
 - Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
 - An appropriate person is nominated as the company's 'Focal Point' for addressing SEA/SH and VAC issues, including representing the company on the SEA/SH and VAC Compliance Team (GCCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local service provider(s).
 - Ensuring that an effective Action Plan is developed in consultation with the supervision consultant and which includes as a minimum:
 - SEA/SH and VAC Allegation Procedure to report SEA/SH and VAC issues through the project Grievance Redress Mechanism (GRM);
 - Accountability Measures to protect confidentiality of all involved; and,
 - Response Protocol applicable to SEA/SH and VAC survivors and perpetrators.
 - That the company effectively implements the Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
 - All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments and the project's SEA/SH and VAC Codes of Conduct.



- All employees attend two mandatory training courses per year for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project’s SEA/SH and VAC Code of Conduct.

Company name: _____

Signature of Company’s Representative: _____

Printed Name: _____

Title: _____

Date: _____

(b) Manager’s Code of Conduct: Preventing Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) and Violence against Children

Managers at all levels have particular responsibilities to uphold the company’s commitment to preventing and addressing SEA/SH and VAC. This means that managers have an acute responsibility to create and maintain an environment that prevents SEA/SH and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To the end, managers must adhere this Manager’s Code of Conduct and also sign the Individual Code of Conduct. This commits them to supporting and developing systems that facilitate the implementation of the Action Plan and maintain a SEA/SH-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

Implementation

- To ensure maximum effectiveness of the Company and Individual Codes of Conduct:
 - a. Prominently displaying the Company and Individual Codes of Conduct in clear view at workers’ camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas, health clinics.
 - b. Ensuring all posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
- Verbally and in writing explain the Company and Individual Codes of Conduct to all staff.
- Ensure that:
 - a. All staff members sign the ‘Individual Code of Conduct’, including acknowledgment that they have read and agree with the Code of Conduct.
 - b. Staff lists and signed copies of the Individual Code of Conduct are provided to the GCCT and the client.



- c. Participate in training and ensure that staff also participates as outlined below.
 - d. Staff are familiar with the Grievance Redress Mechanism (GRM) and that they can use it to anonymously report concerns of SEA/SH or VAC incidents.
 - e. Staff are encouraged to report suspected or actual SEA/SH or VAC through the GRM by raising awareness about SEA/SH and VAC issues, emphasizing the staff’s responsibility to the Company and the country hosting their employment, and emphasizing the respect for confidentiality.
- In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed.
 - Ensure that when engaging in partnership, sub-contractor or similar agreements, these agreements:
 - a. Incorporate the SEA/SH and VAC Codes of Conduct as an attachment.
 - b. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
 - c. expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against SEA/SH and VAC, to investigate allegations thereof, or to take corrective actions when SEA/SH or VAC has occurred, shall constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct.
 - Provide resources to the GCCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the Action Plan.
 - Ensure that any SEA/SH or VAC issue warranting police action is reported to the client and the World Bank within 24 hours after incident.

I do hereby acknowledge that I have read the foregoing Manager’s Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to SEA/SH and VAC. I understand that any action inconsistent with this Manager’s Code of Conduct or failure to take action mandated by this Manager’s Code of Conduct may result in disciplinary action.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

(c) Individual Code of Conduct: Preventing Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) and Violence against Children



I, _____, acknowledge that preventing gender based violence (SEA/SH) and violence against children (VAC) is important. The company considers that SEA/SH or VAC activities constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. All forms of SEA/SH or VAC are unacceptable be it on the work site, the work site surroundings, or at worker's camps. Prosecution of those who commit SEA/SH or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual contact or activity with children—including grooming, or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
- Unless there is the full consent⁹ by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
- Attend and actively partake in training courses related to HIV/AIDS, SEA/SH and VAC as requested by my employer.
- Consider reporting through the grievance redress mechanism or to my manager any suspected or actual SEA/SH or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

⁹ **Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.



With regard to children under the age of 18:

- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also "Use of children's images for work related purposes" below).
- Refrain from physical punishment or discipline of children.
- Refrain from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Report to the police if warranted.

I understand that it is my responsibility to avoid actions or behaviors that could be regarded as SEA/SH or VAC or breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to SEA/SH and VAC. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____



Printed Name: _____

Title: _____

Date: _____

A3.5 Action Plan

(a) The E&S Team in the Project Site

The project E&S Team. The E&S Team will include, as appropriate to the project, at least four representatives ('Focal Points') as follows:

- a. A E&S focal person from DHUP and UDAA
- b. E&S Consultant from the Project;
- c. Representative from VCOM; and
- d. The occupational health and safety manager from the contractor¹⁰, or someone else tasked with the responsibility for addressing SEA/SH and VAC with the time and seniority to devote to the position;

It will be the duty of the E&S Team with support from the management to inform workers about the activities and responsibilities of the E&S Team. To effectively serve on the E&S Team, members must undergo training by the local service provider prior to the commencement of their assignment to ensure that they are sensitized on SEA/SH and Child Protection.

The E&S Team will be required to:

- a. Approve any changes to the SEA/SH and VAC Codes of Conduct contained in this document, with clearances from the Supervision Consultant for any such changes.
- b. Prepare the Action Plan reflecting the Codes of Conduct which includes:
 - i. SEA/SH and VAC Allegation Procedures
 - ii. Accountability Measures
 - iii. An Awareness raising Strategy
 - iv. A Response Protocol
- c. Obtain approval of the Action Plan by company management;
- d. Obtain client clearances for the Action Plan prior to full mobilization;

¹⁰ Where there are multiple contractors working on the project each shall nominate a representative as appropriate.



- e. Receive and monitor resolutions and sanctions with regard to complaints received related to SEA/SH and VAC associated with the project; and,
- f. Ensure that SEA/SH and VAC statistics in the GRM are up to date and included in the regular project reports.

The E&S Team shall hold quarterly update meetings to discuss ways to strengthen resources and SEA/SH and VAC support for employees and community members.

The Action Plan and Code of Conduct shall be submitted to concerned Ministry for review and approval with the support from E&S Consultant and advice from EDPD/PTI within 90 days from the contract signature date. Works will not commence unless the Engineer is satisfied with measures in place, including plan and codes. Failure to comply with such obligation should provide ground for contract suspension cancellation – this shall be determined at the sole discretion of the contracting entity, whilst intention to cancel the contract shall be notified to the World Bank team within 60 days from the proposed cancellation date.

(b) Making Complaints: SEA/SH and VAC Allegation Procedures

All staff, consultants; contractors; firms and workers at the landfill are encouraged to report suspected or actual SEA/SH or VAC cases. MPWT PMU; DHUP-MPWT; UDAA and VCOMs are required to report suspected or actual SEA/SH and/or VAC cases as they have responsibilities to uphold company commitments and they hold their direct reports accountable for complying with the Individual Code of Conduct.

The project will provide information to employees and the community on how to report cases of SEA/SH and VAC Code of Conduct breaches through the Grievance Redress Mechanism (GRM). The E&S Team will follow up on cases of SEA/SH, VAC and Code of Conduct breaches reported through the GRM.

(c) Addressing Complaints about SEA/SH or VAC

The figure below shows the process for addressing complaints.

A3.6 Grievance Redress Mechanism (GRM)

The project operates a grievance redress mechanism (GRM). Reports of SEA/SH or VAC, other complaints, or other concerns may be submitted online, via telephone or mail, or in person.

The GRM operator will refer complaints related to SEA/SH or VAC to the E&S Team to resolve them. In accordance with the Action Plan, the E&S Team will investigate the complaint and ultimately provide the GRM operator with a resolution to the complaint, or the police if necessary. The GRM operator will, upon resolution, advise the complainant of the outcome, unless it was made anonymously. Complaints made to MPWT PMU; DHUP-DPWT; VCOMS or UDAA will be referred by them to the GRM for processing.



If the complaint to the GRM is made by a survivor or on behalf of a survivor, the complainant will be directly referred to the service provider to receive support services while the E&S Team investigates the complaint in parallel.

A3.8 SEA/SH and VAC Focal Point

The E&S Team will refer the complaint to the appropriate Focal Points for resolution (i.e. issues with contractor's staff will be for the contractor to resolve; consultant's staff the consultant; and client staff the client) and will advise the E&S Team on potential resolutions, including referral to the police if necessary. They will be assisted by the Service Provider as appropriate.

In SEA/SH and VAC cases warranting police action, the Focal Points must appropriately refer the complaint to: (i) the authorities; (ii) the Service Provider; and, (iii) management for further action. The Employer and the World Bank are to be immediately notified.

(a) Accountability Measures

All reports of SEA/SH or VAC shall be handled in a confidential manner in order to protect the rights of all involved. To ensure that survivors feel confident to disclose their experience of SEA/SH or VAC, the client, contractor and consultant must maintain the confidentiality of employees who notify any acts or threats of violence, and of any employees accused of engaging in any acts or threats of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law). The contractor and consultant must prohibit discrimination or adverse action against an employee on the basis of survivor's disclosure, experience or perceived experience of SEA/SH or VAC (see Attachment 1 for examples of actions to maintain accountability).

(b) Monitoring and Evaluation

The E&S Team must monitor the follow up of cases that have been reported and maintain all reported cases in a confidential and secure location. Monitoring must collect the number of cases that have been reported and the share of them that are being managed by police, NGOs etc.

These statistics shall be reported to the GRM and the Supervision Engineer for inclusion in their reporting.

In SEA/SH and VAC cases warranting police action, the client and the World Bank are to be immediately notified.

(c) Awareness-raising Strategy

It is important to create an Awareness-raising Strategy with activities aimed to sensitize employees on SEA/SH and VAC on the work site and its related risks, provisions of the SEA/SH and VAC Codes of Conduct, SEA/SH and VAC Allegation Procedures, Accountability



Measures and Response Protocol. The strategy will be accompanied by a timeline, indicating the various sensitization activities through which the strategy will be implemented and also the related (expected) delivery dates. Awareness-raising activities may be linked with trainings provided by Service Provider.

(d) Response Protocol

The E&S Team will be responsible for developing a written response¹¹ protocol to meet the project requirements, in accordance to national laws and protocols. The response protocol must include mechanisms to notify and respond to perpetrators in the workplace (See (f) for Perpetrator Policy and Response). The response protocol will include the GRM process to ensure competent and confidential response to disclosures of SEA/SH and VAC. An employee who discloses a case of SEA/SH or VAC in the workplace shall be referred to the GRM for further action.

(e) Survivor Support Measures

Appropriately respond to the survivor's complaint by respecting the survivor's choices to minimize the potential for re-traumatization and further violence against the survivor. Refer the survivor to the Service Provider to obtain appropriate support services in the community—including medical and psychosocial support, emergency accommodation, security including police protection and livelihood support—by facilitating contact and coordination with these services. The contractor may, where feasible, provide financial and other supports to survivors of SEA/SH or VAC for these services (see Attachment A3.1 for examples of financial support).

If the survivor is an employee, in order to ensure the safety of the survivor and the workplace in general, the contractor, in consultation with the survivor, will assess the risk of ongoing abuse, to the survivor and to the workplace, and make reasonable adjustments to the work schedule and work environment as deemed necessary (see Attachment A3.1 for examples of safety measures). The contractor will provide adequate leave to survivors seeking services after experiencing violence (see Attachment A3.1 for details).

(f) Perpetrator Policy and Response

Encourage and accept notification through the GRM from employees and community members about perpetrators in the workplace. Through the GCCT and/or the Service Provider, oversee the investigation of these grievances, ensuring procedural fairness for the accused, and within the local laws. If an employee has breached the Code of Conduct, the contractor will take action which could include:

¹¹ Develop appropriate protocol for written recording of SEA/SH issues and VAC raised in case the notes are subpoenaed. Develop processes for record keeping including activities undertaken by the E&S team.



- a. Undertake disciplinary action up in accordance with sanctions in the SEA/SH and VAC Codes of Conduct;
- b. Report the perpetrator to the Police as per local legal paradigms; and/or
- c. If feasible, provide or facilitate counselling for the perpetrator.

(g) Administrative Sanctions

In accordance with the Code of Conduct, any employee identified as a potential SEA/SH or VAC perpetrator shall be considered for disciplinary measures in line with sanctions and practices as agreed in the Individual Code of Conduct (see Attachment A3.1 for examples of sanctions). It is important to note that, for each case, disciplinary sanctions are intended to be part of a process that is entirely internal to the employer, is placed under the full control and responsibility of its managers, and is conducted in accordance with the applicable national labor legislation.

Such process is expected to be fully independent from any official investigation that competent authorities (e.g. Police) may decide to conduct in relationship to the same case, and in accordance with the applicable national law. Similarly, internal disciplinary measures that the employer's managers may decide to enact are meant to be separate from any charges or sanctions that the official investigation may result into (e.g. monetary fines, detention etc.).



Appendix A3.1 - Potential Procedures for Addressing SEA/SH and VAC

Accountability Measures to maintain confidentiality can be achieved through the following actions:

- Inform all employees that confidentiality of SEA/SH/VAC survivors' personal information is of utmost importance.
- Take disciplinary action, including and up to dismissal, against those who breach survivor's confidentiality (this is unless a breach of confidentiality is necessary to protect the survivor or another person from serious harm, or where required by law).

SEA/SH and VAC Allegation Procedures should specify:

- Who survivors can seek information and assistance from.
- The process for community members and employees to lodge a complaint through the GRM should there be alleged SEA/SH or VAC.
- The mechanism for how community members and employees can escalate a request for support or notification of violence if the process for reporting is ineffective due to unavailability or non-responsiveness, or if the employee's concern is not resolved.

Financial and Other Supports to survivors can include:

- Salary advances.
- Direct payment of medical costs.
- Upfront payments for medical costs to be recouped from the employee's health insurance.
- Providing or facilitating access to childcare.
- Providing security upgrades to the employee's home.
- Providing safe transportation to access support services or to and from accommodation.

Survivor Support measures to ensure the safety of the survivor can include:

- Changing the employee's span of hours or pattern of hours and/or shift patterns.
- Redesigning or changing the employee's duties.
- Changing the employee's telephone number or email address to avoid harassing contact.
- Relocating the employee to another work site/ alternative premises.



- Providing safe transportation to and from work for a specified period.
- Supporting the employee to apply for an Interim Protection Order or referring them to appropriate support.
- Taking any other appropriate measures including those available under existing provisions for family friendly and flexible work arrangements.

Leave options for survivors that are employees can include:

- An employee experiencing SEA/SH should be able to request paid special leave to attend medical or psychosocial appointments, legal proceedings, relocation to safe accommodation and other activities related to SEA/SH.
- An employee who supports a person experiencing SEA/SH or VAC may take carer's leave, including but not limited to accompanying them to court or hospital, or to take care of children.
- Employees who are employed in a casual capacity may request unpaid special leave or unpaid carer's leave to undertake the activities described above.
- The amount of leave provided will be determined by the individual's situation through consultations with the employee, the management and the E&S Team where appropriate.

Potential Sanctions to employees who are perpetrators of SEA/SH and VAC includes:

- Informal warning
- Formal warning
- Additional Training
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Referral to the Police or other authorities as warranted.

Agencies responsible for GBV related issues include the following:

(a) Government Agencies:

- **Sub-Commission for the Advancement of Women (Sub-CAW), at provincial, district and village levels:** not service providers but coordinators.
- **The Lao Women's Union (LWU):** providing preventative activities on violence against women (VAW); Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) and violence against children (VAC), protecting and supporting victims by offering



counseling, health care, free legal support and victim witness protection during prosecution, providing safe temporary shelters, vocational training and reintegration through the women and child counseling and protection network and central, provincial, district and village level.

- **Local administration:** has the duty to participate, collaborate, and coordinate in preventing and combating violence against women and children, settlement and assistance for victims of violence.
- **The Lao Front for National Development:** has mainstream preventative measures, and elimination of VAW; SEA/SH and VAC into its strategy along its vertical line of command from central to provincial, district and village level.
- **The National Steering Committee on Anti Human Trafficking:** the Prevention and Anti-Trafficking Department within the General Department and the Prevention and Anti-Trafficking Divisions within provincial Police Departments.

(b) International NGOs

(c) The Asia Foundation (AF): providing supporting clinics

(d) Local NGOs

- Gender and Development Association (GDA): has a broad network of national and international partner.

The full ESIA will need to consider this context when carrying out a more detailed assessment of service providers and GBV/SEA/SH risks as a result of the project, in particular so that it can provide realistic and effective mitigation measures for these issues. This may include more support and capacity building for the LWU, stakeholder engagement, strong codes of conduct for project workers (already including in the LMP in Attachment 01 part of this SIA-SMP), and other avenues if needed.

In bidding documents and contracts, the Contractor will be required to implement the Labour Management Procedure. The Contractor must arrange for trainings on SEA/SH and VAC/IEC campaign to be provided by a recognized agency or NGO. Likewise, the MPWT PMU and EDPD/PTI shall raise awareness and reduce such risks within its organization as well. The cost of the campaign shall be funded by the Contractor from the provisional sum provided in the bill-of-quantity. The contractor shall ensure that at least one refresher and training for workers will be conducted each month to review materials provided.



Table A3-1 Actions to Address SEA/SH and VAC Risks

When	Action to Address SEA/SH and VAC Risks	Timing for Action	Who is Responsible for Action	Ongoing Risk Management
	Sensitize the MPWT as to the importance of addressing SEA/SH on the project, and the mechanisms that will be implemented.	Preparation. Implementation.	WB Task Team	WB Task team to monitor and provide additional guidance as necessary.
	The project’s ESIA to include assessment of the underlying SEA/SH risks, using the SEA/SH and VAC risk assessment tool to provide guidance and keeping to safety and ethical considerations related to SEA/SH and VAC data collection.	Preparation. Implementation (before civil works commence)	MPWT & consultants. Contractor for Contractor’s ESMP (CESMP) WB Task Team for SEA/SH Risk Assessment Tool	Ongoing review during implementation support missions. Update project ESMP and CESMP if risk situation changes.
	Map out SEA/SH and VAC prevention and response actors in project adjoining communities. This should incorporate an assessment of the capabilities of the service providers to provide quality survivor centered services including SEA/SH and VAC case management, acting as a victim advocate, providing referral services to link to other services not provided by the organization itself. This shall be part of the ESIA.	Preparation Implementation	MPWT & consultants. Contractor for CESMP	Update mapping as appropriate.



When	Action to Address SEA/SH and VAC Risks	Timing for Action	Who is Responsible for Action	Ongoing Risk Management
Project Identification/ Appraisal	Have SEA/SH and VAC risks adequately reflected in all environment and social instruments (i.e., Project ESMP, CESMP). Include the SEA/SH and VAC mapping in these instruments.	Preparation Implementation (before civil works commence).	MPWT & consultants. Contractor for CESMP	Ongoing review during implementation support missions. Update project ESMP and CESMP if risk situation changes.
	Develop a SEA/SH and VAC Action plan including the Accountability and Response Framework as part of the ESMP. The contractor/consultant's response to these requirements will be required to be reflected in their CESMP.	Preparation Implementation (before civil works commence)	MPWT & consultants. Contractor for CESMP ESIA consultants	Ongoing review during implementation
	The ESIA should assess the potential for a SEA/SH provider to be engaged to carry out the action plan.	ESIA stage		
	Review the MPWT, DHUP-DPWT; VCOMs and UDAA; capacity to prevent and respond to SEA/SH and VAC	Preparation. Implementation.	MPWT & consultants.	Ongoing review during implementation support missions. Update project ESMP if risk situation changes.
	As part of the project's stakeholder consultations, those affected by the project should be properly informed of SEA/SH and VAC risks and project activities to get their feedback on project design and E&S issues. Consultations	Consultations need to be continuous throughout the	MPWT & consultants. Contractors	Monitoring of implementation of Stakeholder Engagement Plan. Ongoing consultations,



When	Action to Address SEA/SH and VAC Risks	Timing for Action	Who is Responsible for Action	Ongoing Risk Management
	need to engage with a variety of stakeholders (political, cultural or religious leaders, health teams, local councils, social workers, women’s organizations and groups working with children) and should occur at the start and continuously throughout the implementation of the project.	project cycle, not just during preparation.		particularly when CESMP is updated.
	The Stakeholder Engagement Plan of the project, which will be implemented over the life of the project to keep the local communities and other stakeholders informed about the project’s activities, to specifically address SEA/SH and VAC related issues.	Consultations need to be continuous throughout the project cycle, not just during preparation.	MPWT & consultants.	Monitoring of implementation of Stakeholder Engagement Plan. Ongoing consultations, particularly when CESMP is updated.
	Make certain the availability of an effective grievance redress mechanism (GRM) with multiple channels to initiate a complaint. It should have specific procedures for GBV including confidential reporting with safe and ethical documenting of SEA/SH and VAC cases. Parallel GRM outside of the project GRM may be warranted for substantial to high risk situations. The GRM should be developed and informed by findings in the ESIA and other Social Assessments if relevant.	Prior to contractor mobilizing.	MPWT & consultants.	Ongoing monitoring and reporting on GRM to verify it is working as intended.



