



ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAME WORK (ESMF)



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FROM THE PEOPLE, BY THE PEOPLE, FOR THE PEOPLE

ກະຊວງກະສິກຳ ແລະ ປ່າໄມ້
ຫ້ອງການ ທລຍ ສູນກາງ
ຖະໜົນນາໄຮ່ດຽວ, ບ້ານສີສະຫວາດໃຕ້, ເມືອງຈັນທະບູລີ,
P.O BOX 4625, ນະຄອນຫລວງວຽງຈັນ

Ministry of Agriculture and Forestry
POVERTY REDUCTION FUND

Nahaidiao Road,
Sisavathtai Village,
Chanthaboury District,
P.O Box 4625,



+856 021 261 479 / 261 480



+856 021 261 481



info@prflaos.org



www.prflaos.org

ກອງທຶນຫຼຸດຜ່ອນຄວາມທຸກຍາກ

POVERTY REDUCTION FUND (PRF)

www.prflaos.org | info@prflaos.org



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The Poverty Reduction Fund III
Additional Financing (AF)

ENVIRONMENTAL AND SOCIAL MANAGEMENT
FRAMEWORK (ESMF)

Draft April 25, 2019

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LIST OF ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
CD	Community Development
CDD	Community Driven Development
CDO	Community Development Officer
CFA	Community Force Account
CRPF	Compensation and Resettlement Planning Framework
DAE	District Assistant Engineer
DAFO	Department of Agriculture and Forestry Office
DHO	Department of Health Office
DPI	Department of Planning and Investment
DSEDP	District Socio-Economic Development Plan
DSPPPO	District sub-projects Proposal Outline
DRM	Disaster Risk Management
ECOP	Environmental Code of Practices
EG	Ethnic Group
EGDF	Ethnic Group Development Framework
EGPF	Ethnic Groups Policy Framework
EIA	Environmental Impact Assessment
EMP	Environment Management Plan
ESMF	Environmental and Social Management Framework
EU	Engineering Unit
F&A	Finance and Administration
FIP	Family Investment Plan
FNG	Farmer Nutrition Group
FRALA	Framework for Resettlement and Acquisition of Land and Assets
FRM	Feedback and Resolution Mechanism
FRC	Feedback and Resolution Committee
GOL	Government Of Laos
HR	Human Resources
IEC	Information, Education, Communication
IEE	Initial Evaluation Examination
ISPPF	Infrastructure Sub-Project Proposal Form
JSDF	Japanese Social Development Fund
KSPPPO	Kum ban Sub-project Proposal Outline
LA	Land Acquisition
LAPP	Land Acquisition/Resettlement Plan
LAP/RR	Land Acquisition Report or Resettlement Report
LFNC	Lao Front for National Construction
LWU	Lao Women Union
MBO	Mass Based Organization
MAF	Ministry of Agriculture and Forestry
M&E	Monitoring and Evaluation
MIP	Micro Investment Plan
MIS	Management Information System
MOH	Ministry Of Health
MONRE	Ministry Of Natural Resources and Environment
NA	National Assembly
NREO	Natural Resources and Environment Office
NTFP	Non Timber Forest Product
O&M	Operations and Maintenance
OP	Operational Policy (of the World Bank)
POM	Project Operations Manual

PAP	Person Affected by Project
PCR	Physical and Cultural Resources
PDO	Project Development Objective
PG	Production Group
PMO	Prime Minister Office
PMP	Pest Management Plan
PoNRE	Provincial office Of Natural Resources and Environment
PRF	Poverty Reduction Fund
PRF AF	Poverty Reduction Fund Additional Financing
PRFI	Poverty Reduction Fund Phase I
PRFII	Poverty Reduction Fund Phase II
PRFIII	Poverty Reduction Fund Phase III
PWC	Public Work Committee
RAP	Resettlement Action Plan
SAM	Social Accountability Meeting
SHG	Self Help Group
SPPF	Sub-project Proposal Form
TA	Technical Advisor
TSPPF	Training Sub-Project Proposal Form
UXO	Unexploded Ordinances
VH	Video Hub
VMC	Village Mediation Committee
VNPA	Village Need Priority Assessment
VSA	Village Self-help group Association
VSMC	Village Self-help group Management Committee
VV	Village Volunteer
WASH	Water, Sanitation and Hygiene
WB	World Bank
WREA	Water Resources and Environment Administration
YG	Young Graduate

SECTION I: Poverty Reduction Fund III Additional Finance (PRFIII AF)

Introduction

The PRFIII Additional Financing (AF) project has been built on the successful experience of the PRF II and PRF III phases, and aims to further improve rural poor's livelihoods. More specifically the, the Project Development Objectives of the proposed PRFIII AF is to reduce poverty and the prevalence of malnutrition by strengthening the ability of poor rural communities to improve and sustain their livelihoods and wellbeing through the community driven modalities.

1. Project Description.

The proposed PRFIII AF project will build on the bottom-up processes strengthened and the institutional platform laid out under the PRF II and III phases and seek to leverage them to further improve the rural poor's livelihood and well-being conditions. The PRF III AF would be implemented in four provinces and 14 districts, including 11 districts where the PRFIII is implemented (see list of provinces, districts and village in annex 1). These districts have been chosen based on an agreement between the WB and the Government of Laos to concentrate investment in order to have a significant impact on the reduction of stunting. To address the multiple factors contributing to stunting, 3 other proposed WB-funded projects are also being prepared to work in these districts as follows:

1. Malnutrition and Poverty Reduction (focused on cash transfers) – led MAF
2. Water, Sanitation and Hygiene (WASH) – led by MOH
3. Health – led by MOH

The project consists of four components with the budget provided, summarized below, and will be implemented over a three years project implementation period.

Component 1 – Community Infrastructure Development and Planning

Bottom up local development planning. This component would continue to provide technical and logistical support to eligible villages to develop the Village Development Plan (VDP) based on the participatory planning processes. The VDP would be developed on a five year rolling basis. The Deepen Community Driven Development (CDD) approach successfully implemented under the PRF III would continue to be the main implemented approach during the PRF III AF, including the three new districts where the PRF III AF will operate and that were not covered by the PRF III (Bountai, Kham and Kouane districts). As agreed with the Ministry of Planning and Investment, the PRF III AF will not support the communities to develop a VDP if one has already been developed with the support from the Government or other development projects (in the other districts where the PRFIII already operates, the VDP will be updated by the communities). The VDP support will be only undertaken in the 200 selected villages to receive PRF III AF support; therefore, it will not be consolidated anymore at the Kum ban level but submitted directly to the district authorities for consideration and integration of the community priorities into the District Socio-Economic Development Plan (DSEDP). As the PRF is well-positioned to coordinate with other projects working in these districts in order to create synergies, avoid overlapping of activities that may overwhelm beneficiaries, it will continue to support the District level for the preparation and review of the DSEDP.

For the Community Infrastructure sub-grants, each target district will receive a budget allocation calculated on the basis of the number of selected villages to receive support, and an average of US\$7,500 per village (Village sub-grant amount can vary based on the selected priorities, the village socio-economic context, the number of potential beneficiaries and the

DSEDP priorities). Each village will receive only one time support, preferably at the beginning of the PRFIII AF phase in order to support as early as possible the livelihood and nutrition activities. The sub-projects to be financed under the sub-grants would focus on infrastructure that is more “production” oriented and strongly related to income-generating and nutrition-improving activities identified in the targeted villages (focus on education and health sector infrastructure would be cut back or eliminated under the proposed AF as access to such services has already reached reasonably high levels). There would be a specific focus on water access related sub-projects that could both serve better health and hygiene as well as improving the quantity and diversity of food available in the village for self-consumption and income generation through irrigation. A list of eligible activities and a negative list have been developed in order to guide the project stakeholders (See annex 2).

Under the PRF III AF, rehabilitation/improvement of existing infrastructure at the village level will continue to be promoted as much as new construction or improvement. An annual follow-up visit will be implemented 12 months after the sub-project completion and would advise villagers of mid/ long term benefits of addressing critical maintenance backlog of village infrastructure. The maintenance activities would be financed under the same sub-grants as new construction or improvements. The micro-enterprise approach would be piloted to support the maintenance of tertiary infrastructure in particular rural roads, which would be financed through community sub-grants.

Component 2– Local and Community Development Capacity-Building and Learning

This component would continue to develop the capacity of villagers and local government officials to plan and manage local development processes. Specifically, this component would finance training of villagers, PRF staff and relevant government officials, goods, consultant services and incremental operating costs.

At the **village level**, this component would finance the capacity development of village leaders (Public Work Committee (PWC), Village Self-help group Management Committee (VSMC), Self-Help Groups (SHG), Producers Groups (PG), Village Self-help Group Association (VSA), Video Hub (VH), Village Volunteers (VV) and Feedback Resolution Committee (FRC) locally known as Mediation Committee (MC)) on the following topics:

- Participatory planning processes leading to the formulation of the VDP and the logistical cost associated with their participation in the district level planning and monitoring processes (DSEDP);
- Developing Public Work Committee (PWC) technical (survey-design, infrastructure, implementation using CFA approach, supervision and maintenance), fiduciary (procurement budget management, labor payment, etc.) and safeguards capacity towards the infrastructure sub-projects activities;
- Developing VSMC, SHG and PG capacity through various trainings (what is poverty and how to come out of poverty, group management, financial management and books of records, livelihood improvement and family/household investment plan and micro-investment plan, book keeping, meeting management, SHG and PG performance appraisal);
- Developing FNG knowledge towards nutrition (basics, cause, impacts, GOL nutrition strategy, maternal nutrition, child nutrition, indicators, cooking/milling, fish powder, home visits, etc.), the development of home nutrition garden (agricultural calendar, irrigation, compost, green house, seed production), group education and home and gardens visits;

- Video Hubs (VH) for the development of IEC tools to promote livelihood and nutrition good practices through FNG members success stories (video production, story board development, post production);
- Cross village visits based on the same models of the cross Kum ban visits so that villages involved in the PRFIII AF activities can learn from each other best practices and help each other to overcome issues and challenges.

At the district and provincial level, this component would continue to develop the capacity of relevant government officials to support pro-poor local and community development processes. It will include the technical and logistical support to help district authorities develop and update the District Socio-Economic Development Plan (DSEDP) based on the VDP as well as the support (community capacity building and reguLAP monitoring and supervisory field visits) for all the activities listed above at the village level by the concerned sectors (DAFO, DPI, LWU, DOH, NREO, etc.) and the PRF staff. This component will also support the district annual evaluation meeting and training of the moderators in charge of conducting the Social Accountability Meetings (SAM), the costs associated with the performance appraisal activities, as well as financial management, microfinance and safeguards trainings.

At the central level, this component would finance the cost associated with strategic capacity building of the PRF staff (including safeguards) and organizing and participating in workshops and other relevant capacity development events. Costs related to the coordination with various sector ministries and Development Partners supporting rural development in Lao PDR would be financed under this component (including PRF Board meetings). The project monitoring (including field visit at the provincial, district and village levels), reporting and evaluation activities, and thematic studies would also be financed under this component.

Component 3– Project Management

This component would finance the costs of implementing PRFIII AF activities. It would include remuneration of national, provincial and district PRF staff; associated equipment (including community video equipment) and operating costs; accounting, procurement, financial management, internal controls, auditing, and other specialized areas.

Component 4 – Nutrition Enhancing Livelihood Development

This component will provide financial support to the new Self-Help Groups (SHGs) in the 200 villages through the provision of groups establishment materials and seed funds (US\$120/members) to start or further develop eligible pro-nutrition livelihood activities such as the production of small livestock (e.g. poultry, fish and frogs), Paddy cultivation, Maize cultivation, Cassava cultivation, Coffee Plantation, Plantation, etc. mostly for their own consumption but also for income generating activities (existing SHG will not receive further seed-grants). The component would also support the Production Group formation, the 5 models farmers per village support, food subsidies during the first 6 months after formation of the FNG, the cooking and milling set, super clean cook stoves, the establishment of the Home Nutrition Garden (seed support for the creation of the home garden as well as the other basic equipment necessary to implement the home garden activities), and extra support for FNG who are performing very well (2 FNG per district).

SECTION II: POLICY AND REGULATIONS

World Bank's safeguard policy on environmental assessment (OP 4.01)

OP 4.01 (environmental assessment) for Category "B" project requires a submission of an environmental management plan (EMP) designed to mitigate potential negative impacts of the project. Review of the safeguard issues and implementation experience from the PRFII and PRFIII suggests that the required mitigation measures described in the ESMF appears adequate, however, more detailed cLAPification should be made to facilitate simple application at local level and this is discussed in more details below.

World Bank's safeguard policy on Natural Habitats (OP 4.04)

It is expected that some of the communities who benefit from the PRFIII AF live inside national protected areas. Minor disturbance and site specific impact may occur during the implementation and operation of the infrastructure, livelihood and nutrition activities. However, the impact is expected to be minor and site specific and it can be mitigated through the application of EIA included in this ESMF (see section "*Government regulation on EIA*"). The ESMF includes screening procedure to (i) determine whether the proposed infrastructures, livelihood and nutrition activities are in a critical or non-critical natural habitat and (ii) avoid any significant conversion or degradation of any critical natural habitat.

World Bank's safeguard policy on Pest Management (OP 4.09)

The PRFIII AF will not promote the use or finance procurement of pesticides, insecticides and herbicides and other dangerous chemicals exceeding the amount required to treat efficiently the infected area. The PRFIII AF would continue to promote organic farming under the livelihood and nutrition activities. However, livelihood and nutrition activities or rehabilitation or construction of gravity based irrigation system might lead to the future use of pesticides or present pest management practices. The potential use of pesticide will be assessed during the SHG Family Investment Plan (FIP) and the SHG Micro Investment Plan (MIP) screening. The simple Pest Management Plan (PMP) includes criteria to ensure that the pesticides used have negligible or minimal impact on environment and are listed as allowed to be used in country in line with the World Health Organization.

World Bank's safeguard policy on Forestry (OP 4.36)

This policy is triggered because some villages to be supported under the PRFIII AF are within classified forests and the implementation of the infrastructure, livelihood and nutrition activities in such villages may have negative impacts on the health of forests. Safeguards performance review found that, under the PRFII and, PRFIII, 104 sub-projects were conducted within or close to NBCA areas (Dongphouvieng, Phousanghae, Sesab, Sepien, Donghampan, Namha and Nam Haed Phouleui areas) and related to existing small tracks rehabilitation, gravity fed systems, schools, bridges and animal fencing. Environmental impacts of such subprojects were minimal as environmental screening was conducted and adequate measures were taken to minimize and mitigate minor environmental impact. No forestry activities were found to have been engaged. However, additional care has to be exercised for such activities in order to ensure no negative impact occurs to the health of forests.

World Bank's safeguard policy on Safety of Dams (OP 4.37)

The WB policy on Safety of Dams is triggered for the PRFIII AF since it will finance the construction of small weirs that will regulate the flow of small creeks. The weirs to be built will likely be classified as “small dams” as defined in the policy, for which generic dam safety measures designed by qualified engineers will need to be followed during works. The ESMF describes the procedures to be followed by PRF in order to address the safety of weirs in line with OP 4.37 provisions. Additionally, the Quality Checklist for Weir Construction used in the project is included in Annex 4 Table 4.8. This policy also includes the need to also consider the safety of other upstream dams and the need to integrate Disaster Risks Management Activities into the infrastructure support to ensure their sustainability.

World Bank's safeguard policy on Involuntary Resettlement (OP 4.12)

The WB's *Operational Policy 4.12: Involuntary Resettlement* is triggered for this project. The policy describe objectives and guidelines to be followed in situations involving involuntary taking of land and restrictions of access to legally designated parks and protected areas as a result of land and forest use planning and demarcation and when indigenous peoples or ethnic minorities are involved. The OP 4.12 aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy describes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

For land acquisition and restriction of access to resources, the policies require close consultation of the affected population and appropriate mitigation of the potential negative impacts given special attention to ethnic, gender, and other vulnerable group issues. The policies also specify the need for monitoring and evaluation and ensuring adequate budget and capacity of the agencies.

World Bank's safeguard policy on Indigenous People (OP 4.10)

The WB's Operational Policy 4.10: (Indigenous Peoples) is triggered. The policy requires that special planning measures be established to protect the interests of ethnic groups with a social and cultural identity distinct from the dominant society that may make them vulnerable to being disadvantaged in the development process. The Policy defines that ethnic groups can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

- a close attachment to ancestral territories and to the natural resources in these areas;
- self-identification and identification by others as members of a distinct cultural group;
- an indigenous language, often different from the national language; and
- presence of customary social and political institutions.

As a prerequisite for a project approval, OP 4.10 requires the borrower to conduct free, prior and informed consultations with potentially affected ethnic groups and to establish a broad-based community support for project objectives and activities. It is important to note that the OP 4.10 refers to social groups and communities, and not to individuals. The primary objectives of OP 4.10 are:

- to ensure that such groups are afforded meaningful opportunities to participate in planning that affects them;
- to ensure that opportunities to provide such groups with culturally appropriate benefits are considered; and
- to ensure that any project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

World Bank's safeguard policy on Physical and Cultural Resources (OP 4.11)

The WB OP4.11 assists countries to avoid or mitigate adverse impacts on physical cultural resources from development projects³ that it finances. The impacts on physical cultural resources resulting from project activities, including mitigating measures, may not contravene either the borrower's national legislation, or its obligations under relevant international environmental treaties and agreements.

PRFIII AF will trigger OP4.11 as a precautionary measure. This safeguards policy was initiated during the PRFIII phase in close consultation with locals and any areas of potential PCR's were avoided. Additionally there was no chance finds recorded in any project activity.

World Bank's safeguard policy on Projects on International Waterways (OP 7.50)

The PRFIII AF would finance small-scale rural gravity fed water supply systems or small-scale rural gravity fed irrigation systems which take water from run-of-rivers which flow into the Mekong, an international water. The Bank's Safeguards Policy on the International Waterways (OP.7.50) is thus triggered. In order to implement the policy requirements, PRF has requested the WB to notify the riparian countries (China, Myanmar, Thailand, Cambodia and Vietnam) about the project on their behalf as required by OP/BP 7.50.

Government regulation on EIA

Key government regulations related to environmental assessment is the environmental impacts assessment (EIA) and Initial Environmental Examination launched by Ministry of Natural Resources and Environment (MONRE) in December 2013, Pursuant to law on government of the Lao People's Democratic Republic, Ref., No. 02/NA, dated 06/05/2003, the Environmental Protection Law, Ref., No. 02/99/NA, dated 03/04/1999 and revised in 2019 (EIA No. 21/GOL dated January 31, 2019). This Decree provides rules, regulations and measures to manage and monitor implementation of the Environmental Impact Assessment (EIA) in a transparent manner and according to the Lao Laws and regulations (the law on the Government of the Lao PDR (amended version) No. 04/NA, dated 8 November 2016, the Law on Environmental Protection No. 29/NA dated 18 December 2012 and the Request Letter No. 6612/MONRE, dated 28 December 2018 of the Ministry of Natural Resources and Environment). The purpose of this decree is to ensure protection and efficient use of the natural resources, and mitigate any adverse environmental impact. This is also to guarantee the rights of people, especially the one that will be affected by investments to ensure that their livelihoods will be restored and to promote of eco-friendly practices (clean and green agriculture) within the frame of the National Socio-economic Development plan. This Decree applies to persons, entities and organizations, in both the public and private sectors, domestic and foreign that operates investment projects and activities in the Lao PDR.