When	Action to Address SEA/SH and VAC Risks	Timing for Action	Who is Responsible for Action	Ongoing Risk Management
Procurement	Clearly define the SEA/SH and VAC requirements and expectations in the bid documents.	Procurement.	MPWT and Procurement team and Consultants	Review by ES Consultants and PTI
	Based on the project's needs, the Bank's Standard Procurement Documents (SPDs), and the IA's policies and goals, define the requirements to be included in the bidding documents for a CoC which addresses SEA/SH and VAC.	Procurement.	MPWT and Procurement Consultant	Review by ES Consultants and PTI
	For National Competitive Bidding (NCB) procurement, consider integrating the ICB SPD requirements for addressing SEA/SH and VAC risks.	Procurement.	MPWT and Procurement Consultant	Review by and PTI
	The procurement documents should set out clearly how adequate SEA/SH and VAC costs will be paid for in the contract. This could be, for example, by including: (i) line items in bill of quantities for clearly defined GBV activities (such as preparation of relevant plans) or (ii) specified provisional sums for activities that cannot be defined in advance (such as for implementation of relevant plan/s, engaging SEA/SH and VAC service providers, if necessary)	Procurement.	MPWT and Procurement Consultant	Review by ES Consultants and PTI
	Clearly explain and define the requirements of the Codes	Procurement.	MPWT and	Review by PMU and PTI



When	Action to Address SEA/SH and VAC Risks	Timing for Action	Who is Responsible for Action	Ongoing Risk Management
	of Conduct to bidders before submission of the bids.		Procurement Consultant	
	Evaluate the contractor’s SEA/SH and VAC response proposal in the CESMP and confirm prior to finalizing the contract the contractor’s ability to meet the project’s GBV requirements	Procurement.	MPWT and Procurement Consultant	Review by PMU and PTI
	Review CESMP to verify that appropriate mitigation actions are included.	Implementation.	MPWT and Procurement Consultant	Review by PMU and PTI. Review by WB Task Team.
	Review that the GRM receives and processes complaints to ensure that the protocols are being followed in a timely manner, referring complaints to an established mechanism to review and address SEA/SH and VAC complaints.	Implementation.	WB Task Team. MPWT and ES Consultant	Ongoing reporting. Monitoring of complaints and their resolution.
	Codes of Conduct signed and understood (Individual Code of Conduct and Manager’s Code of Conduct.) Ensure requirements in CoCs are clearly understood by those signing. Have CoCs signed by all those with a physical presence at the project site. Train project-related staff on the behavior obligations	Initiated prior to contractor mobilization and continued during implementation.	Contractor, MPWT and ES Consultant	Review of SEA/SH risks during project supervision (e.g., Mid-term Review) to assess any changes in risk. Supervision consultant reporting that CoCs are signed and that workers have been trained and



When	Action to Address SEA/SH and VAC Risks	Timing for Action	Who is Responsible for Action	Ongoing Risk Management
Implementation	<p>under the CoCs.</p> <p>Disseminate CoCs (including visual illustrations) and discuss with employees and surrounding communities.</p> <p>Reporting on the actions taken as part of regular progress reports.</p>			<p>understand their obligations.¹²</p> <p>Monitoring of GRM for SEA/SH complaints.</p> <p>Discussion at public consultations.</p>
	<p>Have project workers, government staff and local community and other SME's undergo training on SEA/SH</p>	Implementation.	MPWT and ES Consultant	Ongoing reporting.
	<p>Undertake regular M&E of progress on SEA/SH activities, including reassessment of risks as appropriate.</p>	Implementation.	MPWT and ES Consultant	<p>Monitoring of GRM.</p> <p>Ongoing reporting.</p>
	<p>Implement appropriate project-level activities to reduce SEA/SH risks prior to civil works commencing such as:</p> <p>Have separate, safe and easily accessible facilities for women and men working on the site. Locker rooms and/or latrines should be located in separate areas, well-lit and include the ability to be locked from the inside.</p> <p>Visibly display signs around the project site (if applicable) that signal to workers and the community that the</p>	Prior to works commencing.	Contractor/ Supervision Consultant WB Task Team.	<p>Ongoing reporting.</p> <p>Reviews during implementation support missions.</p>

¹² Civil works supervision consultant's monthly reports should confirm all persons with physical presence at the project site have signed a CoC and been trained.



When	Action to Address SEA/SH and VAC Risks	Timing for Action	Who is Responsible for Action	Ongoing Risk Management
	project site is an area where GBV is prohibited. As appropriate, public spaces around the project grounds should be well-lit.			



ATTACHMENT 3B: SAMPLE CODE OF CONDUCT (COC) ON SEXUAL EXPLOITATION AND ABUSE (SEA), SEXUAL HARASSMENT (SH), AND VIOLENCE AGAINST CHILDREN (VAC) FOR C1,2,4

Scope of SCOC

In Lao PDR, although Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH), and Violence Against Children (VAC) are not commonly discussed, there are several key issues associated with SEA/SH and VAC. These issues include, but not limited to the following: (i) both urban and rural communities, more so among women and ethnic group communities, accept and justify certain forms of violence; (ii) quite a high prevalence of physical, emotional and sexual violence was reported and recorded in recent surveys; (iii) despite Lao PDR having substantial legal frameworks to safeguard the rights and interests of women and children, services and help systems are limited; and (iv) the issue is only vaguely understood at all administrative levels and at the individual level.

Sample Code of Conduct (CoC) to prevent and manage SEA/SH and VAC

The Project has incorporated SEA/SH and VAC, youth, child protection in its reporting system and grievance redress mechanisms. The project is a promote zero tolerance of child abuse and it is mandatory reporting of confirmed or suspected child abuse.

SEA/SH and VAC, youth and child protection trainings will be provided for project staff, the survey/outreach team and ICT centres with the objective of raising awareness of existing and potential SEA/SH and VAC risks.

The Code of Conduct (CoC) to eliminate Gender Based Violence and Sexual Exploitation Abuse/Sexual Harassment (SEA/SH) and Violence Against Children (VAC) is presented in Box 3B-1. This CoC must be signed by all contractors for civil works; Technical Assistance (TA) staff and MGA staff.

BOX 3B-1: CODE OF CONDUCT (CoC) TO PREVENT AND MANAGE SEA/SH AND VIOLENCE AGAINST CHILDREN (VAC).
<p>I, _____, acknowledge that preventing gender-based violence (SEA/SH) and violence against children (VAC) is important. The company considers that SEA/SH or VAC activities constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. All forms of SEA/SH or VAC are unacceptable be it on the work site, the work site surroundings, or at worker’s camps. Prosecution of those who commit SEA/SH or VAC may be pursued if appropriate.</p> <p>I agree that while working on the project I will:</p> <ul style="list-style-type: none"> • Treat women, children (persons under the age of 18), and men with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin,



property, disability, birth or other status.

- Not use language or behaviour towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual activity with children—including grooming or through digital media. Mistaken belief regarding the age of a child and consent from the child is not a defence.
- Not engage in sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- Not have sexual interactions with members of the communities surrounding the workplaces that are not agreed to with full consent by all parties involved in the sexual act. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
- Report through the GRM or to my manager suspected or actual GBV and/or CAE by a fellow worker, whether in my company or not, or any breaches of this code of conduct.
- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor’s permission, and ensure that another adult is present if possible.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium
- Refrain from physical punishment or discipline of children.
- Refrain from hiring children for domestic or other labour, which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
- Comply with all relevant local legislation, including labour laws in relation to child labor.
- When photographing or filming a child for work related purposes, I must:
 - Before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images.
 - Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.



- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

I understand that it is my responsibility to avoid actions or behaviors that could be regarded as SEA/SH or VAC or breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to SEA/SH and VAC. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Do's and Don'ts for GBV/SEA/SH/VC

The following are basic things to do and not do in response to a reported incident of GBV/SEA/SH/VC by someone associated with the Project. This document is intended to give interim guidance to contractors and owner of MGA while handling and referring the case. It does not replace comprehensive guidance or specialist expertise.

Receiving the Disclosure	
DO's	DO NOT
<ul style="list-style-type: none"> • Show the person empathy and compassion. • Use a survivor-centre approach – this means treating the survivor with dignity and respect, making every effort to protect their safety and well-being, and not taking any actions without their consent. • Prioritize the survivor's rights, needs and wishes in all decisions. • Make sure that a safe, comfortable place is chosen for speaking to the survivor alone. 	<ul style="list-style-type: none"> • Do not judge. • Do not show or communicate doubt or disbelief. • Do not ask for details about their experience. • If translation/interpreting is needed, request support from GBV service providers in finding an appropriate female interpreter. Do not recruit someone from the local community.



Services	
DO	DO NOT
<ul style="list-style-type: none"> Give the survivor (or the person who reports the GBV/SEA/SH incident) the best information that you have about GBV services (health, psychosocial (including counselling, case management) police, justice) in your area. (Include all kinds of relevant service providers – government agencies, development organizations, non-government and civil society organizations.) 	<ul style="list-style-type: none"> Do not try to determine if the incident is project-related or not before ensuring access to services – all survivors should receive care regardless of whether the perpetrator is associated with the project or not.
Safety	
DO	DO NOT
<ul style="list-style-type: none"> Take all possible steps to protect the safety of the survivor. Make adjustments to the schedule or location of the alleged perpetrator – or the survivor, if needed – to protect the survivor’s safety while an investigation is being conducted. Involve a GBV service provider and/or specialist in the assessment of risk. 	<ul style="list-style-type: none"> Do not take any decisions or actions without the permission of the survivor.
Confidentiality	
DO	DO NOT
<ul style="list-style-type: none"> Keep any identifying information in a locked drawer or cabinet, and limit access to this information. 	<ul style="list-style-type: none"> Do not share any information that can identify the survivor with anyone (including members of the project team), without their direct permission.
Support	
DO	DO NOT
<ul style="list-style-type: none"> Seek specialist guidance as soon as possible. The WB task team has GBV specialists who can support you. 	<ul style="list-style-type: none"> Do not share any information that could be used to identify the survivor or perpetrator in seeking support.



<ul style="list-style-type: none"> • In seeking support, share ONLY non-identifying information. 	<ul style="list-style-type: none"> • Do not encourage anyone associated with the project to seek information or ask questions that may compromise confidentiality or put the survivor at risk.
<p>Informing the World Bank</p>	
<ul style="list-style-type: none"> • All incidents of GBV must be reported through the LSB and must be reported to the World Bank within 24-48 hours.¹³ • Share ONLY non-identifying information. If available, share: <ul style="list-style-type: none"> ○ the type of incident; ○ age & sex of the survivor; ○ whether the perpetrator is known to be associated with the project; ○ whether the survivor was referred to services. 	<ul style="list-style-type: none"> • Do not share any information that could be used to identify the survivor or perpetrator in seeking support.

¹³ The Environment and Social Incident Response Toolkit from WB’s Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works, outlines the requirements for reporting SEA/SH cases and has a protocol that defines incidents using three categories. “Indicative” events are addressed within the Task Team and “Serious” events need to be elevated to the Country Manager/Director, Global Practice Manager, Social and Environmental Practice Managers, Relevant Program Leaders, and Environmental and Social Standards Advisor (previously called Regional Safeguards Advisor), who may then advise the appropriate Vice Presidents. Finally, a “Severe” event should be reported to the Vice Presidents by the Task Team within 24-48 hours of notification. GBV incidents are classed as Severe events.



ATTACHMENT 4 RESETTLEMENT POLICY FRAMEWORK (RPF) (Including livelihood restoration for waste pickers)

DEFINITIONS

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

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

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

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

Displaced persons. Refers to all of the people who, on account of the activities listed above, would have their (1) standard of living adversely affected; or (2) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed temporarily or permanently; (3) access to productive assets adversely affected, temporarily or permanently; or (4) business, occupation, work or place of residence or habitat adversely affected; and “displaced person” means any of the displaced persons.

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

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



recognized) only.

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

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

- a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- b) Collective attachment¹⁴ to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and
- c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture, and
- d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

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

Grievance redress mechanism. Refers to an established mechanism to receive and facilitate the resolution of affected persons' concerns and grievances/complaints about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. As per WB ESS10, the grievance mechanism is expected to: (a) address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution, and without preventing access to judicial processes. Affected people will be appropriately informed about the Grievance Redress Mechanism (GRM) and keep adequate records that are made publicly available, and (b) handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed. The GRM for handling grievances/complaints related to other safeguard aspects like, resettlement, compensation,

¹⁴ Collective attachment means that for generations there has been a physical presence in and economic ties to land and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites.



environment safeguard requirements, labour and working conditions, Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH), Gender Based Violence (GBV), Violence Against Children (VAC) etc are stipulated in the Stakeholder Engagement Plan as per WB ESS10.

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

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

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

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

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

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

Land acquisition. Refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied



or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

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

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

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

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

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

Relocation Assistance. Support provided to persons who are physically displaced by a project. Relocation assistance may include transportation, food, shelter, and social services that are provided to the displaced persons during their relocation. It may also include cash



allowances that compensate displaced persons for the inconvenience associated with resettlement and defray the expenses of a transition to a new location, such as moving expenses and lost workdays.

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

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

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

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

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

Unit Costs for Lands. The affected private lands will most likely fall under the land categories of either residential or commercial lands. The way to obtain data on market rates



is to gather data on recent land sales at/around the subproject area. Methods for data collection include direct interviews (i) real estate agents in Commercial Business Districts (CBD), (ii) land owners at/around the subproject area who are both PAHs and non-PAHs, and (iii) local authorities at/around the subproject area. Per results of the RCS, the unit costs of land covered with recognized proofs of ownership, structures and other immovable assets are provided.

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

Vulnerable Groups/Disadvantaged. Group of affected persons who are likely to be more adversely affected by land acquisition than others and who are likely to have limited ability to re-establish their livelihoods or improve their status. Disadvantaged/ vulnerable individuals or groups includes 1) households below the poverty line established by the GoL, 2) households headed by elderly with no means of support; (3) female headed households, especially those below the poverty level; (4) households with a disabled member; and (5) Ethnic groups.



This Resettlement Policy Framework (RPF) has been prepared by the Environmental Protection Fund (EPFO) for the Environmental and Waste Management Project (EWMP) with assistance of international and national consultants. The RPF is part of the Environment and Social Management Framework (ESMF). This RPF will be applied to all investments and all Components to be financed by the World Bank (WB) Group for technical and/or financial support for the Project.

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

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

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

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

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

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

The RPF outlines the Grievance Redress Mechanism to be established as a locally based arrangement for receiving, recording, assessing, and facilitating the resolution of complaints and grievances raised by the affected persons in relation to the Project. The RPF also describes the process for consultation and information disclosure for land acquisition. The draft RPF was disclosed prior to consultation meetings on _____, 2022 at the EPF, MPWT and MONRE websites: _____ and consulted with the national level and other stakeholders on _____, 2022. This was done prior to the WB's appraisal of the Project.



A4.1 PROJECT DESCRIPTION

A4.1.1 Overview

In Lao People's Democratic Republic (Lao PDR,) rapid development during the past 10 years (pre-Covid-19) has resulted in degradation of natural resources and environmental quality and increase generation of solid wastes while the Government of Lao PDR (GOL) through the Ministry of Natural Resources and Environment (MONRE), the Ministry of Public Works and Transport (MPWT), and the Environmental Protection Fund (EPF) has been preparing a project, namely Environment and Waste Management Project (EWMP), for possible financing by the World Bank (WB). The project will be implemented in 2023 to 2029 with a total budget cost of \$ 45.08 million b Project objectives and activities are provided in Chapter 2 and Annex 1 of the ESMF.

The WB's Environmental and Social Framework (ESF) will be applied to the project. With support from the WB on-going project, a team of international and national consultants have been mobilized to prepare ESF documents are necessary for the project comprising an Environment and Social Commitment Plan (ESCP), a Stakeholders Engagement Plan (SEP), and Environment and Social Management Framework (ESMF), a Social Impact Assessment and Social Management Plan (SIA-SMP), and a Pre-ESIA (PESIA) for selected site. Scope of the ESCP, SEP, ESMF, and SIA-SMP will cover all components while Pre-ESIA will cover only Component 3. This document is the ESMF of the EWMP which will cover all project components.

Main development objective of EWMP is to strengthen environmental protection systems, improve municipal solid waste management in selected cities in Lao PDR, and provide immediate and effective response in case of an Eligible Crisis or Emergency. The activities will support policy development and institutional strengthening at the national level to enhance regulatory oversight and planning of the solid waste sector, supporting environmental risk management and climate change actions, and enhance monitoring and regulation of key types of pollution in the country.

At the provincial and district levels, the Project will focus on supporting improved solid waste services and increasing the financial and environmental sustainability of solid waste management operations through technical assistance and investments in infrastructure and equipment. The project will facilitate the creation of models for solid waste management in selected cities that can demonstrate improved and cost-effective performance and serve as inspirations for other cities.

The project will seek to comprehensively support stakeholder collaboration across all aspects of the sector, most notably MONRE, MPWT, EPF, as well as local governments responsible for solid waste management.

The project will measure its success by the following indicators:



- (a) Environmental protection system (practices) improved (score)
- (b) Increase coverage of municipal waste collection from households and businesses in Vientiane Capital (percentage)
- (c) Solid waste recycled, composted and/or treated to reduce waste disposal volumes (percentage)
- (d) Net greenhouse emissions reduction (metric tons/year)

(c) Project Components

The project activities will be implemented through the following 5 components:

- **Component 1 (C1): Policy Implementation and Capacity Enhancement.** This component will strengthen the policies, institutional framework, and capacities of central government agencies (particularly MONRE and MPWT) responsible for various technical and administrative aspects of environmental, pollution, solid waste, and plastics management, including initiating a matching grant mechanism with selected private sector. The activities will be implemented by responsible agencies through the following five subcomponents as presented in Table 1-1:

TABLE 0-1: C1 SUBCOMPONENTS (REFERENCE: REPORT NO: PAD4795)

Component	Lead Implementing Agency	Total Budget (US\$ millions)
Component 1. Policy Implementation and Capacity Enhancement (PICE)	MONRE	12.12
Subcomponent 1A. Policy and capacity support on EIA/IEE/SEA, solid waste management, and Toxic and Hazardous Waste (THW)	DOE/DWR-MONRE	2.72
Subcomponent 1B. Capacity and Financial support to SMEs on environmental and waste management	EPF	2.36
Subcomponent 1C. Policy and capacity support on ECC compliance and pollution monitoring framework	DNEI/NRERI/DWR-MONRE	3.65
Subcomponent 1D. Policy and Capacity support on Climate change: low carbon resilient development	DCC-MONRE/ DOP-MPI	1.5
Subcomponent 1E. Policy and capacity support on plastics policies and legislation	DOE/DPF-MONRE	1.59

- **The Matching Grant (LEMGP):** The proposed matching grant activities (called Lao Environmental Matching Grant Program or LEMGP) seeks to initiate active engagement with a selected small-and medium-size enterprises and businesses (SMEBs) that can provide resources or practical solutions for solving the most pressing issues related to effective use of natural resources, waste generation, environmental quality, and pollution control challenges taking into account the



needs and opportunities for selected SMEBs to continue with their businesses after Covid-19 pandemic and contribute to economic growth toward green growth direction. Eligible applicants include SMEs per the SME law and small/medium size businesses including local authorities and local communities that are committed and capable of planning and implementation of a Green Business Plan (GBP) or Green, Clean, and Beautiful Plan (GCBP) in line with GOL regulations and located in the target/project areas. Total cost for LEMGP is estimated at \$1.5M. With a maximum matching grant of \$100,000 per one PSMEB who can sign a Sub- grant Agreement with EPFO (as suggested by WB), it is expected that 10-15 green plans will be prepared and implemented. The activities to be implemented within 1-2 year time frame.