There are two forms of Environmental Impact Assessments:

- Preliminary environmental impact assessment for projects and activities that are believed¹ to cause less or not-severe impacts on social and natural environment;
- Comprehensive environmental impact assessment for investment projects and activities that are believed to cause huge or severe impacts on social and natural environment or that will have impacts on health.

For the PRF, all activities will fall into the first category (activities that cause huge or severe impacts on social and natural environment will not be supported). Therefore, the first step is to prepare a preliminary environmental impact assessment report which must include an environmental management and monitoring plan, an environmental and natural disaster risk assessment as well as a technical and economic feasibility study, based on the data gathered within the project area (including data related to health, gender and ethnicity).

The preliminary environmental impact assessment report must be submitted to the provincial office of natural resources and environment (PoNRE) [where the project is located] for reviewing.

After approval of the report by the provincial office of natural resources and environment [where the project is located] an environmental certificate will be issued to the project owner, valid for the rest period of the project life, but must be improved every two to five years depending on the type of the investment projects and activities.

The Preliminary environmental impact assessment and comprehensive environmental impact assessment must be done by an environmental service provider that is licensed by the Ministry of Natural Resources and Environment. A project owner has the rights to select an environment service provider to carry out preliminary environmental impact assessment or comprehensive environmental impact assessment. It is prohibited for the project owner, to conduct environmental impact assessment on its own;

The second phase is to review the environmental management and monitoring plan during the construction phase or operational phase / at the end of the project. The natural resources and environment sector must collaborate with the project owner and the sectoral [governmental] agency that govern the investment project [or] activity to convene consultation meetings and have field inspection when necessary (three to five time for the provincial level and four to six times for the district level).

At the end of the project, the project owners must notify the affected people and other stakeholders of closure and environmental restoration done by their investment project and activities and their rights in expressing opinions on completion and pending activities in implementation of environmental management and monitoring plan at the end of the project

The project owner is the first persons that conduct the inspection reguLAPly to ensure that environmental implementation of the project is effective by creating systematic monitoring

mechanism. The project owner must report the outcomes of its inspection of environmental implementation to the sectoral [governmental] agency that governs the investment project and the natural resources and environment sector regularly (monthly, quarterly, semi-annually and annually).

Based on the outcomes of the reviewing of the environmental impact assessment, an environmental certificate will not be issued to investment projects and activities that:

1. [Will] cause more damage and gains;
2. [Will] cause serious damage to health, living, and assets of the people such as a big number of people has to relocate, but have no sufficient and suitable land area for relocation and resumption of occupation;
3. [Will] cause serious damage to the bio-diversity or will change the ecological system [in the project area];
4. [Will] cause negative impacts on wild animals or rare plants that nearly becomes extinct;
5. [Will] affect the national strategic area, national heritage area, historical area, cultural area, tourism area, good tradition and national unique beautiful views;
6. [Will] have accumulative impacts beyond the sustention capacity of the natural ecology system and environmental quality; [or]
7. Violated the laws.

Government's Policy, Regulations, and Guidelines on land acquisition and resettlement

In Lao PDR, compensation principles and policy framework for land acquisition and resettlement are governed by several laws, decrees and regulations as follows: (a) The Constitution (1991), (b) the Land Law (2003)², (c) Road Law (1999). (d) Decree of the Prime Minister on Compensation and Resettlement of People Affected by Development Project (No.192/PM, dated 7 July 2005), and (e) Regulations for Implementing Decree of the Prime Minister on Compensation and Resettlement of People Affected by Development Project (No.2432/STEA, dated 11 November 2005) (CAR Decree), and (f) Technical Guidelines of the CAR Decree updated in 2011. New Instruction on Environmental Impact Assessment (EIA) and new Instruction on Initial Environmental Examination (IEE) in December 2013³ and revised in 2019 (EIA No. 21/GOL dated January 31, 2019) will provide a comprehensive legal basis for development projects to conduct social assessment and plan/implement mitigation measures as needed.

Government's Policy and Regulations on ethnic groups

Constitution of Lao PDR, ratified in 1991, uses the term “citizens of all ethnicity” throughout the document. It specifically recognizes the need to incorporate the concerns of ethnic groups in developing policy and programs in all sectors, and has reaffirmed its commitment to strengthen the rights of all ethnic groups in various congresses, conferences, decrees, and laws since the 1980s (Articles 8 and 22). Article 75 of the Constitution specifically indicates that “the Lao language and script are the official language and script.

² The Land Law 04/NA of 21 October 2003 supersedes the earlier Law 01/NA 12 April 1997.

³ These two ministerial instructions supersede the earlier EIA Decree, 2010

The 1992 Ethnic Minority Policy of the Lao PDR⁴ towards ethnic minorities identifies three essential tasks: (i) strengthening political foundations, (ii) increased production and opening of channels of distribution in order to convert subsistence-based economics towards market-based economics, and (iii) a focus on the expansion of education, health and other social benefits. Of direct relevance to this Project this 1992 Policy states that the Lao PDR must discourage small ethnic groups from continuing their practices associated with shifting cultivation through arranging for permanent livelihoods for such groups so that the benefits of other forms of agriculture outweigh those associated with shifting cultivation.

A new national guideline on consultation with ethnic groups launched by the 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 better 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 provides principles and process 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 consists 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 cultural sensitive manner, d) expected outcomes of consultation at each stage, and e) implementation arrangement and responsibility. Key principles and procedures for consultation with ethnic groups in this guideline are adopted into the PRF III AF safeguard instruments - Environmental and Social Management Framework (ESMF), Compensation and Resettlement Planning Framework (CRPF) and Ethnic Group Planning Framework (EGPF). The copies of guidelines in Lao language will be provided to all PRF district offices and the staff will receive training on the guidelines.

Project Implementation Management

The Poverty Reduction Fund (PRF) is overall responsible for the implementation of the environmental and social safeguard compliance in coordination with the relevant office at the district level. The PRF teams are becoming increasingly experienced in safeguards management relative both to implementation and reporting. Specifically, the technical Assistance team (PMT engineer and DAE at the district level) are directly responsible for the implementation of environmental component of this ESMF for the infrastructures activities on behalf of the PRF while Community Development Officer (CDO) and District Coordinator (DC) are responsible for social components (CRPF and EGPF) under the ESMF. During the PRF III, in each district the TA department has one staff who carries out survey and design, identify environmental and social impacts and develop mitigation measures for about 8 subprojects annually. For the PRF III AF, a District Assistant Engineer (DAE) with back up support from Young Graduates (YG) will be responsible to apply the ESMF for all the infrastructure sub-projects that will be supported in coordination with the focal staff from the concerned sector agencies. A negative checklist will be used as a screening tool to select sub-project proposal used by PRF TA's. The DAE is also responsible to ensure that, when

⁴ Known under its full title as Resolution of the Party Central Organization Concerning Ethnic Minority Affairs in the New Era.

triggered, an appropriate ESMP or ECOP is attached to the civil works contract and supervise the community/contractors for compliance.

The DC with back up support from YG is responsible for the implementation of the Compensation and Resettlement Planning Framework (CRPF) and Ethnic Group Planning Framework (EGPF) in close collaboration with the DAE, and collectively identify and mitigate land/ asset loss as a result of sub-project infrastructure implementation. The YG, with the technical guidance from the DC is responsible for managing participatory processes including consultation with and participation of ethnic groups in the project planning and implementation processes. The YG will assist DC to conduct social and ethnic screening in accordance with the EGPF. In case negative impacts are likely to occur, the YG would collaborate with the DAEs and seek to avoid, minimize and mitigate such negative impacts. Based on the outcomes and input of safeguard screening and assessment provided by YG, DC will prepare required social safeguard instruments such as Land Acquisition or Resettlement Plans (LA/RP) equivalent to Abbreviated Resettlement Action Plan (ARAP) to be submitted to the CDO for review and PRF Executive Director for approval. These safeguard instruments also require Bank prior review and clearance. The YG will also be responsible for monitoring and reporting social safeguard compliance by the beneficiary communities and contractors with inputs from Village Implementation Team. In parallel, provincial Office of Natural Resources and Environment (PoNRE) and its district office (DoNRE) will be engaged in review and approval of the safeguard instruments, ARAP and EGDP prepared by the DC and EMP, ECOP and PMP prepared by DAE. These safeguard instruments will be consolidated in a form of Initial Environment Examination (IEE) report applied under the national decree on EIA 21/PM, 2019 for submission to the DoNRE. In principle, these safeguard documents have to be approved by DoNRE and PoNRE before commencement of the sub-project (SP) implementation. In case of significant delay in approval (longer than one calendar month) due to uncertainty and limited capacity of PoNRE/MoNRE to review and process of the documents, the project should be allowed to proceed with SP implementation after clearance provided by the World Bank. The Bank safeguard policy would prevail in case there are gaps and discrepancy between the national and the WB policy.

At the village level, the Public Work Committee (PWC) is responsible for overall safeguard compliance on behalf of the beneficiary communities for the infrastructure sub-projects. The PWC consists of village leaders elected by villagers themselves and village representatives of Lao Front for National Construction (LFNC) and Lao Women's Union (LWU). Decisions with regard to the use of project resources is made at the community-wide meetings. Efforts have been made during the implementation of the PRF II and PRF III phases to increase the participation of small ethnic groups who may not live in the main village settlements in decision making processes by holding separate meetings with them before the village wide meeting is held and a community wide decision is made. The PRF district team (DC, DAE and YG), engineers from the concern sector and the Natural Resources and Environment Sector representative will participate in a community wide meeting where infrastructure sub-project designs, expected environmental and social impacts and mitigation measures including voluntary donations will be presented for feedback from community members. Prior to the community wide meeting, DAE, YG and Natural Resources and Environment representative will meet affected households individually and confirm their will to donate assets. Affected ethnic people are encouraged to report to LFNC and LWU village representatives in addition to the VRC. The YG will keep a close contact with the LFNC village representatives through the PWC of which they are members. The PWC will also obtain information on environmental and social impacts for the YG and the DAE directly.