- **Component 2 (C2): Integrated Support and Capacity Building for Local Government and Municipalities.** This component seeks to address primary constraints to improving sector performance including the technical, organizational, and financial capacity of local governments to efficiently provide solid waste services. This component will support local governments to better prepare for investments under Component 3. The activities will be implemented by responsible agencies through the following three subcomponents as presented in Table 1-2:

TABLE 0-2: C2 SUBCOMPONENTS (REFERENCE: REPORT NO: PAD4795))

Component	Lead Implementing Agency	Total Budget (US\$ millions)
Component 2. Integrated Support and Capacity Building for Local Government and Municipalities	MONRE	4.54
Subcomponent 2A. Support and Capacity Building for Local Gov't on waste and pollution data and information systems and waste service	DNEI/NRERI-MONRE	0.09
Subcomponent 2B. GCB and 3R projects + capacity building for NPAP/plastic policies implementation in targeted districts	DOE-MONRE	3.92
Subcomponent 2C. Support to private-public partnerships and enhancing output-based waste service delivery and cost recovery capacity	TBD	0.53

- **Component 3 (C3): Infrastructure investments for solid waste and plastic management.** This component will finance waste management and recycling infrastructure investments in Vientiane Capital to improve the effectiveness and efficiency of waste and plastics management to enhance services and environmental sustainability in three selected locations in Vientiane Capital including (i) in Naxaythong district for installing a new waste transfer station; (ii) at the Km 16 in Xaysettha district for upgrading a material recovery facilities and support waste collection and transportation equipment; and (iii) at the Km32 (existing landfill) in in



Xaysettha district for partial rehabilitation and construction of waste cells and leachate treatment facility, temporary hazardous waste storage facility, waste reception area, upgrading waste recycling facilities and associated facilities. Potentially, investments in riverine plastics collection technologies will be provided under this Component, including support on setting up viable operations and disposal systems and integration into general SWM system. This will be combined with the establishment of plastics pollution monitoring stations and provide citizen science and reporting possibilities for monitoring of impacts. The activities will be implemented by responsible agencies through the following two subcomponents as presented in Table 1-3:

TABLE 0-3: C3 SUBCOMPONENTS (REFERENCE: REPORT NO: PAD4795)

Component	Lead Implementing Agency	Total Budget (US\$ millions)
Component 3. Waste and plastics management Infrastructure Investments	MPWT	24.62
<p>The investments will be divided into three locations strategically selected in Vientiane Capital to maximize the waste-to-resource opportunity, minimize the waste volume that will be landfilled at Km32, and mitigate the negative environmental and social impacts from waste management. The three sites are as follows:</p> <ul style="list-style-type: none"> • At Naxaythong district in north-west of Vientiane Capital will install a new waste transfer station with material recovery facility, waste collection and transportation equipment with waste transfer function. • At Km 16 in Xaysettha District, upgrade to a material recovery facility and support waste collection and transportation equipment. • At the current landfill at Km32 will be partially rehabilitated to extend the lifetime of the landfill and also to install the waste reception area, upgrading of waste recycling facility, ensure a safe and healthy working environment of informal waste pickers, improve the leachate treatment and regulation facility to mitigate the direct discharge of leachate to the surrounding area and also install the storage for hazardous waste to safely store the toxic and hazardous materials. 	DHUP	24.62



- **Component 4: Project coordination and reporting.** This component will focus on inter-ministerial coordination, progress reporting, and monitoring and evaluation. Strengthening implementation and management capacity will involve support for project management and monitoring and evaluation systems across the implementing agencies at all levels. The activities will be implemented by responsible agencies through the following two subcomponents as presented in Table 1-4:

TABLE 0-4: C4 SUBCOMPONENTS (REFERENCE: REPORT NO: PAD4795)

Component	Lead Implementing Agency	Total Budget (US\$ millions)
Component 4. Project Coordination and Reporting	EPF	3.81
Subcomponent 4A. Project management and administration	EPF	2.90
Subcomponent 4B. Communication, Engagement, and EPF Capacity building	EPF	0.91

- **Component 5. Contingent Emergency Response (CERC).** This component is designed to provide swift response in the event of an eligible crisis or emergency, by enabling the GOL to request the World Bank to reallocate project funds to support emergency response and reconstruction.

Under Component 1, the project activities will be implemented nationwide on the part related to policy, regulations, and technical assistance (TA) while some activities such as those related to the matching grant (C1A) and the National Plastic Actions Plan (NPAP) (C1E). However, given limited budget, it is expected that these activities will be conducted in Vientiane Capital and nearby provinces. Under Component 2, the project activities will be conducted in specific areas to be identified during project implementation according to the objective and scope of the Subcomponent activities (C2A, C2B, and C2C). The activities areas will be limited to Vientiane Capital, Vientiane Province and Oudomxay Province,

Component 3 will finance waste management and recycling infrastructure investments in Vientiane Capital in Xaythany District and Naxaythong district. In Xaythany district, there are two specific sites: one at the km 32 (the existing landfill) and another at the existing waste facilities at km16. In Naxaythong, specific site and activities are being considered. More details can be found in Pre-ESIA and SIA-SMP.

A4.1.2 Land Acquisition Impacts and Rationale for Resettlement Framework

Land acquisition and economic displacement are in the negative list for Component 1 and 2, particularly under the Lao Environment Matching Grant (LEMG). For investments under Component 3, there will be no required land acquisition for the **existing landfill and waste facilities at kilometer 32 (Km32) in Xaythany district, or the existing transfer station and waste facilities at Km16 in Xaythany district. A location for the proposed waste facilities**



in Naxaythong district has not yet been determined during the preparation of this RPF. While the Project's preference is to identify state-land, this RPF has been prepared in case acquisition of private land is necessary, or in case there are resettlement impacts due to use of a state-land that has community livelihood or other uses. In such case, this RPF will form part of an ESIA, which will be prepared after project launch when detailed designs for Component 3 investments are available.

In case of affected ethnic groups identified during the preparation of the subproject in Naxaythong district, an Ethnic Group Engagement Framework (EGEF) provided in Attachment 05 has been prepared to ensure that ethnic groups are not adversely affected, and their livelihood is not worst off as a result of project implementation. The EGEF should be read together with this RPF.

This RPF provides screening criteria for the subprojects in Naxaythong District for the proposed landfill where there will be construction activities, to determine if any land acquisition impacts will occur, and if so, the steps required to address and mitigate any of the land acquisition impacts. A sample screening form is provided in Appendix A.

A4.2 LEGAL FRAMEWORK

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

A4.2.1 GOL's Policy ESS5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement

A. Policies:

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

B. Laws and Regulations:

- Environmental Protection Law (EPL, 2013);
- Environmental Impact Assessment Decree (No 21, January 31, 2019, which supersedes Ministerial Instruction No. 8030/MONRE on Environmental and



Social Impact Assessment (ESIA) and Initial Environmental Examination (IEE) of Investment Projects (2013);

- Public Involvement Guideline (2012);
- Water and Water Resources Law (1996);
- Law on Grievance Redress or the revised Law on Handling Petitions 012/NA approved by the National Assembly on December 5, 2014 and the President in 2015;
- Decree on Compensation and Resettlement of People Affected by Government Projects (No. 84/GOL, 5 April 2016); and
- Land Law (2019)

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

- **Constitution of the Lao PDR (2015):** Article 17 of the Constitution (amended in 2015) stipulates that the State protects the property rights and inheritance rights of individuals and organizations, and that land is the property of the national community, where the State represents and manages across the country.
- **Party Central Committee's Resolution on Land Development and Management in New Era, 026, 2017 (which guides the revision and implementation of the Land Law):** The State can transfer land use rights from individuals, entities, collectives, and organizations for the purpose of the State's activities for the benefits of the public, including but not limited to, social economic development, with replacement of new land or compensation with reasonable price.
- **Resolution of the Central Party Committee on Ethnic Minority Affairs in the New Era (1992):** The 1992 policy on ethnic groups focuses on realizing equality between ethnic groups and gradually improving the lives of ethnic groups while promoting their ethnic identity and cultural heritage. The Lao Front for National Development (LFND) introduced an official ethnic classification into forty-nine main groups comprising four ethno-linguistic facilities, namely the Lao-Tai (62.4 percent), Mon-Khmer (23.7 percent), Hmong-lu Mien (9.7 percent), and Chinese-Tibetan (2.9 percent)¹⁵, which are officially divided into 50 ethnic groups¹⁶.

¹⁵ Lao Statistics Bureau. 2016. Results of Population and Housing Census 2015.



- It focuses on gradually improving the living conditions of the ethnic communities, while promoting their ethnic identity and cultural heritage. The general policy of the Party concerning the ethnic communities include Build National Sentiment (national identity); Realize Equality among ethnic communities; Increase the Solidarity Level among ethnic communities as members of the greater Lao family; Resolve Problems of Inflexible and Harmful thinking, as well as economic and cultural inequality; Improve the living Conditions of the ethnic communities' step by step; Expand, to the greatest extent possible, the good and beautiful Heritage and ethnic Identity of each group as well as their Capacity to participate in the affairs of the nation.
- **Decree No. 21/PM on Environmental Impact Assessment (2019):** This Decree defines principles, regulations, and procedures on management, monitoring, and inspection of an Environmental Impact Assessment (EIA) so that the process can be implemented correctly, transparently, and consistently with the aims to prevent, reduce, and mitigate negative environmental impacts; to ensure that the affected peoples are reasonably compensated, resettled, and assisted in improving their living conditions better than existing situation while making the management and utilization of natural resources most effective and ensuring protection of the national and people rights and interests and contribution to the national socio-economic development in a sustainable and green manner.
- **Decree No. 84/PM on Compensation and Resettlement of People Affected by Development Project (2016):** This revised Compensation and Resettlement Decree describes the principles, regulations, and standards for mitigating adverse social impacts and compensating for damages resulting from unintentional acquisition or repossession of land and fixed or removal assets, including changes in land use, restriction of access to community or natural resources affecting community livelihood and income. The decree aims to ensure that the people affected by the project (PAP) are compensated for and assisted in improving or, at least, maintaining their pre-project income and standard of living, and are not made worse off than they would without the project. The decree describes the strict principles of compensation, particularly for those PAPs which do not have legal land title, land use certificate or other acceptable documentation indicating their right to land use. Unlike the previous Decree (No. 192, 2005), which granted this community of PAP the right to seek

¹⁶ Douangtavanh Kongphaly. 2018. List of all ethnicities in Laos on <http://web.archive.org/web/20190322092204/https://kongphaly.la/2015/10/26/list-of-all-ethnicities-in-laos/> (Accessed May 2020)



compensation not only for their lost assets but also for their lost rights and/or privileges of land use, the revised decree only grants the right to claim for their lost properties, such as homes, trees and/or crops.

- ***Ministerial Instruction on Public Involvement in the Process of Environmental and Social Impact Assessment of Investment Project (2013)***: This instruction introduces the ESIA by every investment project and activity of a public and private both domestic and foreign enterprise operating in Lao PDR that causes or is likely to cause environmental and social impacts. The instruction also brings into consideration four public involvement processes, which are information gathering, information dissemination, consultation, and participation, to ensure project activities are designed with consideration to minimize social and environmental negative impacts and to maximize positive impacts in the long run.
- ***Law on Grievance Redress (No. 53/NA, 2014)***: Disputes can be addressed through a legal dispute solution as a traditional or customary system or Village Dispute Mediation Unit. Above the villages are the Regional, Provincial and National Supreme Courts. Any urgent issues, complaints or inquires can be publicly voiced to the National Assembly members, or through the National Assembly Hotline, which is open during the National Assembly sessions. Grievance redress can also be pursued through administrative channels or Party channels, via the mass organizations (the Lao Front for National Development, concerning ethnic issues, and the Lao women's Union, concerning women's issues).
- ***Law on Resettlement and Occupation (2018)***: The new Law on Resettlement and Occupation (2018) was developed based on the compensation and resettlement Decree 84 (2016). The law, which applies for both government and private sector development projects aims to define, regulate, manage and monitor resettlement and livelihood for Lao population of all ethnic groups to ensure that those who are in areas identified for resettlement and provided with stabilized residential and production land and occupation with ultimate goals to address illegal relocation, eliminate poverty, improve livelihood, security and social order, develop small villages into rural small towns contributing to national socio-economic development and national security. Article 22.1 also states that people affected by settlement and livelihood program (governed under this law) will be provided with compensation for land and assets lost at a replacement cost, providing that s/he has official land (use or title) documents. Article 22.4 recognizes customary land use when certified by the local authority and concerned sector, and then the affected person is eligible for compensation as specified in the above Article. Article 22.5 discusses that in the event a person



affected by settlement and livelihood program does not have official land (use or title) document, s/he will not be provided with compensation for the land lost (acquired) but assets (structures, trees, and crops) located on the land parcel acquired. Due to large similarity and consistency in the provisions, objectives, scope and provisions of this law and Decree 84, discussion is ongoing on whether the later will be revised or dropped and superseded by the former.

- **Land Law (2019):** According to Article 3 of the amended Land Law 2019, land is the property of the national community, where the State represents the owner of the rights in the management of land in a centralized manner across the country. The State grants the rights on long-term and secured land use to individuals, legal persons, collective groups, and organizations of Lao citizens.
- Lands are classified into agricultural land, forest land, water area land, industrial land, transport land, cultural land, land for national defense and security, and construction land (Article 21). One category of land can be converted into another but doing so requires prior approval of the concerned management authorities (Article 25), including National Assembly (Article 28), the Government (Article 29) and People's Provincial Assemblies (Article 30), depending on the scale of the conversion.
- Lands are also distinguished as public land and Lao Citizen Land. Public lands are those under the management of Party's Organizations, State Agencies, including Mass Organization (Article 78) as well as public land use for collective utility at the village level. Public land for collective use includes land used for cemeteries, sacred forest, common ponds, temples, schools, health centers, village administrative offices, and markets (Article 81). Lao Citizens' Lands are those use by individuals, legal entities, and organizations by registering land books, certifying land use, issuing land titles, and registering movement and changes of land use rights (Article 85).
- According to Article 130, the State acknowledges and protects the customary land use rights of the person and proceeds with the registration of and titles in accordance with the laws and regulations. The acquisition of customary lands refers to land acquisition and use by Lao citizens through exploration, development, protection, and regular land use for more than 20 years before this Law becomes effective and without the need to provide document certifying the acquisition of the land but only a certificate from village administrative authorities and of the owner of nearby land certifying continuous land acquisition and use without any disputes or with disputes being already settled.



- ***Development and Protection of Women Law (2004)***: This Law is to guarantee and promote the roles of women, to define the fundamental contents of, and measures for developing and protecting, the legitimate rights and interests of women, among others. Its aims include eliminating all forms of discrimination
- ***Ethnic Group Consultation Guideline, LFND (2013)*** In 2013 the LFND released a National Guideline on Ethnic Group Consultation in line with the 2012 National Guideline on Public Involvement. It aims to ensure that all ethnic groups which benefit from a development project or are adversely affected by it, regardless of the source of funding, are fully involved in a meaningful consultation process at all stages from preparation to implementation. The guideline also aims to ensure that the potentially affected ethnic groups are fully informed of project objectives, as well as their potential positive and adverse impacts on their livelihood and their environment and provided with opportunities to articulate their concerns. The guidelines provide principles and processes to carry out meaningful consultations with, and obtain Free, Prior, and Informed Consent of, all ethnic groups affected by developments projects in a culturally sensitive manner. The guidelines consist of a) objectives and scope of the guidelines, b) consultation processes with ethnic groups at respective stages of development projects, c) consultation approaches and methods for different ethnic groups in a culturally sensitive manner, d) expected outcomes of consultation at each stage, and e) implementation arrangement and responsibility.
- ***Law on Grievance Redress or the revised Law on Handling Petitions 012/NA***: The Law on Grievance Redress or the revised Law on Handling Petitions 012/NA approved on December 5, 2014 and the President in 2015 provides provisions of objectives, principles and process of applying and handling different types of grievance, petition and complaints that may be raised by citizens. The Grievance Redress Law divides grievances into three categories as follows:
 - a. Proposals are to be applied to and resolved by concerned authorities.
 - b. Grievance is to be applied to and resolved by judicial institutions and court
 - c. Petition is to be applied to and resolved by Provincial and National Assembly.
- ***The Law on Handling of Petitions 012/NA, 2015***, which has superseded the old version of Law on Grievance dated November 5, 2005 applies and protects rights and interest of all citizens and entities, state organizations, community and individuals with the aim to ensure justice, social security and order.



A4.2.2 World Bank Policy ESS5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement

The Objectives of this Policy are:

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

According to ESS5, replacement cost is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the depreciated 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.

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

- Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law.
- Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land if failure to reach settlement would have resulted in expropriation or other compulsory procedures.
- Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project.
- Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date.
- Displacement of people because of project impacts that render their land unusable or inaccessible.
- Restriction on access to land or use of other resources including collective property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas.
- Land rights or claims to land, or resources relinquished by individuals or communities without full payment of compensation (i.e. voluntary donations, which will not be considered by the EWMP project activities); and
- Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

A4.2.3 Gap Analysis: WB's ESS5 and GoL's Framework on Involuntary Resettlement

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



Table A4-1 GAP ANALYSIS FOR GOL'S FRAMEWORKS FOR INVOLUNTARY RESETTLEMENT

Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
1. Land Property				
1.1. Policy objectives	PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	PAP is compensated and assisted to improve or maintain their pre-project incomes and living standards and are not made worse off than they would have been without the project.	Replacement in real term is not explicitly stipulated.	ESS5 Procedures will be applied - cash compensation at replacement cost for land and structures will be paid without deduction for depreciation or salvageable materials. Also – income additional payments will be made to restore incomes, crops, trees as well as moving costs.
1.2. Support for affected households who have no recognizable legal right or claim to the	Financial assistance to all project affected persons to achieve the standard objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-	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	Entitlement to financial assistance for PAP who does not have legal land title/certificate or	PAPs who do not have legal title, land use certificates or other acceptable documentation indicating their land use right will still be entitled to financial assistance to achieve the objective of the involuntary resettlement policy (to improve their livelihoods and standards of living or at least to restore them, in real terms,



Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
land they are occupying	displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)	house/structures, trees and/or crops, and not land.	other documentation is not clearly stated.	to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher) Vulnerable PAPs will receive special assistance. Procedures in ESS5 will be applied
1.3. Compensation for illegal structures	Compensation at full cost for all structures regardless of legal status of the PAP's land and fixed assets.	PAP who does not have legal land title, land use certificate or other acceptable documentation indicating their land use right, including customary and traditional land use right, only provides the right to claim compensation for their lost assets such as house/structures, trees and/or crops, and not land.	Compensation at full replacement cost not explicitly stipulated.	Timely compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure. Provide moving allowance based on structure types. Procedures in ESS5 will be applied
1.4. Land Donation	WB's ESS-5 is also applicable to cases where affected people choose to voluntarily donate land or assets based on conditions set in in footnote 10 of ESS-5: (a) the	This Degree deals with land acquisition and involuntary resettlement and therefore does not provide guidance on voluntary donations. Nonetheless, this matter was found in the Technical Guidelines on Compensation and	No clear guidance on voluntary donations.	Voluntary land donations will not be considered in the LEWM project.



Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
	<p>potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; (b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels; (d) no household relocation is involved; (e) the donor is expected to benefit directly from the project; and (f) for community or collective land, donation can only</p>	<p>Resettlement in Development Projects (2009).</p>		



Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
	occur with the consent of individuals using or occupying the land.			
2. Compensation				
2.1. Methods for determining compensation rates	<p>Compensation for lost assets is calculated at replacement cost.</p> <p>Compensation for lost land and other assets should be paid at full replacement costs in accordance with Footnote 6 of ESS5.</p>	<p>Article 2: The compensation shall be in the form of land, material or money for the land, agricultural products, livestock, and incomes that are affect by development projects based on compensation value.</p> <p>Article 4 Compensation value means the value calculated in the form of material, money, or land, constructed facilities, agricultural products, livestock, and incomes which have been affected by development projects.</p> <p>Article 9 Project owners, in collaboration with</p>	Compensation for at full replacement cost is not stated.	<p>Independent appraiser conducts replacement cost study for all types of assets affected to establish compensation, which are appraised by Compensation and Resettlement Committee and/or Grievance Redress Committee to ensure full replacement costs.</p> <p>Procedures in ESS5 will be applied</p>



Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
		<p>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.</p> <p>The prices applied by the state (middle prices) are the prices specified in a separate regulation which are identified and regulated by the Ministry of Natural Resources and Environment from time to time.</p>		
2.2. Compensation for loss of	Loss of income sources should be compensated (whether the affected	Article 9 Provision of agriculture land in appropriate ways including the creation	Compensation for losses of income sources is not	ESS5 Procedures will be applied - loss of income will be restored to pre-displacement rates regardless of the legal status of the affected



Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
income sources or means of livelihood	persons must move to another location)	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.	stated.	person
2.4. Livelihood restoration and assistance	The Borrower will take possession of acquired land and related assets only after compensation in accordance with ESS-5 has been made available and, where applicable, displaced people have been resettled and moving allowances have been provided to the displaced persons in addition to compensation. In addition, livelihood restoration and improvement programs will commence in a timely fashion to ensure that	Article 13: In parallel with the establishment of resettlement plan as prescribed in article 10 of this decree, the project owner must coordinate with the compensation and settlement committee at the local 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.	Project possession of acquired land and related assets after compensation not explicitly stated.	ESS 5 will be applied with the project's possession of the acquired land and related assets after compensation and resettlement (if applicable) in a case by case basis due to the expected limited impacts.



Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
	<p>affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.</p> <p>Provision of livelihood restoration and assistance to achieve the policy objectives.</p>			
<p>2.5. Consultation and Stakeholder Engagement</p>	<p>ESS1 requires that stakeholder engagement with affected and interested stakeholders will be throughout the project cycle in line with the project's Stakeholder Engagement Plan (SEP), including ongoing consultations and document disclosure.</p>	<p>Article 5: The compensation and resettlement shall be carried out in compliance with the following principles: Protection of the rights and legitimate benefits of affected people. Ensure equality, correctness, transparency, disclosure, and fairness. Ensure coordination, consultation, and participation between the project owner, affected people, state agencies</p>	<p>Consultations throughout the project cycle is not clearly stated.</p>	<p>Meaningful consultations as per WB ESS10 should be conducted, with particular attention to ensuring it is a two-way process, that allows for feedback from APs and they are informed how their feedback was incorporated.</p>



Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
		and other relevant stakeholders.		
3. Grievance Redress Mechanism				
Procedures for recording and processing grievances	Annex 1 of ESS10 includes details of administrative and judicial process on Grievances Redress Mechanisms to handle grievances/complaints under all ESS.	Article 23: In case the affected view that the project owner does not comply with the plan for compensation, resettlement, and rehabilitation of people’s livelihood in accordance with this decree or other related plans that affect their interests, they are entitled to request to related authorities to solve the request(s) according to the procedures stipulated in paragraph 1, article 24 of this decree.	Existing mechanism needs to be observed.	There will be consultations with APs at various stages including during the preparation of RAPs. Prior to the preparation of the RAP, consultation is carried out to confirm eligibility criteria and discuss entitlement matrix, and to introduce the GRM. In addition, copies of the Guidelines for GRM are translated in Lao language or local dialects of ethnic groups (if necessary) and provided and explained in detail to APs during the public consultation process. There are clear mechanisms for grievance redress in the ESMF. While the mechanisms are clearly set out, Resettlement Committee will ensure it is accessible to all APs, in particular vulnerable APs and women.
5. Monitoring & Evaluation				
	Internal and external	Article 27:	No major gap.	The MPWT PMU and DHUP/DPWT will



Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
	independent monitoring are required	The project owner must set up a management unit of compensation and resettlement to take charge of monitoring and examination by himself other than other parties. The unit is obliged to make reports to the state audit-inspection organizations concerning the monitoring and examination of the implementation of the plan for compensation, allocation and relocation, and rehabilitation of people's livelihood of the development project as stipulated in the plan, at each period.		conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the resettlement plan implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of monitoring results will be prepared by local authorities and submitted to PMU and WB on a quarterly basis.



A4.3 PRINCIPLES AND OBJECTIVES

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

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

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

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

A4.3.1 Principles and Objectives on Involuntary Land Acquisition

Basic principles: The revised (2016) Decree on Compensation and Resettlement of People Affected by Development Projects provides the principles, mechanisms and procedures to mitigate adverse social impacts and to compensate damages that result from involuntary land acquisition or repossession of land and fixed or movable assets. The Compensation and Resettlement (C&R) decree aims to ensure that PAP and PAH are compensated and assisted to improve or maintain their pre-project incomes and standard of living, and are not made worse off than they would have been without the project. The Decree (No. 84/GOL, 2016) is largely consistent with the main principles of the World Bank's ESS5. However, where there is gap, the World Bank's ESS5 will be applied.

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

- Avoid involuntary land acquisition or, when unavoidable, minimize involuntary land acquisition by exploring proposed project design alternatives.
- Avoid forced eviction.¹⁷

¹⁷ Forced eviction is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/ or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in ESS5. The exercise of eminent domain, compulsory acquisition or similar powers by a Borrower will not be considered to be forced eviction providing it complies with the requirements of national law and the provisions of ESS5, and is conducted in a manner consistent with basic principles of due process (including provision of adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate or excessive force).



- Avoid involuntary land acquisition of poor or vulnerable persons.
- Ensure that the area of involuntary land acquisition is minor and will not reduce the affected persons' remaining land significantly.
- Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Ensure that activities to mitigate the impacts of involuntary land acquisition are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected; and
- Keep the affected persons fully informed about the process of compensation and other mitigation activities, and their related rights and avenues for redress, in line with consultation procedures outlined in this RPF and the Stakeholder Engagement Plan (SEP), with particular attention to gender.¹⁸

A4.3.2 Eligibility Criteria

At this stage, it is not possible to identify the categories of people that could be affected by the proposed landfill in Naxaythong district given that works are undefined. It is thus not feasible to undertake a census or to provide a precise estimate of the total population that might be affected. The conduct of full ESIA for the Naxaythong district will take this RPF as the basis for their assessment and the preparation of RAPs.

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

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

¹⁸ For instance, any financial compensation for involuntary acquisition of land or other assets should be provided jointly to a husband and wife, rather than just to the husband, even if the husband is the legal owner.



Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the screening process, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The screening will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In conjunction with the census, the Borrower will establish a Cut-Off Date (COD) for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal. As mentioned, the screening process, including census and COD, will be undertaken during the ESIA-phase of the EWMP, in 2023.

According to the PM Degree 84 on Compensation and Resettlement Management in Development Projects and the Law on Resettlement and Occupation (2018), and in line with WB ESS5, entitlements of the affected persons can be summarized as in Table A4-2. This will be further defined during the ESIA stage.



TABLE A4-2: ENTITLEMENT MATRIX

Type of Losses	Entitled Persons	Entitlements
A. Loss of Land		
Residential Land	Legal owner or occupant eligible as per RPF criteria identified during census and tagging.	<ul style="list-style-type: none">▪ <u>With</u> remaining land sufficient to rebuild houses/structures: (i) Cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, and free from transaction costs (taxes, administration fees) and (ii) DHUP-MPWT to improve remaining residential land at no cost to PAP/PAH (e.g., filling and leveling) so PAP/PAH can move back onto a plot.▪ Without remaining land sufficient to rebuild houses/structures: (i) Replacement land equal in area, same type and category, without charge for taxes, registration and land transfer, with land title (assuming Land Titles are available in the area); if not, land survey certificate, OR (ii) cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, free from transaction costs (taxes, administration fees) plus assistance to purchase and register land.▪ Entitlements must be in accordance with ESS5 requirements.



Type of Losses	Entitled Persons	Entitlements
Totally Affected Houses/Shops, and Secondary Structures (e.g. kitchen, rice bins, fences, etc) Partially Affected Houses/Shops but no longer viable (Would require relocation)	Owners of affected houses whether or not land is owned (regardless of legal status).	<ul style="list-style-type: none"> ▪ Cash compensation at replacement cost for the entire structure equivalent to current market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild; and ▪ Adequate time provided for PAP/PAH to rebuild/repair their structures. ▪ Timely provision of trucks for hauling personal belongings at no cost to the PAP.
Partially Affected Houses and/or Shops and secondary structures (Would not require relocation since the remaining portion is still viable for use/living)	Owners of affected houses whether or not land is owned.	<ul style="list-style-type: none"> ▪ Cash compensation at replacement cost for the affected portion of structure equivalent to current market prices of (i) materials and labor, with no deduction for depreciation of the structure or for salvageable materials (ii) materials transport, and (iii) cost of repair of the unaffected portion. ▪ Affected houses and shops that are no longer viable are those whose remaining affected portion are no longer usable/habitable and may require relocation.
Electricity Poles	Electricity Companies.	<ul style="list-style-type: none"> ▪ Cash compensation for cost to dismantle, transfer and rebuild.
Productive Land (paddy, garden, teak, and other types of trees.)	Legal owner or occupant identified during census and tagging in line with RPF criteria.	<ul style="list-style-type: none"> ▪ Cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, administration fees), or ▪ Replacement land of similar type, category and productive capacity of land within or nearby the village, with land title with land title (assuming Land Titles



Type of Losses	Entitled Persons	Entitlements
		are issued in the area). If not, land use certificate to be issued. Alternatively, at the request of PAP or PAH, cash compensation at replacement cost plus assistance to purchase and register land.
Fishpond (Remaining area is still viable or can still meet expected personal or commercial yield)	Owner or user of affected fishpond.	<ul style="list-style-type: none">▪ Cash compensation of affected portion at replacement cost which is equivalent to the current market value of fishpond, labor and rent of equipment to excavate fishpond, free from transaction costs (taxes, administration fees).▪ Adequate time provided for PAP to harvest fish stocks.▪ If the currently held fish stocks will not be harvested before the project takes possession of the fishpond, then cash compensation for the projected mature value of fish stock held at the time of compensation▪ Contractor to restore/repair remaining fishpond. If support cannot be provided by the contractor, the PAP will be entitled to cash assistance to cover for payment of labor and rent of equipment to restore/repair fishpond.
Crops and Trees	Owner or users of crops and trees whether or not land is owned.	<ul style="list-style-type: none">▪ If standing annual crops are ripening and cannot be harvested, cash compensation at replacement cost equivalent to the highest production of crop over the last three years multiplied by the current market value of crops.▪ For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity.▪ For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and diameter at breast height (DBH) of trees.



Type of Losses	Entitled Persons	Entitlements
Loss of business income during relocation or during dismantling/repair of affected portion (without relocation)	Owners or renters of shops.	<ul style="list-style-type: none">For businesses (shops), cash compensation equivalent to the average daily revenue for the business over the previous 12 months.It is estimated that it will take one day to move the shops if made of traditional materials (bamboo)/movable (can be carried without totally dismantling the structure) and approximately 3 months of adjustment — to re-establish business in another location. It will take about two days to remove and repair affected portion of shop made of permanent materials (such as good wood and concrete). Because these structures will not be relocated, business can commence as soon as repairs are completed.
Impacts on vulnerable PAP	Vulnerable PAP/PAH such as the poorest, or households headed by women, the elderly, or disabled, and ethnic group.	<ul style="list-style-type: none">An additional allowance of 1-month supply of milled rice per person in the household.Eligible to participate in income restoration program.The contractors will be required make all reasonable efforts to recruit severely affected and vulnerable PAP as laborers for construction works.
Transition subsistence allowance	Relocating households – relocating on residual land or to other sites.	<ul style="list-style-type: none">Relocating PAP/PAH without any impact on business or source of incomes will be provided with cash or in-kind assistance equivalent to 16 kg of milled rice at current market value for 3 months per household member.Relocating PAP/PAH with main source of income affected (i.e., from businesses) or PAP losing heir productive land will be provided with cash or in-kind assistance equivalent to 16 kg of milled rice at current market value for 6



Type of Losses	Entitled Persons	Entitlements
		months per household member.
Permanent loss of physical cultural resources/public structures/village or collective ownerships	Villagers or village households.	<ul style="list-style-type: none">▪ Compensation at replacement cost for present/existing structures based on its present value.▪ Compensation for any ceremonies required to be performed when physical resources are impacted.
Graves located in the affected areas	Owners of graves.	<ul style="list-style-type: none">▪ Compensation for the removal, excavation, relocation, reburial and other related costs, such as required ceremony, will be paid in cash to each affected family.
Temporary Use of Land	Legal owner or occupant.	<ul style="list-style-type: none">▪ For agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) rent to be agreed between the landowner and the civil works contractor but should not be less than the unrealized income and revenue that could be generated by the property during the period of temporary use of the land; (ii) cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and (iii) restoration of the temporarily used land within 1 month after closure of the by-pass route or removal of equipment and materials from contractor's working space subject to the conditions agreed between the landowner and the civil works contractor.▪ The construction supervision consultant will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works will have the least adverse social impacts; (ii) that the landowner is adequately informed of



Type of Losses	Entitled Persons	Entitlements
		his/her rights and entitlements as per the Project resettlement policy; and (iii) agreement reached between the landowner and the civil works contractor are carried out.
Transportation allowance	Relocating households – to other sites.	<ul style="list-style-type: none">▪ Provision of dump trucks to haul all old and new building materials and personal possessions.▪ PAP/PAH may also opt for cash assistance. The amount (cost of labor and distance from relocation site) to be determined during implementation.



A4.3.3 Resettlement Process: Step by Step

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

Adjust designs to anticipate and avoid land acquisition impacts.

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

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

The MPWT PMU and DHUP/DPWT, supported by the ES Consultants, will inform the affected persons along with local authorities of the extent of the land acquisition impacts. A census of all the affected households, including an inventory of the lost assets of those households, shall be conducted by the Secretariat (with assistance of consultants). Based on this, the ESIA consultants will prepare a Abbreviated Resettlement Action Plan/Resettlement Action Plan (RAP), including a detailed measurement survey of the parcels to be acquired and a replacement cost study of the assets to be acquired for the subproject.

A4.3.4 Cut-off dates

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

A4.3.5 Detailed Measurement Survey

A Detailed Measurement Survey (DMS), consisting of census, household socioeconomic and inventory of loss information, will be conducted by the Consultant, , after the completion of the detailed construction plans showing the areas to be impacted, to prepare the inventory of land acquisition impacts on the affected households, assets, and businesses. The affected households should be informed ahead of time of these dates, ideally during the consultations.



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

A4.3.6 Replacement Cost Study and Asset Valuation

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

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

The preparation of Resettlement Action Plan (RAP) will be in compliance with the Decree 84; the new Law on Resettlement and Occupation and the WB's ESS5. A detailed sample outline for a RAP is included in Appendix B. All RAPs will be subject to prior review and approval by the Bank.



A4.3.7 Organizational procedures for entitlement

The MPWT PMU together with the EDPD/PTI has the lead responsibility for implementation of the RPF and implement the Abbreviated Resettlement Action Plan/Resettlement Action Plan (ARAP/RAP) prepared by the consulting firm in accordance to the policies and procedures articulated in the RPF, relevant Lao PDR national laws and decrees, and the World Bank ESF. The WB will clear the site-specific RAPs before its implementation.

The MPWT PMU and DHUP/DPWT with the technical assistance and support from ES Consultants and EDPD/PTI are responsible for supervising and providing implementation support for E&S aspects, including the ESMP, RAP and EGEP. Compensation will be reviewed and managed or monitored by the Provincial and District Resettlement Committees, which will be established in accordance to the Decree 84, 2016 on compensation and resettlement and in line with WB ESS5. Village Resettlement Sub-committees (VRS) will also be established as needed in villages where land acquisition and resettlement will occur, and the VRS will facilitate compensation and consultation with the project affected people and their households and manage the grievance redress mechanism at the village level. The VRS will be established within villages where land acquisition and resettlement impact exist.

It is incumbent upon the MPWT PMU; DHUP/DPWT and with the support from EDPD/PTI and E&S Consultants will form the resettlement committees and provide training and capacity development in relation to the compensation entitlements and ARAP/RAP. The MPWT PMU; EDPD/PTI and E&S Consultants will have a supervisory role and will ensure that provisions contained in the ARAP/RAP are implemented, monitored and reported.

The MPWT PMU will hire a Consulting firm to prepare the ESIA, ESMP including the ARAP/RAP to ensure proper delivery of entitlements relevant to mitigating adverse impacts and compensation. The process for implementing the mitigation measures should include:

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



A4.3.7 Compensation and Other Resettlement Assistance

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

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

Fruit trees, other economic trees and standing crops will be compensated according to the principles in the Decree 84 and the World Bank ESS5. Where possible, affected persons will be allowed to harvest crops before acquisition or temporary use of the land. Proper communication to the PAPs about the schedule of land acquisition to allow crop harvesting shall be provided.

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

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

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

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

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

A4.3.8 Disadvantaged/Vulnerable Individuals or Groups

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



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

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

Meanwhile, some ethnic people may speak Lao, but their level of proficiency may be low, with low understanding and low literacy. While project information can be provided in written forms, vulnerable groups of people may still have difficulty in reading and understanding and may need different targeting methods. Vulnerable groups of people will need to be provided with translation in a minority language or local dialects, as appropriate, sign language, large and readable print, etc. Other considerations may also need to be taken into account, such as choosing accessible venues for events; providing transportation for people in remote areas to the nearest meeting; having small, focused meetings where vulnerable stakeholders are more comfortable asking questions or raising concerns, etc. Interested stakeholders, especially organizations active in the project area which work with vulnerable people/groups (who may be more aware the best ways to engage various vulnerable groups), should be consulted and may be contacted for assistance in engaging with vulnerable groups.

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

A4.4 INSTITUTIONAL ARRANGEMENTS

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

The ES Consultants hired by the Project will work in close supervision from the EDPD/PTI to provide technical support to MPWT PMU and DHUP/DPWT who will be actually planning and implementing the project on the ground, including this EGEF. The ES Consultants will be



tasked with overall supervision and monitoring of the EGEF implementation.