SECTION III: IMPLEMENTATION EXPERIENCES OF PRF II and III phases**General Project Impacts:**

Monitoring and evaluation conducted during the PRF II and PRF III phases indicated that no major adverse environmental and social impacts were observed. PRF funded sub-projects were predominantly community small-scale infrastructure development (including schools, markets, dispensaries, over-flow bridges, access roads, water supply, water storage facilities and irrigation systems/ weirs), livelihoods projects (including fish and poultry raising, livestock raising, household and community gardens, etc.) and technical assistance to water sanitation projects (capacity building, no civil works involved). The table below provides a more detailed breakdown of the sector areas of PRFII and PRFIII initiatives including percentages for each sector:

Table 1: Number of sub-projects supported by PRF from 2012-2019

Sectors	Cycle								Total	%
	IX	X	XI	XII	XIII	XIV	XV	XVI		
Agriculture and Forestry	19	18	38	41	21	20	41	33	231	8%
Education	73	94	119	165	264	143	128	158	1,144	37%
Energy & Mines	3	7	6	2	1	5	2	6	32	1%
Health	10	22	23	23	34	8	9	12	141	5%
Public Works & Transport	45	107	57	75	72	71	80	118	625	20%
Water & Sanitation	112	145	90	132	113	101	75	128	896	29%
Total	262	393	333	438	505	348	335	455	3,069	100 %

Source: PRF Monitoring and Evaluation Division, February 2019

Some issues raised in project implementation are common for all sub-projects:

UXO:

Preliminary screening will also be needed to assess the presence of Unexploded Ordinances (UXOs) and the danger they may cause to the implementation of subprojects (SPs). As many districts throughout the Lao PDR are adversely affected by the presence of UXOs, a screening will be conducted, if the PRF III AF activities are in the UXO risk's area, then an UXO clearance plan needs to be prepared, clearance needs to be completed, and a certificate of complete clearance from related office is required as a preliminary stage of sub-project activities.

The PRF will continue to seek advice from UXO Lao and local communities and authorities during the sub-projects' infrastructure technical feasibility study, Family Investment Plan (FIP) and the Micro-Investment Plan (MIP) in order to determine the levels of contamination of the infrastructures, livelihood and nutrition sites (No contamination, moderate and high). Seven of the ten provinces in which PRFIII was active have an issue with UXO contamination. Within these impacted provinces, contamination is geo-specific meaning that in some districts, a general screening is sufficient. In the areas with no contamination, infrastructures, livelihood and nutrition activities can proceed without having to undertake any UXO clearing activities. The project process incorporates this aspect during the infrastructure survey-design and the FIP and MIP screening.

Prior to the implementation of any infrastructure, livelihood and nutrition activities in a new village where the PRF has never worked before, the PRF normally contacts UXO Lao for data. The UXO Lao has maps of the bombing routes used during the hostilities which help identify the high risk areas in advance as a screening tool. PRF will then coordinate with the UXO Lao teams to ascertain if clearance would be required and, if so, to have clearance of the land area added into the particuLAP UXO yearly clearance plan. In the event of an ordinance being found during the course of an activity implemented at the village level, local UXO Lao offices would be contacted to appropriately render the munition safe.

Ethnic Groups, gender and disadvantaged groups:

The PRF II and PRF III phases have been designed to benefit all ethnic groups and the planning process has been designed to promote inclusion of all ethnic groups. Therefore, for the PRF III AF, the Gender and Social Inclusion plan has been revised to ensure that ethnic peoples, including women and disadvantages peoples, better understand the PRF process and receive greater benefits than they do now.

Under the PRF III AF, efforts will continue to be made to ensure that all PRF staff from central to district levels have a clear understanding on various aspects of ethnic issues, especially those related to the positive and negative impacts of the infrastructures, livelihood and nutrition activities, including the needs to address the gender and disadvantages issues. An Ethnic Groups Policy Framework (EGPF) was updated to provide measures to improve consultation with and participation of ethnic groups in the planning and implementation processes of the infrastructures, livelihoods and nutrition activities.

Land Acquisition:

No physical relocation or LAPge-scale land acquisition occurred under the PRF II and PRF III phases, but the construction of community infrastructure may need a limited size of land. Voluntary land donation has been applied as a normal process for the PRF II and PRF III phases, and will continue to be applied under the PRF III AF. The Compensation and Resettlement Planning Framework (CRPF) was updated during the PRF III to cLAPify principles and procedures under which impact on private assets is addressed as voluntary donations and the need to submit a LAP for the WB prior review before sub-project approval if more than 5% of the total land owned by a household is impacted by a sub-project. Where criteria of voluntary donations are not met, an abbreviated Land Acquisition Plan will be developed according to the provisions of the CRPF. Resettlement and demolition of houses and business will not be allowed and this has been included in the “non-eligibility list”.

Physical and Cultural Resources:

Within the PRFII and PRFIII phases, any issues pertaining to Physical and Cultural Resources were mitigated by a combination of planning away from sensitive areas and the geo-planning which would ensure that no impacts would occur on physical and cultural resources. The safeguards assessment conducted during the preparation of the PRF III found that no sub-projects have been implemented in area where there are known Physical and Cultural Resources. Additionally, no chance finds were observed under the PRFII and PRFIII phases funded sub-projects. Since the PRFIII AF would focus on infrastructure that is more “production” oriented and strongly related to income-generating and nutrition-improving activities with a limited financing envelope per village (US\$7,500 per village for 3 years) in the same geographical areas as under the PRF III, it is unlikely that chance finds would be observed under the PRFIII AF. The policy will however be triggered as a precautionary measure for the PRF III AF. The specific ECOP (see Annex 3) developed under the PRF III

would continue to be used to address an unlikely event where chance finds of any physical and cultural resources are observed that were unknown at the planning stages.

Forests: The Forests Policy is triggered because some villages to be supported under the PRFIII AF are located in national or provincial protected areas and the implementation of infrastructures, livelihoods and nutrition activities may have negative impacts on forests in such protected areas. The policy is triggered for precautionary reasons to ensure that any physical interventions, including those proposed in known reserved or decLAPed national forest zones and protected areas, will not directly lead to degradation of critical forest nor induce degradation such as by creating access. Under the PRF III AF, any road works will be prohibited in order to avoid such an induced impact. However, the safeguards performance review of the PRFII and PRFIII phases found that 104 infrastructure sub-projects (less than 1% of the total number of sub-projects initiated) had been financed within the boundaries of protected areas. The impacts were negligible given that they involved rehabilitation of existing tracks that proper screening and environmental management measures were incorporated at the planning stage in line with ECOP. PRFII had an additional 56 activities within protected area boundaries (predominantly small buildings, water supply and small irrigation), environmental impacts from such activities to be minimal as the usual screening and incorporation of environmental management at the planning stage provided suitable minimization and mitigation of expected impacts. However, given the sensitivity of implementing any activities in such locations, the existing requirement that an EIA should be conducted will be strictly applied.

Safety of Dams: this policy was triggered under the PRF IIIAF with any construction on a river that restricts water flow being classed as a ‘dam’. Given the project has the irrigation and gravity fed water supply systems in the eligible list, these are now considered to be dam structures and hence must comply with the safeguards, including safety of upstream dams and natural disaster proof of the supported infrastructures. The PRF has a mechanism for checking and monitoring the safety of the structures. This is now included in the ESMF (Below Table 4.8 under Annex 4). So far, there have been 832 sub-projects related to water and sanitation during the PRFII and PRFIII phases. Safety for these activities was monitored with the Quality Control checklist which is now also included in this ESMF. No safety issues have been reported.

Natural habitat:

The policy is triggered due to minor disturbances and site specific impacts of infrastructures sub-projects. Throughout PRFII and PRFIII phases, the relevant screening and ECOP procedures were implemented. These tools have been strengthened to ensure that impacts occurring during PRF III were properly managed with avoidance, minimize in design and mitigate being the overarching principles incorporated. However, the PRFIII AF activities impact are expected to be minor and site specific and it can be mitigated through the application of the Government EIA included (see section “*Government regulation on EIA*”). The ESMF includes screening procedure to (i) determine whether the proposed infrastructures, livelihood and nutrition activities are in a critical or non-critical natural habitat and (ii) avoid any significant conversion or degradation of any critical natural habitat. PRF will provide training on the EIA process’s, with the support of the World Bank, with the process strengthening monitoring in these sensitive areas.

Specific Project Impact

The small-scale construction will be predominantly undertaken by the community via the Community Force Account approach with contractors supplying materials and labor in some cases. Given that civil works undertaken by the project tend to be small-scale, there is limited potential for adverse environmental impacts. Below summarizes the main safeguard issues and the mitigation measures carried out during the implementation of the PRF II and PRF III phases.

Any investment activity/sub-project that involves civil works or changes to land or water use has the potential to generate negative environmental impacts. Despite size and location of the civil works is scaled down, a set of criteria has been established and applied under the PRFII and PRF III phases, which will continue to be applied under the PRF III AF, with additional cLAPifications on the screening process and specific actions for each type of civil works.

Under PRF II, the main processes applied in environmental impacts assessment, an internal Environmental Screening form in conjunction with specific ECoPs and negative lists, which formed part of the PRFII ESMP. This form was used in all PRF II sub-projects along with relevant ECoPs. At the planning stage for PRFII AF, a comprehensive review of this process was initiated between the client and WBG and the following improvements have been made

- The process and Monitoring forms were created to record unexpected issues that may arise during project implementation.
- Geo-specifics of the sub- project location is systematically captured in the monitoring process.
- The selected contractor is systematically briefed on the environmental and social obligations of the contract.
- PMT Engineer and the Capacity Development Coordinator have been trained to ensure they fully understand all the potential environment impact for each type of the main sub-projects that can be supported by the PRF

Each issue above was addressed within the revised system which built upon the screening process which was being used in the PRFII. Most importantly a full training program was initiated to address environment in general, environmental impacts, specific impact types they may encounter given the type and scale of PRF projects and how to mitigate them. The new form was also presented with practical demonstrations on its use and feedback invited from participants.