The MPWT PMU; EDPD/PTI and E&S Consultants will be responsible for ensuring that E&S requirements, including RPF requirements are mainstreamed in maintenance planning, design and pre-construction works including tendering and contracting process. At subproject level, DHUP-DPWT and UDAA are responsible for planning and implementation of E&S activities including undertaking day-to-day monitoring of E&S measures to be carried out by contractors. The DHUP-DWPT Project will assign a Environmental and Social focal person specifically to be responsible for the implementation of E&S measures. The MPWT PMU will hire a Consulting firm to be responsible to carry out subproject E&S impact screening, the required E&S planning activities and develop the necessary E&S action plans. The E&S plans will be submitted to the World Bank to request No objection Letter. All the documents will be kept in the project files for possible WB review.

As MPWT PMU and DHUP/DPWT will be responsible for implementation of the subproject ESMP, EGEP, and/or ARAP/RAP including the day-to-day supervision of contractors through the Construction Supervision Consultant (DDIS) and/or filed engineers.

MPWT PMU would be responsible for any resettlement as a result of the civil works related to the proposed landfill. If a RAP is required, to ensure timely implementation of the RAP, at subproject level, DHUP-DWPT will be responsible for day-to-day planning and implementation including serve as the secretariat to the provincial Resettlement Committee (PRC) to be established in the subproject province. The District Resettlement Committee (DRC) and the Village Resettlement Committees (VRC) will assist the PRC and the relevant line departments as needed. Key roles of these committees are highlighted below.

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

- Verification of the loss of land and other assets due to project implementation
- Establishing compensation rates (replacement costs) for affected assets
- Hold public consultation meeting and information disclosure



- Monitor and Report all the resettlement plan activities.
- Coordinate and solve conflicts and problems in the process.

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

- Participate in project impact investigation and assist the compilation of resettlement plan.
- Organize public participation and publicize resettlement policies.
- Implement, monitor and record the resettlement activities within its town.
- Pay and manage land compensation fund.
- Supervise the land acquisition process.
- Report land acquisition compensation and resettlement situation to PRC; • Coordinate and solve any conflict and problem during the process.

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

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

Relevant Line Departments: Under the national regulations, resettlement and land acquisition are the responsibility of MPWT PMU; DHUP/DPWT and EDPD/PTI. As the project owners, they will play a key role in monitoring and coordination, including:

- Organize resettlement training for the major staff of the Resettlement Office.
- Organize and coordinate the development and implementation of RAPs.
- Guide, coordinate and supervise the resettlement activities and resettlement schedule.



- Organize and check the internal monitoring activities, and compile land acquisition compensation and resettlement progress report; and
- Identify the external monitoring organization and assist the external monitoring activities

A4.5 RECORDING AND REPORTING RESETTLEMENT

The MPWT PMU; DHUP/DPWT and EDPD/PTI will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages, and it will provide a copy to the village authorities. Each time land is used by the project the database will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives. Monthly reports on the database will be sent to the national, provincial and district authorities and the World Bank. This will become part of the official documents of the project.

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

During the RAP preparation and implementation regular reporting on a monthly basis will be made to the World Bank by the MPWT PMU; DHUP/DPWT; EDPD/PTI and E&S Consultants, detailing preparatory activities, emerging issues, progress, etc. This would be in addition to the regular progress reports prepared by the EDPD/PTI and E&S Consultants.

A4.6 GRIEVANCE REDRESS MECHANISM

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

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



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

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

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

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

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

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

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



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

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

Stage 3: in cases where grievance still cannot be resolved, or not resolved to the satisfaction of the any complainant, he/she shall have the right to submit a complaint to the Project Manager and Director of the MPWT PMU as desired by the complainant. The administrative arbitration organization shall make the arbitrated decision within 20 days. Like the two previous stages, there are no fees or charges levied for the lodgement and processing of grievances at this level.

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

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

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

Where accessible, complainants may opt to raise their grievances directly to DHUP-MWPT; UDAA or EPFO-PMU via alternative means hotline call and/or text message (WhatsApp) largely used even in most rural area or via the project website to be set up under the project. Contact detail of ES focal staff from MPWT PMU; DHUP/DPWT and EDPD/PTI are responsible for GRM should be provided in project information leaflet/booklet to be prepared and distributed to all project villages well in advance of consulting and GRM training for village mediation committees.



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

Sensitive cases of grievances, such as those relating to Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) or Violence Against Children (VAC) may require a professional or concerned entities to be engaged to help investigate and resolve. Confidentiality shall be preserved for anonymous complaints.

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

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

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

In addition to the Project GRM described above, communities and individuals who believe that they are adversely affected by a WB supported project may submit complaints to the WB's Grievance Redress Service (GRS). GRS is a Bank-executed grievance mechanism that is separate from the project-level mechanism. The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaints to the WB's independent Inspection Panel which determines whether harms occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the WB's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.



A4.7 FUNDING AND IMPLEMENTATION ARRANGEMENTS

A4.7.1 Budget and Financing

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

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

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

A4.7.2 Implementation Schedule

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

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

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



A4.8 INFORMATION DISCLOSURE AND CONSULTATION

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

A4.8.1 Information Disclosure

This RPF has been disclosed at the national level on the EPFO and MPWT website: _____ on _____ 2022. The RPF will also be consulted on and disclosed in national-level consultations on _____, 2022, as per guidelines in the SEP, ahead of the WB project appraisal.

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

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

The disclosure of relevant information will be made in a timely manner in places accessible to APs and the communities and in Lao language and other ethnic languages as appropriate. Information disclosed to PAPs relevant to land acquisition will be done during the first consultation stage, at second consultation stage at the time of the DMS and prior to preparation of the RAP, and at third consultation stage at the offer of the contracts. The RPF



and the RAPs, without sensitive personal information, will also be disclosed on the EPFO; MPWT and the WB websites.

A4.8.2 Consultation and Participation for Components Involving Land Acquisition

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

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

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

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

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

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



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

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

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

A4.9 MONITORING AND REPORTING

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

A.9.1 Internal Monitoring

The purposes of internal monitoring are to ensure the resettlement organizations at various levels can function soundly during the implementation of RAP and ensure the legitimate interests of the affected people will not be violated and the engineering work can progress smoothly. The internal monitoring of the project land acquisition, compensation and resettlement work should be organized by the DHUP-DWPT with the overall guidance from EDPD/PTI. The EDPD/PTI will hire the consultants on environmental and social who will assist the EDPD/PTI and the DHUP-DWPT, on matters related to resettlement and land acquisition. To effectively monitor the work from inside, the personnel responsible for this work in the resettlement organizations will participate in the development and implementation of the RAP. Appendix C provides Indicative of internal monitoring indicators for land acquisition.

A.9.2 External Monitoring

In conjunction with internal monitoring by DHUP-DWPT, it will be important to include procedures for external monitoring and evaluation (M&E). The external M&E function aims to provide regular monitoring and evaluation of land acquisition and voluntary land



donation for the project to assess whether objectives were achieved or not. Through formal surveys, interviews with PAP and PAH, FGD and other information collection methods, the external M&E function would look at the whole process of land acquisition or voluntary land donation for PAP and PAH. The external monitoring will also provide an early alarm function for the project management department and a complaint and grievance channel for PAP and PAH. External monitoring indicators will include:

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



APPENDIXES

Appendix A: Screening Form for Land Acquisition and Resettlement

Name of Commune / Village _____

District _____

Province _____

Name of person completing form: _____

Position of person completing form: _____

Section 1:

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

Yes _____ No _____

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

Section 2:

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

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

If Yes, about how many individuals or households? _____

About how large an area? _____

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

If Yes, about how large an area? _____



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

Section 3:

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

If Yes, how many individuals _____ or households _____?

Is anyone using the land for agriculture (even if it is not their property)? Yes _____ No _____

If Yes, how many individuals _____ or households _____?

Is anyone using the land for another non-agricultural type of livelihood? Yes _____ No _____

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

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

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

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



APPENDIX B: Outline of the Resettlement Action Plan

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

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



Appendix C: Indicative Internal Monitoring Indicators for Land Acquisition

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



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



APPENDIX D: Form to Submit Grievances

Grievance Form ID Number: _____ Date: _____

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

- MPWT DHUP EDPD/PTI Provincial District Village

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

- In person Phone E-mail SMS Website
- Complaint Box / Other advice Community/Village Meeting
- Others _____

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

GENDER: _____

AGE: _____

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

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

REMEDY REQUESTED BY COMPLAINT:

SIGNATURE: _____ DATE: _____

FOR ADMIN USE ONLY:

Grievance Received by: _____

Action taken or required: _____



APPENDIX E: Sample Form of Grievance Redress Mechanism Monitoring

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

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

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

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



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

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

Month/Year.....

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



APPENDIX F: Household Socio-economic survey form.

Land Acquisition and Resettlement Questionnaire

Survey ID No.

A. Province/Municipality:

B. City/District:

C. Khum Ban/Village:

D. Name of Household Head:

E. ID/Family Card No.

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

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

1. HOUSEHOLD DATA

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

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

1.2 Age of the household head?

[1] 20 to 30 years; [2] 31 to 45 years old; [3] 46 to 60 years old; [4] 61 to 75 years old;
[5] Over75 years

1.3 Marital status of the household head?

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

1.4 Education of the household head?

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

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



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

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

1.7 Main and the second most important source of income

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

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

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

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

- 1.8.1 Male
- 1.8.2 Female

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

- 1.9.1 Male
- 1.9.2 Female

1.10 Total household income per year from the following sectors?

LAO

KIP/year

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



1.10.8 Other, specify

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

LAO

1.11.1 Government pension

1.11.2 Government assistance/welfare

1.11.3 Remittances from family members/relatives

1.11.4 Rental income

1.11.5 Other, specify

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

LAO

1.12.1 Vegetables (beans, potatoes, carrots, tomatoes, etc.)

1.12.2 Rice

1.12.3 Other crop

1.12.4 Sale of livestock

1.12.5 Sale of poultry (chicken, geese)

1.12.6 Sale of wood/forest products

1.12.7 Sale of handicrafts

1.12.8 Other, specify

1.13 Type of your house?

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

Corrugated iron [6] Other

1.13.1 Roof

1.13.2 Walls

1.13.3 Floor

1.14 House ownership

1.14.1 Owner

1.14.2. Renter

1.14.3. User

1.15 Number of MALES living in household by age group



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

1.16 Number of FEMALES in household by age group

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

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

1.16.1 Males

1.16.2 Females

1.16.3 Specify illness

1.18 Number of nuclear families living in household

1.19 Main occupation of the Household Head

1.20 Main occupation of the Household Head's Spouse

1.21 Is the Household considered vulnerable? Y/N Please note a Household is considered vulnerable if they are:

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



2. AFFECTED LAND, CROPS AND TREES

2.1 Ownership/Right of land (With land title)

2.1.1 Legal owner/rights

2.1.2 Tenure/Leased

2.1.3 Informal recognized rights

2.1.4 Traditional/customary land use

2.1.5 Renter

2.1.6 No legal right

2.1.7 Other

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

2.2.1 Residential

2.2.2 Agricultural

2.2.3 Commercial

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

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

2.3.1 Residential

2.3.2 Agricultural

2.3.3 Commercial

2.3.4 Other

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

2.4.1 Residential

A. Area in
squaremeter
(m²)

B. Area in
hectares
(ha)

2.4.2 Agricultural

2.4.3 Commercial



2.4.4 Other

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

- 2.5.1 Residential
- 2.5.2 Agricultural
- 2.5.3 Commercial
- 2.5.4 Other

A. Area in squaremeter (m ²)	B. Area in hectares (ha)

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

2.7 Type of crop/garden and the area affected.

A. Area (m²) Rice B. Area (ha)

Other Crops Specify Vegetable Garden Fruit

Trees. Specify

3. AFFECTED STRUCTURE

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

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

3.2 If Yes, number of structures affected

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

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

3.4 TOTAL area of the structures (m²)

Area



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

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

Area
(m²)

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

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

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

3.8 Main construction materials of the affected structure (s)

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

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

3.9 Main house

3.10 Outdoor toilet/bath

3.11 Hut or shed

3.12 Shop or Kiosk

3.13 Stable, animal pen



- 3.14 Wall or fence
- 3.15 Other structure1
- 3.16 Other structure2
- 3.17 A. Roof
- 3.18 B. Walls
- 3.19 C. Floor
- 3.20 Other structures affected
 - 3.20.1 Pagoda and Temples
 - 3.20.2 Graves
 - 3.20.3 Public. Specify

Brief Description

4. OTHER LIVELIHOOD IMPACT

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

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

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

4.2.1 Shop, Kiosk or stall
(vegetables, fruit, grocery/household items etc.)

4.2.2 Food preparation or selling

4.2.3 Mechanic or repair shop

4.2.4 Café, restaurant, beer shops

4.2.5 Home gardening



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

5. RESETTLEMENT OPTION

- 5.1 Preference for type of compensation for affected land legally owned by your household. Choose only one
 - [1] Cash at replacement cost [2] Replacement land (same size or productivity)
- 5.2 Preference for type of compensation for affected house and structures. Choose only one
 - [1] Cash at replacement cost [2] In-kind (material and help to build)
- 5.3 Preference for type of compensation for loss of crops, trees, etc. Choose only one
 - [1] Cash at market value [2] Combination of seedlings and cash
- 5.4 Rating of importance of factors/criteria for selection of resettlement site. Only for eligible households. Fill in all boxes. Rating [1] Most important [2] Important [3] Less important
 - 5.4.1 Close proximity and close to existing Commune
 - 5.4.2 A site within the same district
 - 5.4.3 A site in another district but in the same province
 - 5.4.4 An area with access to schools and health center similar to current situation
 - 5.4.5 An area near a market similar to current situation



- 5.4.6 An area near to a pagoda similar to current situation
- 5.4.7 Accepted by host community
- 5.5** Preference. Answer Y or N
- 5.5.1 Group relocation to new site under the project
- 5.5.2 Individual relocation on land available nearby
- 5.5.3 Self-relocation

6. OTHER RELEVANT INFORMATION

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



ATTACHMENT 5 ETHNIC GROUP ENGAGEMENT FRAMEWORK (EGEF)

EXECUTIVE SUMMARY

This EGEF will be relevant applied to all investments and Components of the EWMP financed by the World Bank (WB) Group that trigger ESS7. The EGEF has been prepared in line with policies and regulations of Lao PDR on ethnicity as well as the World Bank's Environment and Social Framework (ESF).

This EGEF describes procedures to screen for ESS7 applicability Ethnic Groups, procedures to prepare Ethnic People's Plans in case Ethnic groups are found in subprojects and organizational arrangements, among others. This EGEF also provides a general overview of Ethnic Groups in the country and the five project provinces, the legislative framework in Lao PDR and gaps with the WB's ESS7 and the process for grievance redress.

Summary of Project Description

The key project objectives are to:

- Improve environmental management, pollution control, and waste management in selected provinces/districts of Lao PDR;
- Support policy development and institutional strengthening at the national level. At the provincial and district levels, the Project will focus on supporting improved solid waste services and increasing the financial and environmental sustainability of solid waste management operations through technical assistance and investments in infrastructure and equipment. The project will facilitate the creation of models for solid waste management in selected cities that can demonstrate improved and cost-effective performance and serve as inspirations for other cities.

The EWMP project consists of five interrelated components or subprojects which set out different key objectives and expected outcomes:

- Component 1: National Policy and Institutional Capacity Development.
- Component 2: Integrated Support and Capacity Building for Local Government.
- Component 3: Infrastructure investments for solid waste and plastic management.
- Component 4: Project coordination and reporting.
- Component 5. Contingent Emergency Response.

Summary of Requirement for Ethnic Peoples Engagement Framework (EGEF)

Given that there are several different Ethnic Groups in provinces where the project will take place, this EGEF has been developed to screen the presence of Ethnic Groups in line with the



World Bank's Environment and Social Standard 7 on Indigenous Peoples (ESS 7) and provide guidance for the preparation and implementation of assessments tools and mitigation instruments. Following ESS7, to be considered as Indigenous Peoples (here after Ethnic Peoples) by this project, groups need to possess the following characteristics in varying degrees: (a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and (b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and (c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and (d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Summary of Steps to Identify Ethnic Groups based on this EGEF

The following is a summary of the steps that will be followed in terms of screening, social assessment, and preparation of an Ethnic Group Engagement Plan (EGEP). Full details are provided in the document.

- a) Screening by EPF PMU and MPWT PMU to identify whether Ethnic Groups, as per WB ESS7, are present in, or have collective attachment to, the project area. If there are no ethnic groups found, MPWT should explain the process for determining this and document it in the ESMP and no further steps are needed.
- b) If the screening concludes that ethnic peoples are present in, or have collective attachment to, the project area, EPF PMU and MPWT PMU shall conduct a Social Assessment following guidance in this EGEF with assistance from consultants as necessary. The Social Assessment may be part of the Project's Environment and Social Impact Assessment (ESIA) which will be undertaken in 2022, or separate.
- c) Based on the Social Assessment and consultations, EPF PMU and MPWT PMU would need to prepare an Ethnic Group Engagement Plan (EGEP) with assistance from consultants from EPF PMU and EDPD/PTI for MPWT as necessary, based on requirements in this EGEF.
- d) Approval by the World Bank and disclosure of the draft Ethnic Group Engagement Plan to the public.

Potential Impacts

A summary of potential direct, indirect, downstream and cumulative impacts on Ethnic Groups is as follows:

- land acquisition, economic displacement and possible loss of access to properties;



- risk for vulnerable groups if they are physically or economically displaced by the project;
- road safety and increase of heavy traffic during project operation but also related risks during construction;
- increased risk of Gender Based Violence (GBV), Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) and Violence Against Children (VAC) from workers (including in training/TA activities) and their proximity to vulnerable groups
- impacts to cultural and spiritual spaces of Ethnic Groups.
- Possible health and safety risk of COVID19 transmission; and
- Potential impact on cultural heritage
- Risks in the supply chain (such as underage or forced labour)



A5.1 PROJECT DESCRIPTION

In Lao People's Democratic Republic (Lao PDR,) rapid development during the past 10 years (pre-Covid-19) has resulted in degradation of natural resources and environmental quality and increase generation of solid wastes while the Government of Lao PDR (GOL) through the Ministry of Natural Resources and Environment (MONRE), the Ministry of Public Works and Transport (MPWT), and the Environmental Protection Fund (EPF) has been preparing a project, namely Environment and Waste Management Project (EWMP), for possible financing by the World Bank (WB). The project will be implemented in 2023 to 2029 with a total budget cost of \$ 45.08 million b Project objectives and activities are provided in Chapter 2 and Annex 1 of the ESMF.

The WB's Environmental and Social Framework (ESF) will be applied to the project. With support from the WB on-going project, a team of international and national consultants have been mobilized to prepare ESF documents are necessary for the project comprising an Environment and Social Commitment Plan (ESCP), a Stakeholders Engagement Plan (SEP), and Environment and Social Management Framework (ESMF), a Social Impact Assessment and Social Management Plan (SIA-SMP), and a Pre-ESIA (PESIA) for selected site. Scope of the ESCP, SEP, ESMF, and SIA-SMP will cover all components while Pre-ESIA will cover only Component 3. This document is the ESMF of the EWMP which will cover all project components.

Main development objective of EWMP is to strengthen environmental protection systems, improve municipal solid waste management in selected cities in Lao PDR, and provide immediate and effective response in case of an Eligible Crisis or Emergency. The activities will support policy development and institutional strengthening at the national level to enhance regulatory oversight and planning of the solid waste sector, supporting environmental risk management and climate change actions, and enhance monitoring and regulation of key types of pollution in the country.

At the provincial and district levels, the Project will focus on supporting improved solid waste services and increasing the financial and environmental sustainability of solid waste management operations through technical assistance and investments in infrastructure and equipment. The project will facilitate the creation of models for solid waste management in selected cities that can demonstrate improved and cost-effective performance and serve as inspirations for other cities.

The project will seek to comprehensively support stakeholder collaboration across all aspects of the sector, most notably MONRE, MPWT, EPF, as well as local governments responsible for solid waste management.

The project will measure its success by the following indicators:

- (e) Environmental protection system (practices) improved (score)



- (f) Increase coverage of municipal waste collection from households and businesses in Vientiane Capital (percentage)
- (g) Solid waste recycled, composted and/or treated to reduce waste disposal volumes (percentage)
- (h) Net greenhouse emissions reduction (metric tons/year)

(d) Project Components

The project activities will be implemented through the following 5 components:

- **Component 1 (C1): Policy Implementation and Capacity Enhancement.** This component will strengthen the policies, institutional framework, and capacities of central government agencies (particularly MONRE and MPWT) responsible for various technical and administrative aspects of environmental, pollution, solid waste, and plastics management, including initiating a matching grant mechanism with selected private sector. The activities will be implemented by responsible agencies through the following five subcomponents as presented in Table 1-1:

TABLE 0-1: C1 SUBCOMPONENTS (REFERENCE: REPORT NO: PAD4795)

Component	Lead Implementing Agency	Total Budget (US\$ millions)
Component 1. Policy Implementation and Capacity Enhancement (PICE)	MONRE	12.12
Subcomponent 1A. Policy and capacity support on EIA/IEE/SEA, solid waste management, and Toxic and Hazardous Waste (THW)	DOE/DWR-MONRE	2.72
Subcomponent 1B. Capacity and Financial support to SMEs on environmental and waste management	EPF	2.36
Subcomponent 1C. Policy and capacity support on ECC compliance and pollution monitoring framework	DNEI/NRERI/DWR-MONRE	3.65
Subcomponent 1D. Policy and Capacity support on Climate change: low carbon resilient development	DCC-MONRE/ DOP-MPI	1.5
Subcomponent 1E. Policy and capacity support on plastics policies and legislation	DOE/DPF-MONRE	1.59

- **The Matching Grant (LEMGP):** The proposed matching grant activities (called Lao Environmental Matching Grant Program or LEMGP) seeks to initiate active engagement with a selected small-and medium-size enterprises and businesses (SMEBs) that can provide resources or practical solutions for solving the most pressing issues related to effective use of natural resources, waste generation, environmental quality, and pollution control challenges taking into account the



needs and opportunities for selected SMEBs to continue with their businesses after Covid-19 pandemic and contribute to economic growth toward green growth direction. Eligible applicants include SMEs per the SME law and small/medium size businesses including local authorities and local communities that are committed and capable of planning and implementation of a Green Business Plan (GBP) or Green, Clean, and Beautiful Plan (GCBP) in line with GOL regulations and located in the target/project areas. Total cost for LEMGP is estimated at \$1.5M. With a maximum matching grant of \$100,000 per one PSMEB who can sign a Sub- grant Agreement with EPFO (as suggested by WB), it is expected that 10-15 green plans will be prepared and implemented. The activities to be implemented within 1-2 year time frame.

- **Component 2 (C2): Integrated Support and Capacity Building for Local Government and Municipalities.** This component seeks to address primary constraints to improving sector performance including the technical, organizational, and financial capacity of local governments to efficiently provide solid waste services. This component will support local governments to better prepare for investments under Component 3. The activities will be implemented by responsible agencies through the following three subcomponents as presented in Table 1-2:

TABLE 0-2: C2 SUBCOMPONENTS (REFERENCE: REPORT NO: PAD4795))

Component	Lead Implementing Agency	Total Budget (US\$ millions)
Component 2. Integrated Support and Capacity Building for Local Government and Municipalities	MONRE	4.54
Subcomponent 2A. Support and Capacity Building for Local Gov't on waste and pollution data and information systems and waste service	DNEI/NRERI-MONRE	0.09
Subcomponent 2B. GCB and 3R projects + capacity building for NPAP/plastic policies implementation in targeted districts	DOE-MONRE	3.92
Subcomponent 2C. Support to private-public partnerships and enhancing output-based waste service delivery and cost recovery capacity	TBD	0.53

- **Component 3 (C3): Infrastructure investments for solid waste and plastic management.** This component will finance waste management and recycling infrastructure investments in Vientiane Capital to improve the effectiveness and efficiency of waste and plastics management to enhance services and environmental sustainability in three selected locations in Vientiane Capital including (i) in Naxaythong district for installing a new waste transfer station; (ii) at the Km 16 in Xaysettha district for upgrading a material recovery facilities and support waste collection and transportation equipment; and (iii) at the Km32 (existing landfill) in in



Xaysettha district for partial rehabilitation and construction of waste cells and leachate treatment facility, temporary hazardous waste storage facility, waste reception area, upgrading waste recycling facilities and associated facilities. Potentially, investments in riverine plastics collection technologies will be provided under this Component, including support on setting up viable operations and disposal systems and integration into general SWM system. This will be combined with the establishment of plastics pollution monitoring stations and provide citizen science and reporting possibilities for monitoring of impacts. The activities will be implemented by responsible agencies through the following two subcomponents as presented in Table 1-3:

TABLE 0-3: C3 SUBCOMPONENTS (REFERENCE: REPORT NO: PAD4795)

Component	Lead Implementing Agency	Total Budget (US\$ millions)
Component 3. Waste and plastics management Infrastructure Investments	MPWT	24.62
<p>The investments will be divided into three locations strategically selected in Vientiane Capital to maximize the waste-to-resource opportunity, minimize the waste volume that will be landfilled at Km32, and mitigate the negative environmental and social impacts from waste management. The three sites are as follows:</p> <ul style="list-style-type: none"> • At Naxaythong district in north-west of Vientiane Capital will install a new waste transfer station with material recovery facility, waste collection and transportation equipment with waste transfer function. • At Km 16 in Xaysettha District, upgrade to a material recovery facility and support waste collection and transportation equipment. • At the current landfill at Km32 will be partially rehabilitated to extend the lifetime of the landfill and also to install the waste reception area, upgrading of waste recycling facility, ensure a safe and healthy working environment of informal waste pickers, improve the leachate treatment and regulation facility to mitigate the direct discharge of leachate to the surrounding area and also install the storage for hazardous waste to safely store the toxic and hazardous materials. 	DHUP	24.62



- **Component 4: Project coordination and reporting.** This component will focus on inter-ministerial coordination, progress reporting, and monitoring and evaluation. Strengthening implementation and management capacity will involve support for project management and monitoring and evaluation systems across the implementing agencies at all levels. The activities will be implemented by responsible agencies through the following two subcomponents as presented in Table 1-4:

TABLE 0-4: C4 SUBCOMPONENTS (REFERENCE: REPORT NO: PAD4795)

Component	Lead Implementing Agency	Total Budget (US\$ millions)
Component 4. Project Coordination and Reporting	EPF	3.81
Subcomponent 4A. Project management and administration	EPF	2.90
Subcomponent 4B. Communication, Engagement, and EPF Capacity building	EPF	0.91

- **Component 5. Contingent Emergency Response (CERC).** This component is designed to provide swift response in the event of an eligible crisis or emergency, by enabling the GOL to request the World Bank to reallocate project funds to support emergency response and reconstruction.

Under Component 1, the project activities will be implemented nationwide on the part related to policy, regulations, and technical assistance (TA) while some activities such as those related to the matching grant (C1A) and the National Plastic Actions Plan (NPAP) (C1E). However, given limited budget, it is expected that these activities will be conducted in Vientiane Capital and nearby provinces. Under Component 2, the project activities will be conducted in specific areas to be identified during project implementation according to the objective and scope of the Subcomponent activities (C2A, C2B, and C2C). The activities areas will be limited to Vientiane Capital, Vientiane Province and Oudomxay Province,

Component 3 will finance waste management and recycling infrastructure investments in Vientiane Capital in Xaythany District and Naxaythong district. In Xaythany district, there are two specific sites: one at the km 32 (the existing landfill) and another at the existing waste facilities at km16. In Naxaythong, specific site and activities are being considered. More details can be found in Pre-ESIA and SIA-SMP.

More details are provided in Annex 1 of the ESMF.

A5.1 PURPOSE OF THE ETHNIC GROUP ENGAGEMENT FRAMEWORK (EGEF)

The World Bank’s Environment and Social Standard 7 (ESS7) on Indigenous Peoples (herein referred to as Ethnic Group or Ethnic Peoples) may be triggered for this project if Ethnic Groups are found in, or have collective attachment to project areas as defined in ESF ESS7. .



This Ethnic Group Engagement Framework (EGEF) has been prepared to provide guidance to the project. .

The PMU-EPFO; PMU-MPWT and MONRE will be responsible for screening for ethnic groups and, if relevant, ensuring active participation of the different resident ethnic peoples and their representatives in the project stakeholder engagement activities and that any information shared is sensitive to their cultural needs. Screening will also be undertaken for capacity building activities.

Once detailed designs are available, and likely adverse impacts known, Ethnic Group Engagement Plans (EGEPs) can be prepared for locations where ESS7 is triggered.. The EGEP will need to be prepared in line with this EGEF. Tthe Grievance Redress Mechanism (GRM) for the project may need to be adjusted taking into consideration the needs of ethnic groups, and accessibility for ethnic groups to submit feedback or grievances. Whenever feasible, locally appropriate GRMs shall be built upon. Also, whenever feasible, the GRM shall include traditional grievance or conflict resolution systems.

If impacts related to one or more of the circumstances requiring Free Prior and Informed Consent (FPIC) in line with ESS7 are required, then FPIC will be used for engagement, in the undertaking of assessments, and informing frameworks and plans.

There is a need to ensure that ethnic groups are not excluded from any benefits and that there is equity in the benefits, especially from other capacity building activities. Special attention to the needs of ethnic groups when engaging them will be needed, including ensuring translation into relevant languages during consultations of key issues and measures. Ethnic group interpreters will be used to address the language barrier to avoid misunderstandings and enhance cooperation and support full participation in activities. Therefore, at least one Ethnic Group interpreter will be used in each consultation and communication with Ethnic Group villages, regardless of where the village is located, to ensure that all villagers, especially the elderly and children, who often do not speak Lao fluently, are able to fully understand information provided by the project. Also, since ethnic languages may not be written, communication materials will need to take this into account and adapt so that messages can still reach Ethnic Groups.

A5.3 OVERVIEW OF THE ETHNIC GROUPS (EG) IN LAO PDR

Lao PDR is a culturally diverse country, comprising of 49 ethnic groups, classified into four ethnolinguistic families namely Hmong Iew Mien, Mone-Khmer, Chine-Tibetan and Lao-Tai. These ethnic groups are further divided into around 200 sub-ethnic groups. The Main Ethnic Groups are **Mon-Khmer, Hmong-Mien, Sino-Tibetan and Lao-Tai**. The term “Ethnic Groups” is often used for ethnic minority groups belonging to the first three ethno-linguistic families (Hmong-Mien, Mon-Khmer and Sino-Tibetan) who meet the characteristics and definition of Indigenous Peoples under ESS7. The Constitution (amended 2015) recognizes ethnic groups’ self-identification as members of a distinct cultural group with a separate identity from the



mainstream society.

Ethnic groups in Lao PDR have diverse social structures and cultures, but they all share a common socioeconomic base: that is, they rely heavily on primary agricultural activities and natural resources for their livelihoods. Their levels of access to modern socioeconomic development vary from one location to another depending on how the Government allocates common resources and provides support to such areas. Each ethnic group has its own dialect, customs and cultural characteristics, but not one of these groups has its own territory within the country. Instead, all ethnic groups share common territory and have lived together peacefully for many generations. Each of the groups is distinctive in ways that are sometimes readily apparent, such as the brightly colored costumes of the Hmong, Akha, Khmu and the Yao. Other ethnic groups, such as the Tai, are not as obviously identifiable.

Most non-Lao ethnic groups (Ethnic Groups hereafter) are tied to their ancestors' land and forest spirits. For this reason – and because their livelihoods are heavily dependent on the land, forests and rivers – their villages are often small and isolated from one another.

A5.3.1 Ethnic Groups in Project Areas

All households in the three villages in the nearby existing landfill in KM32 or Xaythany district identified themselves as Laotai, which falls under the Tai-Kadai family, also being referred to as Lao-Loum. A vast majority of the population in the three villages are Buddhist. Every village has a temple. The proposed transfer station in Naxaythong District encompasses three villages, the population of which is composed of three ethnic groups: Lao, Hmong, and Kmu, but most of these are Lao under the Tai-Kadai family, which is also referred to as Lao. The major religion of these communities is Buddhist, with a minority of Christian and animist. There are Buddhist temples in these three communities. However, there is also a Christian church in Ban Nathone.

A5.4 LEGAL FRAMEWORK AND REGULATIONS

A5.4.1 Policies, Laws, Rules and Regulations on Ethnic Groups in Lao PDR

1) Constitutions of the Lao PDR (Amended 2015)

Lao PDR does not have specific legislation for its ethnic groups. However, the former 1991 Constitution and current adjusted Constitution of 2015 (chapter four, articles 34-51) guarantee that all Lao people have fundamental rights and obligations to develop the country. The Constitution defines Lao PDR as a multi-ethnic State, with equality among all ethnic groups.. The Constitution defines Lao PDR as a multi-ethnic State, with equality among all ethnic groups.

Article 8 states that:



The State pursues the policy of promoting unity and equality among all ethnic groups. All ethnic groups have the right to protect, preserve and promote the customs and cultures of their own tribes and of the nation. All acts of creating division and discrimination among ethnic groups are forbidden. The State implements every measure to gradually develop and upgrade the economic and social level of all ethnic groups.

Article 13 states that *“The country’s economic system is for the purpose of improving the living standards, both materially and spiritually, of Lao PDR’s multi-ethnic people.”*

Article 19 emphasizes the importance of building schools to provide education for all, especially in areas inhabited by ethnic minority groups.

Article 35 guarantees that Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.

2) Ethnic Minority Policy (1992)

The Resolution of the Political Bureau Concerning the Affairs of Various Minorities, especially the Hmong Minority (Hmong Policy 1981) adapted in 1981 was the first explicit statement of policy on ethnic groups since the founding of the Lao People’s Democratic Republic in 1975. The policy also attempted to improve the living conditions of Hmong people, and to increase national security for the country as a whole. In 1992, the policy was adjusted and developed into a resolution of the Administrative Committee of the party to become The Ethnic Minority Policy under the Resolution on Ethnic Affairs in the New Era, which applies to all ethnic groups throughout the country. There are no specific articles in it, rather it is an agreement on the principles that all ethnic groups should have improved access to services and that all discrimination must be eradicated. The general policy of the GoL concerning ethnic groups was designed to:

- Build national sentiment (national identity);
- Realize equality between ethnic groups;
- Increase the level of solidarity among ethnic groups as members of the greater Lao family;
- Resolve problems of inflexible and vengeful thinking, and economic and cultural inequality;
- Improve the living conditions of the ethnic groups step-by-step; and
- Expand, to the greatest extent possible, the good and beautiful heritage and ethnic identity of each group and their capacity to participate in the affairs of the nation.



The policy calls for protection against and eradication of dangerous diseases and to allow ethnic groups to enjoy good health and a long life. The GoL is expected to provide appropriate investments to enlarge the health care network by integrating modern and traditional medicine.

Disseminating information in the remote areas is mandated, through many methods, especially, radio broadcasting in minority languages. The plan calls for engagement of specialist officials who speak minority languages and who possess knowledge of science, production, and socioeconomic problems.

The Ethnic Minorities Committee under the National Assembly is charged with the responsibility to draft and evaluate proposed legislation concerning ethnic groups, lobby for its implementation and implementation of socioeconomic development plans. Ethnic groups' research is the responsibility of the Institute for Cultural Research under the Ministry of Information, Culture and Tourism (MoICT). The lead institution for ethnic affairs is the mass (political) organization, the Lao National Front for Construction, which has an Ethnic Affairs Department.

The 1992 policy on ethnic groups focuses on realizing equality between ethnic groups and gradually improving the lives of ethnic groups while promoting their ethnic identity and cultural heritage. The Lao Front for National Development (LFND) introduced an official ethnic classification into forty-nine main groups comprising four ethno-linguistic facilities, namely the Lao-Tai (62.4 percent), Mon-Khmer (23.7 percent), Hmong-lu Mien (9.7 percent), and Chine-Tibetan (2.9 percent)¹⁹.

3) The 9th National Socioeconomic Development Plan (2021-2025)

The activities indicated in the 9th National Socioeconomic Development Plan for 2021-2025 (NSEDP) are focused on the three transformative results aiming to; end maternal mortality, end unmet need for family planning, including among adolescent girls and end gender-based violence and harmful practices such as early marriage; ensure youth receive age-appropriate comprehensive sexuality education through school curriculums nationwide and innovative adolescent youth friendly services; implement policies and Gender equality Law; establish a referral pathway and make dignity kits available in humanitarian emergencies, increase investments for adolescents, especially young women through the “Noi framework” of 2030. The 2030 Noi Framework provides a platform for partners to address challenges Lao girls (10-19 yrs old) face in education, sexual and reproductive health, nutrition, employment and gender equality, as well as their opportunities to participate in decisions that matter to them. Tracking indicators in these areas, partners will work together to

¹⁹ Lao Statistics Bureau. 2016. Results of Population and Housing Census 2015.



ensure young girls today grow up to be productive citizens living fulfilling lives by 2030 in line with the Sustainable Development Goals (SDGs).

4) Land Law (2019)

According to the revised Land Law 2019, land in Lao PDR is the national community property, where the State represents the owner of the rights in the management of land in a centralized manner across the country. The State grants the rights on long-term and secured land use to individuals, collective groups and organizations of Lao citizens (Article 3). The State acknowledges and protects the customary land use rights of individuals. The acquisition of customary lands refers to land acquisition and use by Lao citizens through exploration, development, protection and regular land use for more than 25 years, prior to the effectivity of the Land Law and without the need to provide document certifying the acquisition, except for a document from village administrative authorities and of the owners of nearby land certifying continuous land acquisition and use, without any disputes or in case with disputes, being already settled (Article 130).

5) A National Guideline on Consultation with Ethnic Groups

The guideline on consultation with ethnic groups was launched by the Lao Front for National Development (LFND formerly known as LFNC), in 2013, in line with the National Guideline on Public Involvement, 2012. It aims to ensure that all ethnic groups who benefit from or are adversely affected by a development project, without regard to the source of funding, are fully engaged in a meaningful consultation process at all stages from preparation into implementation. The guideline also aims to ensure that the potentially affected ethnic groups are fully informed of project objectives, as well as their potential positive and adverse impacts on their livelihood and their environment, and provided with opportunities to articulate their concerns. The guidelines provide principles and processes to carry out meaningful consultations with, and obtain Free, Prior and Informed Consent (FPIC) of all ethnic groups affected by developments projects in a culturally sensitive manner. The guideline consists of: a) objectives and scope, b) consultation process with ethnic groups at respective stages of development projects, c) consultation approaches and methods for different ethnic groups in a cultural sensitive manner, d) expected outcomes of consultation at each stage, and e) implementation arrangement and responsibility.

6) Law on Grievance Redress or the revised Law on Handling Petitions 012/NA

The Law on Grievance Redress or the revised Law on Handling Petitions 012/NA approved on December 5, 2014 and the President in 2015 provides provisions of objectives, principles and process of applying and handling different types of grievance, petition and complaints that may be raised by citizens. The Grievance Redress Law divides grievances into three categories as follows:

- d. Proposals is to be applied to and resolved by concerned authorities.



- e. Grievance is to be applied to and resolved by judicial institutions and court
- f. Petition is to be applied to and resolved by Provincial and National Assembly.