Minor environmental impacts were observed within the completion of activities financed by the PRFII and PRFIII phases but none that would be described as significant. A summary of impacts encountered for each project sector under PRFII is contained in the table below:

Sector	Summary of typical impacts encountered
Agriculture and forestry	<ul style="list-style-type: none"> - Watershed management plan - Disease vectors (mosquitos) - Pollution - Fish passage
Education	<ul style="list-style-type: none"> - Tree cutting without replanting - Tree cutting without replanting - Erosion

Energy and Mines	- Waste management (construction)
	- Noise / air quality (construction phase)
	- Tree cutting along alignment without replanting
	- Land use planning and authorization
	- Routing best practices
Health	- Health and Safety
	- Waste management (construction)
	- Tree cutting without replanting
	- Erosion
	- Waste management (construction)
Public works and Transport	- Noise / air quality (construction phase)
	- Odor issues
	- Waste management (operation)
	- Tree cutting without replanting
	- Erosion
Water and Sanitation	- Watershed
	- Water impacts (runoff and discharge)
	- Fish passage during construction
	- Erosion
	- Air pollution and odors
	- Disease vectors (mosquitos)
	- Water quality

Under the PRF II AF, the existing environmental screening mechanism was strengthened to better identify and document environmental and social impacts that may occur under the PRF subprojects (SPs). It builds upon the previous PRF Environmental Screening instrument and works concurrently as a screening tool, at the planning stage of any PRF supported sub-project, and a monitoring tool during implementation through to completion. Intensive training was conducted to PRF implementation staff from all 10 PRF provinces. Final revisions were made to the new process which was then trialed in cycle XIII, with the initial results indicating the improvements are substantial and verifiable. The reporting systems on performance standards have been improved and will continue to be supported with training and refresher training provision to PRF teams. A screening process was carried out to record potential impacts that would allow minimization and mitigation to be incorporated prior to works being undertaken. This monitoring tool has been updated and improved when the PRF III was prepared with a new control document that should ensure monitoring and evaluation continues throughout the construction period and not just at the outset. This will allow unforeseen issues to be reports along with the mitigation used to minimize impacts. In addition, a 6 and 12 months follow up visit was added to the process in order to check if the sub-projects are still operating and serve the purpose they have been built for. It is also the opportunity to evaluate if there are no social and environmental issues that have arisen since the sub-projects have been built and is operating.

Under PRF III AF, the Environment Code of Practice (ECOP) will be streamlined then integrated and mainstreamed into infrastructures, livelihood and nutrition activities, when appropriate, included in operation and maintenance manuals and procedures within village agreements. When tree cutting is unavoidable, new trees of simiLAP species should be planted in an appropriate location to compensate this loss.

Livelihoods

Pest Management:

Implementation of infrastructures sub-projects related to irrigation (new and rehabilitation) as well as the livelihood and nutrition activities may induce the use of pesticides while the knowledge on safe use of chemicals is important for farmers. The safeguard assessment conducted during the preparation found that there is no significant use of either chemical pesticides or fertilizers being used in project areas. The PRF III AF will continue to provide basic knowledge on alternative options for agriculture development and /or livelihood and nutrition activities. The focus will remain on the promotion of organic solutions which are shown to be highly effective. In compliance with the WB Pest Management Safeguard Policy (OP 4.09), a simplified Pest Management Plan has been prepared and it will be applied to activities/sub-projects involving irrigation scheme and livelihood and nutrition activities.

SECTION IV: PRINCIPLES AND PROCEDURES TO MITIGATE IMPACT UNDER THE PRF III AF

Anticipated impacts under the PRF III AF

Since the PRFIII AF would focus on infrastructure that is more “production” oriented and strongly related to income-generating and nutrition-improving activities identified in the targeted villages with an envelope of around US\$7,500 per village for three years, , the scale and scope of impact are expected to be much smaller than those experienced under the PRFII and PRFIII phases (there is a high probability that the financial envelope will be used to rehabilitate or maintain existing infrastructures). Therefore it is unlikely that the activities supported during the PRFIII AF will have significant or irreversible impact would occur under the PRF III AF. Furthermore, physical relocation of households or businesses is not allowed. Although minor impacts are expected the impact will be minimized, mitigated and compensated with management incorporated at the management stage. Activities to support nutrition enhancing livelihood development will unlikely result in any adverse environmental impacts. The PRFIII AF would not procure and promote use of chemical pesticides and fertilizers, which will continue to be included in the non-eligibility list as under the PRF II, and would continue to promote organic farming. However, beneficiary farmers may apply pesticides, herbicides and insecticides providing it does not breach of the PMP or the “non-eligibility” list. The PRFIII AF will continue to monitor and provide advice to farmers on safe use whilst continuing to promote organic methods of pest control and natural fertilizers.

The following have been undertaken under the PRFIII to improve the project environmental performance: (i) improve reporting and recording system of safeguard related issues; (ii) systematically apply safeguard’s measures provided in the ESMF (ECOP and PMP); (iii) conduct refresh training for technical staff to monitor safeguards compliance under project financed activities at least once per year; (iv) link PRFII and PRFIII activities into conservation of nearby natural habitats, forest area and water sources to enhance positive impacts of PRF project.

Throughout PRFIII the strengthened environmental monitoring system and ECOP have been monitored throughout the initial trails. As mention above, training has been provided throughout PRFIII. In addition, special attention has been paid to sub-project in or close to National Biodiversity Conservation Areas to ensure the minimal impacts observed are properly managed and reported. The “Non eligibility list” has been strengthened and their

enforcement more strongly monitored to prohibit any road projects within the boundaries of an NBCA or road linking the NBCA boundary.

Actions to forge effective implementation of safeguards in the PRFIII AF

It is expected that the civil works to be carried out under the PRF III AF will be limited to the improvement and rehabilitation/maintenance of community infrastructure and the mitigation measure would be similar to those of the PRFII and PRFIII phases. Below summarizes measures that have been improved and will continue to be applied during the PRFIII AF:

- The “non-eligibility list” was updated to ensure effective implementation of the infrastructures, livelihood and nutrition activities and establish a “preference list” to mitigate the potential indirect impacts as well as promote conservation of natural resources and protection of environmental quality and public health;
- Clear guidelines provided on how to integrate safeguard measures into the planning, implementation and monitoring process for the infrastructures, livelihood and nutrition activities;
- Improve effectiveness of the screening and recording system at local level by providing a clear safeguard screening and monitoring forms (Annex 3) as well as a clear mitigation measures practices (environmental code of practices, ECOP) for all type of civil works (Annex 3);
- Increase awareness and knowledge of PRF staff, Government stakeholders, community leaders and village institution leaders to understand the potential negative impacts (social and environment) of infrastructures, livelihood and nutrition activities, especially road and bridges, as well as the potential for enhancement of positive impacts on conservation of natural resources, local environment and public health.
- Promote active cooperation of local community in the areas that reduce potential negative environmental impact and enhance positive impacts should be encouraged through capacity building and various on-the-job training activities and community networking;
- PRF team at the central and provincial levels will provide periodic training and supervision to the PRF local staff so that they could provide appropriate information on various safeguard issues of the infrastructures, livelihood and nutrition activities during the planning and implementation process as well as can keep proper records;
- PRF at the Central level will include a section on safeguard performance in the project progress report and ensure effective coordination among various units, including monitoring and evaluation (M&E);
- The Bank will review and provide implementation support including safeguards training as needed.

Implementation Procedures

Non Eligibility lists

To avoid potential negative impacts on local community and local environment, a list of prohibited item and/or activities that cannot be financed (ineligible or the “Non eligibility list”) has been established for the PRFIII and will continue to be applied under the PRF III AF. Details are provided in *Annex 2* and these lists will be included in the Project Operation Manual.

Safeguard screening and review process

In order to minimize the impact of the activities supported by the project on the environment, the PRF has integrated a safeguard requirement into the PRF's planning and approval process and a technical guideline is also provided (*Annexes 3, 4, and 5*). This is to ensure that screening and assessing the potential impacts of a proposed investment will be made in line with the Bank safeguard policies and national laws before it is approved and that the measures are in place to mitigate the negative impacts of approved investment during their design, implementation and operation. Below are highlighted key descriptions of the process:

Step (1) Investments identification phase

Screening for the investments will be based on potential environmental and social impacts and will follow the applicable Bank safeguard policies procedures as well as the national laws.

Screening for negative and preference list: before an investment is approved, the PRF local staff at village and district level facilitates several meetings. During these meetings, the PRF local staff informs the communities of the potential environmental risk of the investment, raise awareness of communities about the need for sustainable use of natural resources and protection of the environment by the communities, and gather information on areas where an investment will be made; for instance, the current land use of the site, existence of protected area, etc. If the investment is found to include activities specified in the prohibited activities ("non-eligibility list"), it will be screened out or reconsidered to exclude such activities. If it is in the "preference list" due consideration should be given to increase priority of the activities.

As with PRFIII, the investment proposal and environment monitoring forms in Annex 3 (A3.1 and A3.2) will be used for all PRFIII AF supported activities regardless of size or location as the steps in the environment and social assessment and monitoring project cycle process (Annex 3). This is a precautionary measure implemented by the project which exceeds the requirement of the Lao government.

A preliminary environmental impact assessment of possible impacts and mitigation measures will be conducted by the PRF local team in close consultation with the Bank team and the DoNRE/PoNRE in order to comply with the Bank safeguard policy requirements (*Annexes 6 and 7*). A draft assessment report should be reviewed in consultation with the village members and other stakeholders to seek and incorporate their views into the investment design and mitigation measures. The report will also be sent to the Bank for review. Specific requirements (good engineering practices and housekeeping) will be included in the bidding and contract document and contractor performance monitored and reported.