The Law on Handling of Petitions 012/NA, 2015, which has superseded the old version of Law on Grievance dated November 5, 2005 applies and protects rights and interest of all citizens and entities, state organizations, community and individuals with the aim to ensure justice, social security and order.

7) Gender

The Law on Preventing and Combating Violence Against Women and Their Children (VAWC), No. 56/NA 2014 defines the principles, rules and measures for preventing and combating VAWC by prevention, protection, provision of assistance to victims of violence and handling of such violence to protect the rights and legitimate interests of women and children; aims to eliminate all forms of VAWC, uphold the roles and dignity of women and children, achieve gender equality, and contribute to developing society in order to maintain peace, public order, solidarity, justice and civilization, and protect and develop the country. The Law is designed to specifically address VAWC that results in or is likely to result in danger, harm, or physical, psychological, sexual, property or economic suffering by women and children.

Gender mainstreaming has been included by the Lao government's National Assembly during as indicated in its National 9th NSEDP 2021-2025 and the 2030 Noi framework, with the emphasis on the protection of the rights of adolescent girls. The aims are to ensure gender equality and empower women in politics, economics, sociocultural affairs and family decision-making; reduce considerably discrimination and violence against women. These include recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW) and Implementation of the national action plan for prevention and elimination of violence against women and children.

8) Relevant International Agreements

The Constitution of Lao PDR has been amended to incorporate human rights principles outlined in the international treaties and conventions of which Lao PDR is a signatory party. Chapter four, articles 34 to 51 explain the basic rights of Lao citizens. In addition, basic rights as delineated in international instruments are included in many other national laws, such as the Law on the Protection of the Rights and the Interests of Children, 2006. The GoL set up the National Human Rights Research Centre in Vientiane, whose main objective is to support, encourage, and implement human rights within the country. Its mandate also considers the carrying out of research on ethnic groups. The Centre was approved by Decree No. 95, dated 11/07/06 and by Prime Minister's Decree, No. 137, dated 24/07/2006. Lao PDR has been a member of the International Labour Organization (ILO) since 1964. Lao has ratified eight ILO Conventions, including five of the eight ILO core Conventions. Convention 169 on



Indigenous Peoples has not been ratified (Table A5-1).

TABLE A5-1 INTERNATIONAL TREATIES AND CONVENTIONS IN LAO PDR

No	Name of Convention	Date of Signature	Date of Ratification/ Accession
1	International Covenant on Civil and Political Rights	7 December 2000	29 September 2009
2	Convention on the Rights of Persons with Disabilities	15 January 2008	29 September 2009
3	International Convention for the Protection of All Persons from Enforced Disappearance	29 September 2008	Not yet ratified
4	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Not yet signed	Not yet ratified
5	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	21 September 2010	26 September 2012
6	Convention on the Rights of the Child		8 May 1991 (a)
7	Convention on the Elimination of All Forms of Discrimination against Women	17 July 1980	14 August 1981
8	International Covenant on Economic, Social and Cultural Rights	7 December 2000	13 February 2007
9	International Convention on the Elimination of		22 February 1974 (a)



No	Name of Convention	Date of Signature	Date of Ratification/ Accession
	All Forms of Racial Discrimination		
10	UN Convention Against Corruption	10 December 2003	29 September 2009
11	UN Declaration on the Rights of Indigenous Peoples		13 September 2007

A5.4.2 World Bank’s Environment and Social Standard 7 (ESS7) on Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities (hereinto referred as Ethnic Peoples)

The ESS7 of the World Bank recognizes that Indigenous Peoples (IPs), or Ethnic groups as used in this project, have identities and aspirations that are distinct from mainstream groups in national societies and often are disadvantaged by traditional models of development, and that they are inextricably linked to the land on which they live and the natural resources on which they depend. IPs are therefore particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded. Projects may also undermine language use, cultural practices, institutional arrangements, and religious or spiritual beliefs. The ESS7 recognizes the roles of men and women in indigenous culture, often different from those in the mainstream groups and that women and children have frequently been marginalized both within their own communities and because of external developments and may have specific needs.

The objectives of ESS7 are:

- To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Ethnic Peoples.
- To avoid adverse impacts of projects on Ethnic Peoples or, when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts
- To promote sustainable development benefits and opportunities for Ethnic Peoples in a manner that is accessible, culturally appropriate and inclusive.
- To improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the Ethnic Peoples affected by a project throughout the project’s life cycle.
- To obtain the Free, Prior, and Informed Consent (FPIC) of affected Ethnic Peoples as described in ESS7; and



- To recognize, respect and preserve the culture, knowledge, and practices of Ethnic Peoples, and to provide them with an opportunity to adapt to changing conditions in a manner and in a time- frame acceptable to them.

The World Bank requires Free, Prior and Informed Consent (FPIC) from ethnic groups in a project when the following circumstances apply:

- a) Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation. Examples of the adverse impacts include:
 - Potential tension with communities, including customary communities' areas and their ancestral territories located near forest areas.
 - Reduced or loss of access to forest areas used for subsistence livelihood purposes.
- b) Cause relocation of Ethnic Peoples from land and natural resources subject to traditional ownership or under customary use or occupation; or
- c) Have significant impacts on Ethnic Peoples cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Ethnic Peoples' lives.

At this stage of project preparation, it is not clear whether the EWMP will have impacts that will trigger the conditions for FPIC.

A5.4.3 Gap Analysis

The term "ethnic" is used to refer to all groups of people in the country, rather than certain specific groups as defined by the ESS7 of the World Bank. As stated above, in this EGEF, the term "ethnic groups" or "ethnic people" are used for reference to groups other than the Lao ethnic group for the sake of clarity. Some ethnic groups have identities and aspirations that are distinct from mainstream Lao groups and often are disadvantaged by traditional models of development, and that they are inextricably linked to the land on which they live and the natural resources on which they depend as per ESS7.

While there are some complementary links between laws and regulations of the Lao PDR related to ethnic groups and the World Bank's ESS7, there is the lack of sufficiently detailed regulations or operating procedures to facilitate full implementation of the EGDF, and on how to conduct Free, Prior and Informed Consent (FPIC). There are no specific requirements for FPIC by the laws and regulations of the Lao PDR as those provided by the ESS-7. The EGEF is therefore prepared based on the ESS7 of the World Bank, considering relevant policies, laws, and regulations of the Lao PDR. Clear mechanisms for FPIC, if applicable, are outlined in this EGEF. The EGEF also outlines a Grievance Redress Mechanism (GRM), based on the GRM for the project, which would have to be further refined in consultation with



ethnic peoples. Training and capacity buildings will also be conducted to make sure that the PMU strengthen their knowledge on these issues.

To assist with the consultations, the Stakeholder Engagement Plan (SEP) has also been developed to ensure that there are clear mechanisms for stakeholder engagement throughout the project life cycle. This EGEF and SEP would be used together to make sure that consultations are carried out in a way that is consistent with the needs of ethnic groups if they are found to have collective attachment to the project areas and should be further refined in consultation with the ethnic groups (if found). Using appropriate translators or ethnic language speakers, with village groups split by gender, to discuss the potential impacts of project activities, both positive and negative

Circumstances needed for FPIC are also detailed. The Lao Front for National Development (LFND) will be a partner of the project, especially when it comes to ethnic group issues and consultations. The LFND will have an active role in the development of this EGEF and SEP, and in case of impacts related to land acquisition, the RPF will apply, following the requirements in ESS5 as well as ESS7, if applicable.

A summary of what to follow under the project based on the identified gaps is as follows:

- a) The term “ethnic groups” or “ethnic people” are used for reference to groups other than the Lao ethnic group for the sake of clarity.
- b) This EGEF is prepared in accordance with the ESS7 of the World Bank, considering relevant policies, laws, and regulations of the Lao PDR and will guide the engagement with ethnic groups consistent with the definition of IGs in ESS7 found in the EWMP area.
- c) The EGEF will be further refined in consultation with ethnic peoples.
- d) Training and capacity buildings will be conducted to make sure that the PMU and CMUs staff are ethnic and gender sensitive and aware of ethnic culture and expectations
- e) To ensure a clear mechanism for stakeholder engagement, including ethnic groups, the SEP developed for this project is to be followed. The SEP and EGEF will be used together to make sure that consultations are carried out in a way that is consistent with the needs of ethnic groups.
- f) The LFND and LWU will continue to be the key partners of the project, especially when it comes to ethnic group issues and consultations.

A5.5 POTENTIAL IMPACTS AND MITIGATION MEASURES ON EG

The standard on Assessment and Management of Environmental and Social Risks and Impacts (ESS1) requires the LEWM Project to:



- Identify, assess, evaluate, and manage environment and social risks and impacts and adopt a mitigation hierarchy where the project:
- Anticipates and avoid risks and impacts;
- Where avoidance is not possible, minimize or reduce risks and impacts to acceptable levels;
- Once risks and impacts have been minimized or reduced, mitigate; and
 - Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible.
- Adopt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable
- Utilize national environmental and social institutions, systems, laws, regulations and procedures where appropriate;
- Promote improved environmental and social performance, in ways which recognize and enhance the capacity of the stakeholders involve in the LEWM Project.

While the LEWM project will have minor impact on ethnic groups, it has been initially assessed that they will also experience some positive impacts due to various development interventions like improved the landfill area and possible participation in the Matching grant activity which come during the implementation of the LEWM Project.

Given the employment and supply chain opportunities that will be created from the project, labor influx in project areas is expected.

Specific requirements to manage risks associated with labor influx, related to the interaction between project workers, local communities and ethnic groups, such as communicable diseases, SEA/SH, GBV and VAC, will be managed through contractual requirements, code of conduct and trainings of contractors.

A influx of male labor may lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work. This can lead to inappropriate and criminal behavior, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community in general and ethnic groups in particular.

While the above impacts are also relevant to non-Ethnic Groups, they may be more pronounced for Ethnic Groups due to language barriers, cultural norms and potential health vulnerabilities. For example, Ethnic Groups may be more impacted by Covid-19 transmission. They may also be more vulnerable to GBV, SEA/SH and VAC due to lack of information and/or their status (and potential discrimination against them) may make them targets.



Potential mitigation measures identified during the preparation stage – which would need to be further refined working with any identified ethnic groups – include:

- a) If ethnic groups in line with ESS7 are found in the project area, through the Social Assessment, part of the Environment and Social Impact Assessment (ESIA) or separate, a nuanced understanding of how ethnic groups including how they derive their livelihoods and any impacts that could result as a result of the improvement of the existing landfill.
- b) Consultation with ethnic groups on issues that would be relevant as a result of labor influx in the area;
- c) Mitigation measures designed together with ethnic groups where possible;
- d) An understanding of benefits and impacts of the project's capacity building component on ethnic groups, and a consultative process to ensure any benefits are maximized and impacts avoided or minimized;
- e) A consultative process for Free, Prior and Informed Consent under ESS7, if applicable. FPIC is applicable in a limited set of circumstances (as detailed in ESS7). Otherwise, a culturally appropriate process of meaningful consultation will be followed.

A5.6 STEPS TO FOLLOW: SCREENING, SOCIAL ASSESSMENT AND PREPARATION OF EGEP

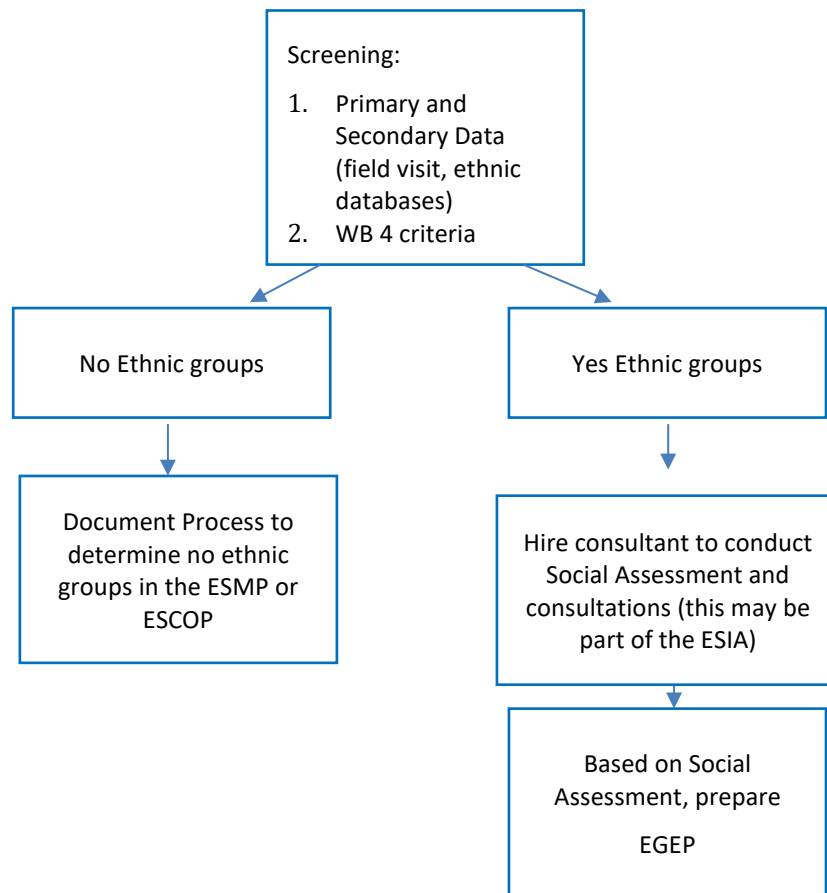
A participatory approach is needed during consultative meetings with local authorities and communities during project screening, design, implementation and monitoring. The following steps will be followed in terms of screening, social assessment, and preparation of an Ethnic Group Engagement Plan (EGEP).

- a) Screening by PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT to identify whether Ethnic groups are present in, or have collective attachment to, the project area. If there are no Ethnic groups found, PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT should explain the process for determining this and document it in the ESMP and no further steps are needed.
- b) If the screening concludes that Ethnic groups are present in, or have collective attachment to, the project area, PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT shall conduct a Social Assessment following guidance in this EGEF. The social assessment work to be conducted as part of the feasibility study, will include a dedicated module on potential impacts to Ethnic Groups. Where there are concentrations of Ethnic Groups that will be impacted, and a site specific engagement plan is required, a site-specific social assessment will be conducted using participatory rural appraisal technical. (Please see **APPENDIX** for guidance



- questions on social assessment)
- c) The Social Assessment should review secondary and primary sources and conduct consultations with local ethnic groups and key informants as necessary;
 - d) Based on the Social Assessment and consultations, PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT would need to prepare an Ethnic Group Engagement Plan (EGEP) with assistance from consultants as necessary.
 - e) Disclosure of the draft EGEP to the public.
 - f) If necessary, updating the Social Assessment and/or EGEP during project implementation as part of the monitoring process in order to identify unexpected adverse impacts and/or to propose mitigation measures. This process is described in Figure 1.

Figure A5-1: Steps to Follow by EWMP and PRC





A5.6.1 Screening of Ethnic Groups

- 1) Compile primary data by visiting the subproject areas and meeting with key informants and local people to assess whether ethnic groups are found/are not found in proposed subproject areas, and to assess whether the ethnic groups found meet, to some degree, all four criteria (see **Error! Reference source not found.**) that the WB ESS 7 refers to:
 - a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
 - b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and
 - c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
 - d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.
- 2) Once screening form of Appendix A is applied, before moving forward, PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT needs to submit documentation to the WB Task Team, which of the Ethnic Groups located in project locations meet or not the four criteria of ESS7.

It is important to stress that ESS7 applies when there are Ethnic groups in the project area, independently of the nature of its expected impacts (para 7 of ESS7):

“ESS7 applies regardless of whether Ethnic Peoples are affected positively or negatively, and regardless of the significance of any such impacts. This ESS also applies irrespective of the presence or absence of discernible economic, political or social vulnerabilities, although the nature and extent of vulnerability will be a key variable in designing plans to promote equitable access to benefits or to mitigate adverse impacts.”

For subprojects where it is clearly documented that there are no Ethnic groups –after discussion and agreement with WB-, an EGEP would not need to be prepared. Instead, the Environmental and Social Management Plan (ESMP) would need to explain and document why ESS7 does not apply. In case there are ethnic group in some subprojects - after discussion and agreement with WB-, then site-specific EGEPs would need to be prepared and Social Assessments, proportional to the nature and scale of impacts, developed (see below).

For Capacity Building activities, it is possible that the project’s Stakeholder Engagement Plan



(SEP) may be the best mechanism to ensure the equitable participation of ethnic groups, and that an EGEP may not be needed. This should be determined during the project's ESIA stage.

A5.6.2 Meaningful Consultations with Ethnic Groups

To promote effective project design, to build local project support or ownership, and to reduce the risk of project-related delays or controversies, as part of the Social Assessment there should be an engagement process with affected Ethnic Peoples as required in WB ESS10. This engagement process will include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally appropriate and gender and inter-generationally inclusive manner, following the guidance in the project's Stakeholder Engagement Plan (SEP). For Ethnic Group, the process of meaningful consultation will also:

- a. Involve Ethnic Groups' representative bodies and organizations (i.e. councils of elders or village chiefs) and, where appropriate, other community members;
- b. Provide sufficient time for Ethnic Groups' decision-making processes, and
- c. Allow for Ethnic Groups' effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.

Meaningful consultation is a two-way process, that:

- a. Begins early in the project planning process to gather initial views on the project proposal and inform project design;
- b. Encourages stakeholder feedback, particularly as a way of informing project design and engaging stakeholders in the identification and mitigation of environmental and social risks and impacts;
- c. Continues on an ongoing basis;
- d. Is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful, and easily accessible information in a time frame that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant local language(s) and understandable to stakeholders. Disclosure with ethnic groups will be in both Lao language or even local dialects of ethnic groups which can be easily understandable format either by audio and photo or drawing /print (e.g. booklet or flyers) formats.
- e. Considers and responds to feedback;



- f. Supports active and inclusive engagement with project-affected parties;
- g. Is free of external manipulation, interference, coercion, discrimination, and intimidation; and
- h. Is documented and disclosed.

The meaningful consultations should: (i) involve representative bodies and organizations and, where appropriate, other community members; (ii) provide sufficient time for ethnic groups' decision-making processes; and (iii) allow for the effective participation by ethnic groups in the design of project activities or mitigation measures that could potentially affect them either positively or negatively. Feedback on the project would be gathered through separate group meetings with ethnic groups, vulnerable groups, including their traditional leaders, NGOs, community-based organizations, CSOs and other affected persons. The consultations would also help inform the Social Assessment with regard to demographic data, such as the social and economic situation and impacts. Finally, a summary would need to be prepared of the FPIC process and how its requirements have been met.

A5.6.3 Elements of an Ethnic Group Engagement Plan (EGEP)

An Ethnic Group Engagement Plan (EGEP) would include the following elements, as needed:

- a) A summary of the Social Assessment;
- b) A summary of the legal and institutional framework applicable to ethnic groups in the project;
- c) A summary of the relevant portions of the SEP applicable to the project subcomponent where ethnic groups were found, including the analysis of stakeholders, consultations and disclosure;
- d) A summary of the framework for meaningful consultation and, if applicable, Free, Prior and Informed Consent (FPIC) with the affected ethnic groups during project implementation;
- e) A detailed description of culturally appropriate measures to mitigate any adverse impacts, as well as culturally appropriate and sustainable development benefits. Note that impacts refer not only to physical, but also cultural impacts on Ethnic Groups. Impacts and benefits should be closely consulted with ethnic groups and be intergenerational and gender-sensitive.
- f) Institutional arrangements, with a clear description of responsibilities and accountabilities. This should include measures to strengthen the capacity of local and national authorities, as needed, as well as the involvement of NGOs or CSOs as necessary;



- g) The Grievance Mechanism established for the project needs to be adapted and/or changed as necessary to ensure it is culturally appropriate and accessible to affected ethnic groups, and takes into account the availability of judicial recourse and customary dispute settlement mechanisms among the ethnic groups. This should be done in consultation with ethnic groups;
- h) The cost estimates and financing plan for the EGEP implementation;
- i) Mechanisms and benchmarks appropriate for monitoring, evaluation, and reporting on the implementation of the EGEP. Monitoring arrangements should include the following tasks: (i) administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis; (ii) socio-economic monitoring during and after EGEP implementation, utilizing the baseline information established by the socio-economic survey (from the SA) of ethnic groups undertaken to ensure that impacts on ethnic groups are mitigated and benefits reach ethnic groups; and (iii) overall monitoring.