Screening for social and environmental issues

An impact assessment using the project screening form (annex 4) will be conducted for each proposed investment (infrastructure, livelihood and nutrition activities) by the YGs under guidance from the DAE on environmental aspect and under guidance from the DC on social aspect. The DC will be responsible for preparing and submitting an impact assessment/IEE reports and social impact mitigation instruments (such as ARAP formerly called Land Acquisition Report, Feedback Redress Mechanism (FRM) report) based on the findings of assessment conducted by the YGs. The DAEs based in district will be responsible for

preparing the impact mitigation instruments (site specific EMPs, ECOPs, PMP) required based on the findings of the impact assessment conducted by the YGs.

All safeguard documents will be directly submitted by the DC and DAE directly to the Capacity Development Coordinator and PMT Engineer at the national level for review and quality assurance. The PMT Engineer and CDC share the safeguard documents especially ARAP and EMP for high risk investments with the Bank for review and clearance before the SP implementation can start.

Simultaneously, the safeguard documents (IEE reports, ARAP, EMP, PMP) will be also submitted to DoNRE for review and approval. For investments with higher risks or significant impacts, IEE reports along with impact mitigation instruments (EMP, ARAP, PMP) may be escalated to PoNRE for approval. In case of significant delay in approval (longer than one month) for the safeguard documents due to uncertainty and limited capacity of PoNRE/MoNRE to review and process the safeguard documents, the project should be allowed to proceed to the implementation after clearance provide by the World Bank. The Bank safeguard policy would prevail in case there are gaps and discrepancy between the national and the WB policy.

Application of the ECOP: For small-scale works, PRF local team will conduct the simple assessment and mitigation measures as described in the Environmental Code of Practices (ECOP) that has been developed for specific small community infrastructure investments with low risks such as rural roads, irrigation/small reservoirs or weirs, water supply, and buildings (*Annex 4*). All the records will be kept in the sub-project file for possible review by the PRF at the Central as well as the World Bank.

Step (2) Infrastructure design phase

Infrastructures which are submitted by a village and which have been pre-selected during the Village Development Plan meetings are then designed by the villagers (Village Implementation Team) with the technical support of the relevant district office engineers and the DAE. The required mitigation measures for design stage will be incorporated into the final design. If the community can not apply a full CFA approach, the contract templates for sub-contracted work have been modified to include specific clauses detailing sub-contractors' obligations in terms of environmental protection.

Step (3) Sub-project implementation phase

(a) The implementation of mitigation measures as well as the monitoring and inspection of potential environmental risks is the responsibility of the communities (VIT) with possible support and involvement of the DoNRE representative. Training and awareness raising activities will be conducted to ensure that communities are aware of the infrastructure environmental risks and to ensure they will take actions to mitigate these risks and to increase their capacity to ensure that they (or the contractors if any) are respecting their obligations in terms of environmental protection. The revised monitoring process now incorporates discussing environment and social obligations in the contract with the community (infrastructure implementation contract in the CFA approach) or the selected contractor and keeping a record of the meeting. Information, Education, Communication (IEC) tools developed for the CFA approach during the PRF III will continue to be used, and training

sessions on environmental protection will be conducted by the PRF community development team at the inception and during the implementation of the infrastructure.

During the implementation phase, reguLAP technical monitoring visits will be conducted by the PRF team and relevant district offices engineers to monitor environmental impacts and inspect the implementation of mitigation measures. When the work is sub-contracted, a final inspection visit will be organized before handing over the infrastructure to the community. All stages of implementation from planning to inception and handover are now recorded in the revised environment monitoring process. The DAE and the engineer from the concerned sector will use a specific form to assess the quality of the work during the visits, which includes an environmental monitoring and inspection checklist (see [Annex 3, 3.2](#)).

Implementation, monitoring, and reporting

The Figure 1 below summarizes the Implementation, monitoring and reporting measures of the PRF III AF related to the ESMF. The PoNRE, DoNRE, DAE and the communities are directly responsible for the implementation of this ESMF. In each district, the DAE with back up support from YG will carry out survey and design, identify environmental and social impacts and develop mitigation measures with the assistance of the DoNRE. The DAE is also responsible to ensure that an appropriate environmental monitoring forms and ECOP are attached to the civil works contract and supervise the community and the contractors if any for compliance. The PRF recently developed civil works check list which includes community and contractor compliance with ECOP which will be filled and filed by the DAE. The PMT engineer review all filled civil works check list, and will randomly review the filled civil works check list as part of environmental performance monitoring. The YG is responsible to ensure compliance, monitoring and reporting on social safeguard requirements.

The following guidance will continue to be used under the PRF III AF.

Table 2. Guidance on safeguards issues and actions

Potential negative impacts	Required mitigation actions	Remarks
During activities preparation		
(1) Permanent or temporary loss of land or resources for any households, including restriction of access to natural resources and/or impediments to movement of people and animals (Includes patrolling activities)	<p>Identify the amount and nature of land required, owner, and/or other issues and prepares a Land Acquisition/Resettlement Plan (LAPP) or Land Acquisition Report or Resettlement Report (LAP/RR) to provide compensation and/or assistance following the Compensation and Resettlement Planning Framework (CRPF) of Lao PDR.</p> <p>The project will support increasing awareness of Persons Affected by Project (PAPs) about the Feedback and Resolution Mechanism (FRM), and build capacity of those involved in existing Feedback and Resolution Committee (FRC) on the required tasks, including dealing with or mediating complaints, recording/reporting and monitoring</p>	Prior consultation with PoNRE/DoNRE and the WB, proper documentation, and Post review by WB may be necessary.

	proposed resolutions.	
(2) Potential social conflicts arising from land tenure and land use issues and/or in water supply rights or related social conflicts	<p>Develop mitigation measures for conflict resolution through close consultation with stakeholders and placed within Project processes, inherently community-based and collectively managed, not precluding the involvement of third-party/external mediators.</p> <p>Develop Village Resources Use Agreement;</p> <p>Using existing Community Conflict Resolution Mechanisms that most likely led by senior/elderly respected persons, or leaders of Ethnic Groups (EG).</p>	If the conflicts may deteriorate livelihoods or living conditions of women or the poorest families in the sub-project area or involve political influence, or likely to be escalated to higher level, the PRF team will inform the WB
(3) Likely to adversely affect ethnic groups	<p>Carry out social assessment process through free, prior, and informed consultations as part of the Village Development Plan meetings and develop and describe in the infrastructure documents measures to address them in line with the provisions of EGPF.</p> <p>The project will support increasing awareness of PAPs, in respective languages of IP groups, about the FR mechanism, and building capacity of those involved in the existing FR Committee on the required tasks, including dealing with or mediating complaints from individual and/or ethnic groups, recording/reporting, and monitoring proposed resolutions.</p>	Prior consultation with PONRE/DONRE and the WB, proper documentation, and Post review by WB may be necessary.
(4) UXO risk	If yes, contact responsible agency and complete the clearance before conducting project activities.	PRF central level to take the lead in securing safety of the project area
During activities implementation		
(5) May induce the use of pesticides and/or toxic chemicals that could affect soil quality, water quality, and/or water users downstream	Prohibit the use of pesticides and toxic chemicals exceeding the amount required to treat efficiently the infected area; prohibit the use of illegal pesticides/insecticides; Apply the simplified pest management plan and provides training to farmers/fishers.	
(6) Construction of weirs that will divert or regulate the flow of river	If yes, follow Annex 5	PRF engineers will pay particular attention to the safety of weirs and associated environmental impacts
(7) Activities involve small	Apply good engineering and/or good	PRF team at the local level

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civil works that may cause temporary air, noise, and/or water pollution, soil erosion, and/or create public health risks, wildlife hunting, or impacts on downstream water uses.	housekeeping with close monitoring and supervision, including maintaining close consultation with local population. The contract will also include a special clause on “ <i>chance find</i> ”.	and PRF central level will ensure that the appropriate mitigation measures and construction material in line with National Laws and Regulations and safety standards are included in the contract and that the contractor effectively implements required mitigation measures. No asbestos material will be used for any construction site.
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SECTION V: PUBLIC CONSULTATIONS

As per the requirement of the Government EIA decree No 21/PM dated January 29, 2019, a consultation meeting was organized on February 14, 2019 in Oudomxay capital, on March 24 2019 in Xiengkhouang province, Phongsaly province on March 18 2019, to discuss the preparation of the PRF III AF at the provincial level with the participation of the representatives from both Oudomxay and Phongsaly provinces. The provincial authorities has congratulated the PRF team for their support and achievements and encouraged them to continue assisting the community and highlighted the following:

- Provide more trainings on livestock;
- Strengthen coordination among donors to avoid overlapping activities in the same villages;
- Infrastructure is still very important to link the community to the agriculture land and should continue to be supported;
- RMG support should continue;
- Consider criteria for the selection of the target villages;
- Consider about the school garden in the project design;
- Support behavior changes by using the video on nutrition done by the community members themselves;
- Provide loan to the community, not grant like the AFN project;
- Set up an Impact evaluation across the four convergence projects to measure the success;
- Agree that the Pesticide Management Policy (PMP) should be applied;
- Agricultural promotion has to be based on the suitability of each village;
- Before any activity will be conducted, the IEA should be the first step, and include the Office of Natural Resources and Environment has the responsible person, including the budget to be involved;
- It is requested to increase the coordination with concerned offices;
- It is requested to provide toilet for poorest household because they cannot afford it due to their poverty;
- The project staff need to upgrade their communication skills to better communicate with beneficiaries from small ethnic groups;
- The project should present their work plan to local authorities including the project methodology, approach and detail working plan;

- Provides more fund for maintaining and improving the quality of existing sub-project provided by PRF;
- Exchange comments on nutrition with all the concerned sector aiming at harmonizing the support provided at the community level;
- Creating a community-based video about the improvement of livelihoods and nutrition is a good approach for the community to understand quickly messages.

On March 14 2019, a consultation meeting was also conducted in Xome village, Kum ban Longmath Neua, in Kham district (Xiengkhouang Province) with ethnic groups representatives.