EGEPs would be submitted to the World Bank as part of the implementation plan. Prior to the commencement of the implementation, the EGEP shall be disclosed on the MPWT; MONRE and EPFO website and the World Bank webpage. A copy of the EGEP, including in Lao language and other language if appropriate, shall be placed in the commune council of the target areas where ethnic peoples can access it and a summary shared with ethnic groups in an easily understandable format either by audio and photo or drawing /print (e.g. booklet or flyers) formats.

A5.6.4 Free Prior and Informed Consent (FPIC)

Determination on whether FPIC applies should be done in consultation with ethnic groups as part of the Social Assessment of the ESIA (or separate SA).

According to the WB's ESS 7 FPIC is applied when projects:

- Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation.
- Cause relocation of ethnic groups from land and natural resources subject to traditional ownership or under customary use or occupation.
- Have significant impacts on the cultural heritage of ethnic groups that is material to their identity and/or cultural, ceremonial, or spiritual aspects of their lives.

If FPIC is triggered, ethnic groups will be consulted in good faith based on sufficient and timely information concerning the benefits and disadvantages of the project and how the anticipated activities occur, before they occur (i.e. 'prior'). 'Consent' refers to the collective



support of affected ethnic groups for the project activities that affect them, reached through a culturally appropriate process. Consent may exist even if some individuals or groups object to project activities. FPIC does not require unanimity and may be achieved even when individuals or groups within or among affected ethnic groups explicitly disagree. This process should be properly assessed and documented as part of the Social Assessment.

In terms of documenting FPIC, if applicable, PMU of EPFO; PMU of MPWT; PIU of DPWT would ensure that the following is documented:

- a) The mutually accepted process to carry out good faith negotiations that has been agreed by PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT and ethnic groups; and
- b) The outcome of the good faith negotiations between PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT and ethnic groups, including all agreements reached as well as dissenting views.

The following steps shall be followed in cases where FPIC is needed as part of the Social Assessment:

- a) Assessment of ethnic group stakeholders and decision-making structures,
- b) Consultation with stakeholders to determine acceptable basis for FPIC,
- c) Propose, consult and seek feedback on the FPIC process,
- d) Conduct additional consultations that can lead to consent that is then documented in an acceptable format.

The consultation process will document the consultations, interviews, attendance lists, photographic evidence and minutes of other meetings and/or back-to-office reports.

A5.7 IMPLEMENTATION ARRANGEMENTS AND MONITORING

A5.7.1 Implementation Arrangements

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

The ES Consultants hired by the project will work in close coordination with and provide technical support to the PMU of MPWT; PMU of EPFO; and PIU of DPWT and other agencies who will be actually planning and implementing the project on the ground, including this EGEF.

Each Component will be responsible for ensuring that E&S requirements, including EGEF requirements are mainstreamed in maintenance planning, design and pre-construction works including tendering and contracting process. At subproject level, PIUs are responsible for planning and implementation of E&S activities including undertaking day-to-day monitoring of E&S measures to be carried out by contractors. The Project will establish the



Environmental and Social Unit (ESU) for each Component specifically to be responsible for the implementation of E&S measures. The PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT will be responsible to carry out subproject E&S impact screening, the required E&S planning activities and develop the necessary E&S action plans. All the documents will be kept in the project files for possible WB review.

A5.7.2 Monitoring

If ethnic groups are found, the PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT will conduct internal quarterly monitoring activities during land registration, titling, and civil works and reports will be submitted to the project manager and the World Bank. Monitoring will focus on:

- a) Compliance, to verify that the required mitigation measures are considered and implemented in line with the EGEF/EGEP and ESMF/ESMP, how grievances have been submitted, addressed, and resolved, including those outstanding, and issues raised by stakeholders during monitoring; and
- b) Impacts monitoring, focusing on the impacts experienced by ethnic groups as identified by the EGEF/EGEP as well as any other unforeseen impacts if applicable, including gender impacts.

To ensure ethnic people communities are engaged in the monitoring and evaluation process, the project will strive to include ethnic groups in their own monitoring. This process of internal ethnic group monitoring would need to be described in the quarterly monitoring reports, considering results from consultation with the ethnic group, decision-making structures, as well as gender and intergenerational balance.

A5.8 GRIEVANCE REDRESS MECHANISM

The key principles of the grievance mechanism are to ensure that:

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

A5.8.1 Grievance Procedure



The project team shall seek to resolve complaints as soon as possible, and thus avoid escalation of issues. However, where a complaint cannot be readily resolved, then it must be escalated. In order to effectively and quickly resolve grievances of affected people, according to the Law on Grievance Redress or the revised Law on Handling Petitions 012/NA approved by the National Assembly on December 5, 2014 and the President in 2015 and also the guideline on consultation with ethnic groups was launched by the Lao Front for National Development (LFND formerly known as LFNC), in 2013, in line with the National Guideline on Public Involvement, 2012, to ensure an effective and efficient grievance, a mechanism for the project is proposed as follows:

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

Complaints can be submitted in verbal or written forms. It is expected that some complainants such as ethnic minority or vulnerable individuals/households might not be able to write any complaints. In this case, they can submit complaints verbally. Complainants may also retain the right to bypass the VMU procedure and as such can direct their grievance directly to PIU-DPWT, as provided by law in Lao PDR.

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

Stage 2: In cases where grievances cannot be resolved on the spot, in the second stage, people will be able to file grievances directly with PMU of EPFO and PMU of MPWT. People will have been informed of the PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT contact information during consultations. The PIUs will be able to record the grievance and offer a solution within 15 days, consulting with the PMU of EPFO and PMU of MPWT, as needed. This may include a visit to the project site by the CMUs if necessary. There are no fees or charges levied for the lodgment and processing of grievances at this level.

Stage 3: in cases where grievance still cannot be resolved, or not resolved to the satisfaction of the any complainant, he/she shall have the right to submit a complaint to the Project Director of the LEWM Project as desired by the complainant. The administrative arbitration organization shall make the arbitrated decision within



20 days. Like the two previous stages, there are no fees or charges levied for the lodgment and processing of grievances at this level.

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

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

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

Where accessible, complainants may opt to raise their grievances directly to PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT via alternative means hotline call and/or text message (WhatsApp) largely used even in most rural area or via the project website to be set up under the project. The project will assign safeguard focal person in the PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT responsible for the GRM, including the hotline number. The grievances from the hotline and whatsapp will be included into the GRM database by recording the phone calls or screenshots the messages from the WhatsApp that would be uploaded into the database. Contact detail of focal staff from PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT are responsible for GRM should be provided in project information leaflet/booklet to be prepared and distributed to all project villages well in advance of consulting and GRM training for village mediation committees. Hotline/WhatsApp grievances will be recorded by the PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT / focal person, same as with other grievances received.

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

Following engagement and feedback, the GRM and its operationalization considers the needs of various affected groups including from vulnerable groups, ethnic groups, and their representatives to ensure on methods are culturally appropriate and accessible and take account their customary dispute settlement mechanisms. Some sensitive cases of grievances, such as those relating to Gender-Based Violence (GBV); Sexual Exploitation and



Abuse and Sexual Harassment (SEA/SH) or Violence Against Children (VAC) may require a professional or concerned entities to be engaged to help investigate and resolve. Confidentiality shall be preserved for anonymous complaints. The full ESIA should further look to examine the appropriateness and accessibility of the GRM, especially for ethnic groups.

As mentioned, if ethnic group are found, this GRM will need to be adjusted based on the needs of ethnic groups and this would be done in consultations with them. For example, it may need that less, or more, time is needed to resolve grievances, or that Ethnic Groups would like the support of third-parties – such as EG NGOs/CSOs or village leaders to assist them in the various steps of grievance resolution.

Ethnic group interpreters will be used if necessary during the grievance resolution process, to address the language barrier and avoid misunderstandings. Therefore, PIU should ensure that there are Ethnic Group interpreters available in cases where they are needed, to ensure concerns of complainants can be best addressed. This is also relevant to how the GRM is publicized, and ensuring GRM information and materials are available in languages other than Lao. Since ethnic languages may not be written, communication materials will need to take this into account and adapt so that messages can still reach Ethnic Groups.

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

A5.8.2 Recording Grievances

Established and managed by the CMUs and RCs, a complaints register will be established as part of the project to record any concerns raised by any stakeholder during the implementation of the EWMP, with overall responsibility under the EWMP-PMUs of EPFO and MPWT. Any serious complaint (such as life-threatening, relating to GBV/SH or criminal) will be advised to the World Bank within 24 hours of receiving the complaint. A focal point of the E&S team at PMUs of EPFO and MPWT will be responsible for the combined database. This same focal point will be analyzing and reporting the data from the database.

A summary list of complaints received, and their disposition, along with key statistics on the number of complaints and duration taken to close out, must be reported in the regular project reporting and be at least every 6 months if not more frequent. Each record is allocated a unique number reflecting year and sequence of received complaint (for example 2021-01, 2021-02 etc.). Complaint records (letter, email, record of conversation) should be stored together, electronically or in hard copy under the responsibility of the Project's.

Grievances can be submitted anonymously, or the aggrieved person can also request their name be kept confidential. Responsibility for the Grievance Log will be with the PIU office; Project Directors/Managers in PMUs of EPFO and MPWT Grievances will be recorded in a



Grievance Logs (Please see Table 5). This information shall include:

- Stakeholder name and contact details (if not anonymous).
- Details of the nature of the grievance.
- Date received, way it was responded to, and
- How it was submitted, acknowledged, responded to, and closed out.
- Grievances can be submitted anonymously, or the aggrieved person can also request their name be kept confidential. Responsibility for the Grievance Log will be with the PMU of EPFO; PMU of MPWT and PIU of DHUP/DPWT
- Previous records of similar incidents
- Evidence, supporting documents and statements
- Screening, review, validation, and investigation results; any follow-up and meetings, corrective actions, staff responsible to resolve; progress (pending, solved), agreements/commitments
- Time taken to respond or resolve the complaintant(s)
- How, when and by whom a decision was communicated
- Closure date, and confirmation that the complainant was satisfied
- Quantitative data on the number of complaints received, the number of complaints relevant, and the number of complaints resolved.
- Qualitative data on the type of complaints and answers provided, and issues that are unresolved
- Management actions to avoid recurrence

TABLE A5-1: SAMPLE GRIEVANCE LOG FOR THE PROJECT

Grievance Log								
Name of Complainant (or anonymous)	Sex (M/F)	Contact info	Date Received	Details of the nature of the grievance (Environmental impacts, social impacts, labour, health, etc.)	To whom was grievance submitted	Actions to resolve grievance	Date grievance was settled (and what stage)	How was the response provided?





APPENDICES

APPENDIX A: Screening of EG Form

When to do screening: When subproject is known.

Secondary Data: Check the Lao Statistics Bureau (LSB) Database for presence of ethnic groups in identified villages passing through the identified subprojects.

Primary Data/Field Work: Check directly with key informants (such as commune and village chiefs as well as local people) whether there are ethnic groups along, or in connection with, each subproject. If no ethnic groups are found, document this in the ESMP and no further steps are needed.

Checking Against WB Criteria: If the ethnic groups is among beneficiary populations and/or will be negatively affected by the subproject, a basic social economic profile of beneficiary population or project affected people will be developed by collecting both qualitative and quantitative data in the project areas from local authorities and consultation with the ethnic groups with an aim that all ethnic groups can voice their concerns and their opinions are heard throughout the project preparation and implementation process. Special attention will be given to hear voices from women and disadvantages peoples. Consultations with the ethnic groups will also be in line with the national guideline on ethnic group consultation issued in 2013 by the LFND. Screening should determine if any of the ethnic groups under the 3 ethno-linguistic families (Hmong- Mien, Mon-Khmer and Sino-Tibetan) are present in the project area based on primary and/or secondary data, assess whether they meet all four WB criteria.

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

TABLE A5-2: ETHNIC GROUPS SCREENING INFORMATION

Province/ District/ Village	Name of Ethnic Group	Number of Households	Fulfil WB Criteria 1 (Y/N) and <u>explain</u> – see Appendix B	Fulfil WB Criteria 2 (Y/N) and <u>explain</u> – Appendix B	Fulfil WB Criteria 3 (Y/N) and <u>explain</u> – Appendix B	Fulfil WB Criteria 4 (Y/N) and <u>explain</u> – Appendix B



Assessment Summary:

- If no ethnic groups are found, or if ethnic groups are found but do not meet WB criteria, carefully document the process in the ESMP.
- If ethnic groups are found, provide a summary as to potential impacts and risks. Undertake Social Assessment as part of the ESIA or proceed to hire a (national) consultant, or DDIS, to assist with preparation of Social Assessment and EGEP.



APPENDIX B: GUIDANCE ON FOUR WORLD BANK CRITERIA TO DETERMINE EG

This Appendix helps to explain the four criteria used by the WB to determine whether a given group should be considered an Ethnic Group.

The World Bank's ESS7 notes that the term "IP" is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following four characteristics in varying degrees.

It is important to note that as per ESS7, there is no hierarchy to the four characteristics, and all of them need to be present. However, they may be present in varying degrees. "Varying degrees" reflects the fact that some characteristics may be less evident for some groups or communities through integration into the broader society or economy, sometimes as a result of government policy. Moreover, given the varying contexts and characteristics of ethnic group today, a group may possess defining characteristics and thereby be covered by the policy in one region, but may be more fully integrated and lack the defining characteristics in another region of the same country, or in a neighboring country. The collective attachment of groups to their traditional territories, for example, may have been forcibly severed due to government resettlement programs. Some groups may no longer speak their own language, or it may be spoken by only a few or even none. The role of traditional institutions may also be eroding or have been replaced by official administrative structures. These factors alone do not disqualify groups from being covered under ESS7, but are assessed in the final determination made by the World Bank.

1. Self-identification as members of a distinct social and cultural ethnic group and recognition of this identity by others

Questions and Factors to Consider (in addition to those outlined in the legal framework or commune database)

- Does the ethnic group identify themselves as an ethnic group or a traditional community or around a distinct cultural identity?
- You can ask: What does it mean to you to be an ethnic group? How would someone outside of your community describe who you are, especially distinguishing features as a community? Do others recognize them as belonging to those groups?
- *Note:* When asking if others would recognize them, it is about whether others recognize their distinctness as per the characteristics under ESS7.

2. Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;



Questions and Factors to Consider

- *Note: for the purposes of this question, it is not relevant whether ethnic groups have collective title to the land or not, given that the number of ethnic groups with collective land title is still very low in Lao PDR.*
- How long has the community lived on that land? Do members of the community have historical knowledge of these ancestral lands? Is there anthropological, ethnographic or legal data that can validate? Do they consider that land to be their ancestral or traditional land? Have they moved from their traditional lands?
- Is the community using the land and resources in accordance with their customary laws, values and traditions?

3. Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture

Questions and factors to consider:

- Are there traditional leaders or a traditional leadership structure? If so, how do they work with other levels of government? Does the community have an internal decision-making process?
- What are the main modes of economic activity? Has this changed over time? How have these changes, if at all, impacted their identity, other cultural practices, traditional knowledge, language, etc.?
- Does the community have traditional education/learning systems, cultural systems or health systems that are distinct from those of Khmer society?

4. A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Questions and factors to consider:

- What is the language or dialect of the community?
- Does the community speak and understand Lao?
- Does the community have traditional education systems, using their own languages, teaching and learning methods?



APPENDIX C: GUIDANCE QUESTIONS FOR SOCIAL ASSESSMENT

If ethnic groups are identified, these guiding questions may be helpful when conducting Social Assessment.

PROFILE OF THE LAND USED BY ETHNIC GROUPS	
1.	Describe the land used by ethnic groups that is near, or in some way connected to, the subproject. What is the land type (public, state, communal, private, etc.)? Are there pressures on this land?
2.	Who else, legally or illegally, uses the land used by ethnic groups for their livelihoods or any other use?
3.	Are there, or have there been, any conflicts relating to this land? If so, conflict between whom?
4.	How long has the ethnic groups lived on that land? Do members of the ethnic groups have historical knowledge of these ancestral lands – have these boundaries changed? Why? Is there anthropological, ethnographic or legal data that can validate?
5.	How are livelihoods attached to these lands? Do ethnic groups rely on land and natural resources for housing, water, traditional subsistence, economic development, dress, traditional medicines, etc.?



6.	Is there a likelihood that project activities will attract outsiders to lands that ethnic groups have collective attachment to and/or are used by ethnic groups, or that it may exacerbate pressures on these lands?
DESCRIPTION OF THE ETHNIC GROUPS	
7.	How many people are there in the ethnic group? Please describe the ethnic group, including their name, heritage and how many people/households.
8.	Would you please give us some information about your ethnic group? What kind of activities go on in your village on a normal day? How does your group (e.g. women, elderly, farmers) experience life?
9.	Which languages are spoken by the ethnic group? Do they speak Lao language?
10.	Are there any cultural or religious items/artifacts/areas connected with the proposed subproject? Where? What is the belief/practices?
11.	Has there been migration into this commune or the surrounding area? If so, where from, and why?



12.	What is the main source of livelihoods for the ethnic group? What about for people in the commune?
13.	Are there traditional leaders or a traditional leadership structure within the ethnic group? If so, how do they work with local and other levels of government?
14.	Does the ethnic groups have an internal decision-making process? How are representatives chosen? How do women, youth, elders, persons with disabilities participate?
15.	What are the main jobs/livelihoods for the ethnic group?
16.	Does the community rely in whole or in part, traditional medicines and health practices? Has this changed over time? What are the factors for this change?



17.	Does the community have traditional conservation practices which they rely on? If so, how do they (both past and present) deal with climate change, disasters, habitat or wildlife loss?
18.	Has there been any conflict or tension over the following issues during the past years with the ethnic group and other local communities? With outsiders?

POTENTIAL IMPACTS TO ETHNIC GROUPS

19.	Is the proposed subproject near or within any of the following areas?		
	Yes/No	NA	Don't know
	Land ethnic group has collective attachment to (for example for cultural, spiritual or livelihood reasons)		
	Medicinal plants used by ethnic groups		
	Non-timber forest products area used by ethnic		



	groups			
	Important trees or natural landmarks of importance to ethnic group			
	Other (Specify)			
<u>20.</u>	Are there any people in your ethnic group who are very poor/dependent/supported by others and/or considered vulnerable in any way?			
<u>21.</u>	What types of social support networks exist within your ethnic group? Could you explain us when a person needs support, what types of contributions are provided to those in need?			
<u>22.</u>	What do you think would be the positive effects of the proposed subproject for your ethnic group?			
<u>23.</u>	What do you think would be the negative effects of the proposed subproject for your ethnic group?			



<u>24.</u>	What do you think is the main problem faced by your ethnic group? How do you think can this problem be solved?
<u>25.</u>	If there were opportunities for jobs in civil works, would men and women in your group be interested?
<u>26.</u>	What is the best way to provide information to your group? What is the best way for you to share information with project planners? Does the project's proposed SEP fulfil the needs of your group?
<u>27.</u>	Is the project's proposed GRM adaptable to the needs of your ethnic group? How would this GRM need to be adapted?
<u>28.</u>	Is there anything else you would like to talk about, or want me to know?