The bullet points below highlighted the main comments provided during the consultation:

- Small ethnic groups will benefit from PRFIII AF as the selection of the SHG members is selected from poor households;
- Villages with mixed communities are afraid that some ethnic groups will be shy to speak (need to select a person who can understand Lao language from each ethnic groups to ensure translation);
- The implementation of the Project's activity seems to be appropriate following on the documents presented during the consultation;
- Agreement that Pesticides and chemical fertilizers must be prohibited;
- If some people do not follow the rule, they should be fined;
- Composted fertilizer and dust fertilizer must be promoted instead of chemical fertilizers;
- VDOs about nutrition are very good, but we are afraid that we do not have money to buy nutritious food;
- Communities are ready to cooperate with the project, and to hold meeting every two weeks as per the project request;
- All ethnic groups can discuss and solve common problems together.
- There will be no environmental impact because most of the communities are prohibiting the use of herbicides and chemicals in agricultural activities.

From all consultations, the project receives broad community support. It will also proceed with public involvement by convening meetings at village level to disseminate data and gather opinions on the preliminary environmental impact assessment report from the affected people and stakeholders. This meeting must involve the provincial office of natural resources and environment [where the project is located], the concerned district offices and administration and village administration as well as small ethnic groups, should be gender balance, and involve disadvantaged people that may be affected by the investment project and activities. The project owners must also convene district level meetings and technical level meetings in coordination with the provincial offices of natural resources and environment

The report on implementation of project environmental activities must also be shared via newspaper, televisions, speaker, radios, website or other printed materials. The affected people and other stakeholders may express their opinions on implementation of the investment project and activities via hotline telephone, electronic, [or] send opinions, complaints in writing to the PRF central office or the governmental organization or in other means.

Safeguards training

PRF will continue to organize training to PRF teams on how to apply the updated ESMF, CRFP and EGPF, use the various checklists, screening and reporting forms, table on typical environmental impacts and mitigation measures as indicated in the ECOP as appropriate. Substantive training on safeguards will be provided, before the field activities start in order to ensure that all PRF staff and Government counterparts understand and know how to apply and monitor all the safeguards. Within PRFIII AF this will be monitored and consolidated to streamline the safeguards implementation and reporting. Safeguard training to PRF staff should be carried out as part of the overall training of PRF staff throughout the PRF process. Adequate budget is allocated for safeguard training as well as for the implementation of mitigation measures (see the budget section). Mitigation of safeguard activities during construction will be part of the construction costs.

Budget

Capacity development for participatory and transparent decision making processes involving ethnic groups, including on minimization of negative impacts on any members of the community, is part of the standard PRF process. As such, the PRFIII AF would continue to allocate significant resources for such capacity development. The PRF also recognizes environmental and social sustainability as an important ingredient for sustainable poverty reduction, and will continue to raise awareness of community members on and develop their basic capacity to comply with environmental and social safeguard requirements under the PRFIII AF.

Table 3. Days of work for each activity of safeguard

No	Description	Unit	Qty	Cost per year	Total
Comp 2.1	Training on E&S safeguard to YG	year	3	6,667 US\$	20,000 US\$
Comp 2.1	IEC material to supporting E&S activities	year	3	2,667 US\$	8,000 US\$
Comp 2.3	Field visited by PoNRE and DoNRE staff to review and monitor safeguard compliance by sub-projects.	year	3	6,000 US\$	18,000 US\$
	Total				46,000 US\$

As the table above shows, the PRFIII AF would allocate about \$46k for the capacity development of PRF staff, Government stakeholders and communities on the implementation of project safeguard instruments. It is to note that the actual spending on safeguard implementation will be significantly higher as this budget does not include the safeguards monitoring that will be conducted during the village visits by PRF staff and the Government counterparts. For instance, ECOP monitoring is carried out as part of the overall supervision of the infrastructures, livelihood and nutrition activities preparation and implementation. The training of village institutions (VIT, VSMC, SHG, PG, FNG, etc.) on participatory processes has multiple objectives of which safeguard is just one. Since safeguard implementation and monitoring are embedded in many project activities at the village level, it is difficult to estimate the budget that will be spent under the PRF III AF purely and only for the safeguards implementation and compliance.

List of ANNEXES**Annex 1: List of villages covered by the PRFIII AF (*still TBC*)**

		Selected Criteria					
Province	Phongsaly	1	2	3	4	5	6
District	Mai						
Village	Nam in English						
1	Mokjala + Homexay	✓	✓	✓	✓	✓	✓
2	Ompalong	✓	✓	✓	✓	✓	✓
3	Houylod + Omtalum	✓	✓	✓	✓	✓	✓
4	Noy	✓	✓	✓	✓	✓	✓
5	Naluang	✓	✓	✓	✓	✓	✓
6	Gn akha	✓	✓	✓	✓	✓	✓
7	Chamoeny	✓	✓	✓	✓	✓	✓
8	Jabeu	✓	✓	✓	✓	✓	✓
9	Pearlorkhao	✓	✓	✓	✓	✓	✓
10	Tintok + Pongsy	✓	✓	✓	✓	✓	✓
11	Piengluang+Nonglom	✓	✓	✓	✓	✓	✓
12	Phonxay	✓	✓	✓	✓	✓	✓
13	Kharchee	✓	✓	✓	✓	✓	✓
14	Seantar+Pouyang+Namgnor	✓	✓	✓	✓	✓	✓
15	Houyant+Theangluang	✓	✓	✓	✓	✓	✓
16	Pontee	✓	✓	✓	✓	✓	✓
17	Maikhordue	✓	✓	✓	✓	✓	✓
18	Sompoy	✓	✓	✓	✓	✓	✓
19	Salung+Nongheo	✓	✓	✓	✓	✓	✓
20	Houylai +Pakpa	✓	✓	✓	✓	✓	✓
District	Khua						
Village	Nam in English						
1	Pijermai	✓	✓	✓	✓	✓	✓
2	Pijerkhao	✓	✓	✓	✓	✓	✓
3	Kokpao	✓	✓	✓	✓	✓	✓
4	Nammanue	✓	✓	✓	✓	✓	✓
5	Na	✓	✓	✓	✓	✓	✓
6	Nambood	✓	✓	✓	✓	✓	✓
7	Phonsa-at	✓	✓	✓	✓	✓	✓
8	Dongkham	✓	✓	✓	✓	✓	✓
9	Laolee	✓	✓	✓	✓	✓	✓
10	Houypeakhon	✓	✓	✓	✓	✓	✓
11	Seanyang	✓	✓	✓	✓	✓	✓
12	HouyOn	✓	✓	✓	✓	✓	✓
13	Phouvieng	✓	✓	✓	✓	✓	✓

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14	Omtala	✓	✓	✓	✓	✓	✓
15	Mokpeak	✓	✓	✓	✓	✓	✓
16	Kunglid	✓	✓	✓	✓	✓	✓
17	Kangluang	✓	✓	✓	✓	✓	✓
18	Houythong	✓	✓	✓	✓	✓	✓
19	Kongvat	✓	✓	✓	✓	✓	✓
20	Chalakhao	✓	✓	✓	✓	✓	✓
21	Chalamai	✓	✓	✓	✓	✓	✓
22	Sabor	✓	✓	✓	✓	✓	✓
23	Namponnue	✓	✓	✓	✓	✓	✓
24	Lahangngai	✓	✓	✓	✓	✓	✓
25	Krongbang	✓	✓	✓	✓	✓	✓
26	Hatpon	✓	✓	✓	✓	✓	✓
27	Hatdane	✓	✓	✓	✓	✓	✓
District	Samphane						
Village	Nam in English						
1	Mokyon	✓	✓	✓	✓	✓	✓
2	Leevai	✓	✓	✓	✓	✓	✓
3	Phouxangmai	✓	✓	✓	✓	✓	✓
4	Phouxangkhaao	✓	✓	✓	✓	✓	✓
5	Kokmuang	✓	✓	✓	✓	✓	✓
6	Seankham+Seanphom	✓	✓	✓	✓	✓	✓
7	Kherchang	✓	✓	✓	✓	✓	✓
8	Muenghoun	✓	✓	✓	✓	✓	✓
9	Phatao	✓	✓	✓	✓	✓	✓
10	Sila	✓	✓	✓	✓	✓	✓
11	Mokkokluang	✓	✓	✓	✓	✓	✓
12	Mokkoknay	✓	✓	✓	✓	✓	✓
13	Yangpa	✓	✓	✓	✓	✓	✓
14	Chapiewluang	✓	✓	✓	✓	✓	✓
15	Chapiewnoy	✓	✓	✓	✓	✓	✓
District	Bountai						
Village	Nam in English						
1	Phiasou	✓	✓	✓	✓	✓	✓
2	Chahor	✓	✓	✓	✓	✓	✓
3	Hatngam	✓	✓	✓	✓	✓	✓
4	Hatset	✓	✓	✓	✓	✓	✓
5	Chamea	✓	✓	✓	✓	✓	✓
6	Phongkounamkueng	✓	✓	✓	✓	✓	✓
7	Samphanxay	✓	✓	✓	✓	✓	✓
8	Kaosan	✓	✓	✓	✓	✓	✓

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9	Aya	✓	✓	✓	✓	✓	✓
10	Chaluangmai	✓	✓	✓	✓	✓	✓
11	Aneng	✓	✓	✓	✓	✓	✓
12	Chakhamdeang	✓	✓	✓	✓	✓	✓
13	Chatamxao	✓	✓	✓	✓	✓	✓
14	Bohat+Chavang	✓	✓	✓	✓	✓	✓
15	Bonoy	✓	✓	✓	✓	✓	✓
16	Phoukhor	✓	✓	✓	✓	✓	✓
Province	Oudomxay						
District	Namo						
Village	Nam in English						
1	Mouteun	✓	✓	✓	✓	✓	✓
2	Namphaeng	✓	✓	✓	✓	✓	✓
3	Houayxang	✓	✓	✓	✓	✓	✓
4	Kiewchaep	✓	✓	✓	✓	✓	✓
5	Houayhou	✓	✓	✓	✓	✓	✓
6	Phouthong	✓	✓	✓	✓	✓	✓
7	PhoumOmh	✓	✓	✓	✓	✓	✓
8	Mikkha	✓	✓	✓	✓	✓	✓
9	Sakoua	✓	✓	✓	✓	✓	✓
District	La						
Village	Nam in English						
1	Phonxay	✓	✓	✓	✓	✓	✓
2	Vieng kham	✓	✓	✓	✓	✓	✓
3	Bouamsom	✓	✓	✓	✓	✓	✓
4	Samakhixay	✓	✓	✓	✓	✓	✓
Province	Xiengkhouang						
District	Kham						
Village	Nam in English						
1	Som	✓	✓	✓	✓	✓	✓
2	Na Meouy	✓	✓	✓	✓	✓	✓
3	Boua	✓	✓	✓	✓	✓	✓
4	Na Hom	✓	✓	✓	✓	✓	✓
5	Na Gneiw	✓	✓	✓	✓	✓	✓
6	Sop Thang	✓	✓	✓	✓	✓	✓
7	Phieng Dang	✓	✓	✓	✓	✓	✓
8	Kang Kham	✓	✓	✓	✓	✓	✓
9	Phieng Khong	✓	✓	✓	✓	✓	✓
10	Than Jong	✓	✓	✓	✓	✓	✓
11	Than Tho	✓	✓	✓	✓	✓	✓
12	Keo Leuk	✓	✓	✓	✓	✓	✓

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13	Nam Lieng	✓	✓	✓	✓	✓	✓
14	Song	✓	✓	✓	✓	✓	✓
15	Nong Own	✓	✓	✓	✓	✓	✓
16	Sop Mon	✓	✓	✓	✓	✓	✓
17	Phon Hom	✓	✓	✓	✓	✓	✓
18	Phon Khao	✓	✓	✓	✓	✓	✓
19	Phon Cheang	✓	✓	✓	✓	✓	✓
20	Pha Han	✓	✓	✓	✓	✓	✓
21	Pha Kok	✓	✓	✓	✓	✓	✓
22	Nam Thoum	✓	✓	✓	✓	✓	✓
23	Phosy	✓	✓	✓	✓	✓	✓
24	Phone Thun	✓	✓	✓	✓	✓	✓
25	Na Pheing	✓	✓	✓	✓	✓	✓
District	Nonghaed						
Village	Nam in English						
1	HouyLom	✓	✓	✓	✓	✓	✓
2	San Gnom	✓	✓	✓	✓	✓	✓
3	Koe Dou	✓	✓	✓	✓	✓	✓
4	Soum Phai	✓	✓	✓	✓	✓	✓
5	Houay Khang	✓	✓	✓	✓	✓	✓
6	Boauk Ser	✓	✓	✓	✓	✓	✓
7	Phieng Mon	✓	✓	✓	✓	✓	✓
8	Pha Pher	✓	✓	✓	✓	✓	✓
9	Keo Kong	✓	✓	✓	✓	✓	✓
10	Phou Houa Xang	✓	✓	✓	✓	✓	✓
11	Houay Tong	✓	✓	✓	✓	✓	✓
12	Vang Kham	✓	✓	✓	✓	✓	✓
13	Nam Men	✓	✓	✓	✓	✓	✓
14	Pha Ann	✓	✓	✓	✓	✓	✓
15	Pa Houk	✓	✓	✓	✓	✓	✓
16	Nong Oar	✓	✓	✓	✓	✓	✓
17	Phuk Luck	✓	✓	✓	✓	✓	✓
18	Houay Seoung	✓	✓	✓	✓	✓	✓
19	Nam Kon Gnaou	✓	✓	✓	✓	✓	✓
20	Phamout	✓	✓	✓	✓	✓	✓
21	Yord Khor	✓	✓	✓	✓	✓	✓
22	Pha Aor	✓	✓	✓	✓	✓	✓
23	Khok Mou	✓	✓	✓	✓	✓	✓
24	Din Dam	✓	✓	✓	✓	✓	✓
25	Pa Lun	✓	✓	✓	✓	✓	✓
26	Poung Seng	✓	✓	✓	✓	✓	✓

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27	Longkouang	✓	✓	✓	✓	✓	✓
28	ThamPong	✓	✓	✓	✓	✓	✓
Province	Houaphan						
District	Houameuang						
Village	Nam in English						
1	Pahsod	✓	✓	✓	✓	✓	✓
2	Thad	✓	✓	✓	✓	✓	✓
3	Pahcha	✓	✓	✓	✓	✓	✓
4	Pakhaneoua	✓	✓	✓	✓	✓	✓
5	Ko Hai	✓	✓	✓	✓	✓	✓
6	Namoueang	✓	✓	✓	✓	✓	✓
7	Phonkhamg	✓	✓	✓	✓	✓	✓
8	Soumvanh	✓	✓	✓	✓	✓	✓
9	HouayMai	✓	✓	✓	✓	✓	✓
10	Homphane	✓	✓	✓	✓	✓	✓
11	Homthong	✓	✓	✓	✓	✓	✓
12	Namnad	✓	✓	✓	✓	✓	✓
13	Kor Hing	✓	✓	✓	✓	✓	✓
14	Nasam	✓	✓	✓	✓	✓	✓
15	Pahpaek	✓	✓	✓	✓	✓	✓
16	Houasieng	✓	✓	✓	✓	✓	✓
District	Xamtai						
Village	Nam in English						
1	Nambong	✓	✓	✓	✓	✓	✓
2	Pakhom	✓	✓	✓	✓	✓	✓
3	Meouangkeun	✓	✓	✓	✓	✓	✓
4	Phoulae	✓	✓	✓	✓	✓	✓
5	Naxaew	✓	✓	✓	✓	✓	✓
6	Thamchok	✓	✓	✓	✓	✓	✓
7	Phanokxaew	✓	✓	✓	✓	✓	✓
8	Phalom	✓	✓	✓	✓	✓	✓
9	Aeat	✓	✓	✓	✓	✓	✓
10	Houaykhai	✓	✓	✓	✓	✓	✓
11	Palao	✓	✓	✓	✓	✓	✓
12	Thupkhor	✓	✓	✓	✓	✓	✓
13	Soptieng	✓	✓	✓	✓	✓	✓
14	Pook	✓	✓	✓	✓	✓	✓
15	Phonxay	✓	✓	✓	✓	✓	✓
16	Nam Teab	✓	✓	✓	✓	✓	✓
17	ChaAiy	✓	✓	✓	✓	✓	✓
18	Houay Kum	✓	✓	✓	✓	✓	✓

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19	Thammou	✓	✓	✓	✓	✓	✓
20	Yordyeaung	✓	✓	✓	✓	✓	✓
21	Kaengmai	✓	✓	✓	✓	✓	✓
22	Houay POUNG	✓	✓	✓	✓	✓	✓
District	Kouan						
Village	Nam in English						
1	Nongvan	✓	✓	✓	✓	✓	✓
2	Longkouang	✓	✓	✓	✓	✓	✓
3	Korhai	✓	✓	✓	✓	✓	✓
4	Pouangthak	✓	✓	✓	✓	✓	✓
5	Houay Mut	✓	✓	✓	✓	✓	✓
6	Houay Hai	✓	✓	✓	✓	✓	✓
7	San Home	✓	✓	✓	✓	✓	✓
8	Pheing Pho	✓	✓	✓	✓	✓	✓
9	Pheing Dee	✓	✓	✓	✓	✓	✓
10	Kaeng Kor	✓	✓	✓	✓	✓	✓
11	Yordpao	✓	✓	✓	✓	✓	✓
12	Yord Ein	✓	✓	✓	✓	✓	✓
13	Houay Heiung	✓	✓	✓	✓	✓	✓
14	Nam Pad	✓	✓	✓	✓	✓	✓
District	Sone						
Village	Nam in English						
1	Houay laoh	✓	✓	✓	✓	✓	✓
2	Meouangkao	✓	✓	✓	✓	✓	✓

Annex 2: The “Non eligibility list”

1. The following activities are prohibited under the PRFIII AF (ineligible or the “Non eligibility list”) in order to avoid adverse irreversible impacts on the environment and people, the following activities are explicitly excluded from funding:

- (i) Relocation and/or demolition of any permanent houses or business.
- (ii) Use of PRF investment or subproject as an incentive and/or a tool to support and/or implement physical resettlement of local people and village consolidation.
- (iii) Land acquisition that affect more than 200 persons or 20 households.
- (iv) New settlements or expansion of existing settlements inside “Total Protected Zone” as defined in a government decree (see actions in Table 3 of ESMF).
- (v) Likely creation of adverse impacts on ethnic groups within the village and/or in neighboring villages or unacceptable to ethnic groups living in an ethnic homogenous village or a village of mixed ethnic composition.
- (vi) Imposing ideas and changing priorities identified by the community and endorsed at the Kumban level meeting without community consultation, prior review and clearance from the PMT.
- (vii) Damage or loss to cultural property, including sites having archeological (prehistoric), paleontological, historical, religious, cultural and unique natural values.
- (viii) Resources access restriction that could not be mitigated and will result in adverse impacts on the livelihoods of ethnic groups and disadvantage peoples.
- (ix) New roads, road rehabilitation, road surfacing, or track upgrading of any kind inside natural habitats and existing or proposed protected areas.
- (x) Purchase of guns; chain saws; asbestos, dynamites, destructive hunting and fishing gears and other investments detrimental to the environment.
- (xi) Purchase of pesticides, insecticides, herbicides and other dangerous chemicals exceeding the amount required to treat efficiently the infected area. However, if pest invasion occurs, small amount of eligible and registered pesticides in Lao PDR is allowed if supplemented by additional training of farmers to ensure pesticide safe uses in line with World Bank’s policies and procedures (Bank clearance is needed).
- (xii) Forestry operations, including logging, harvesting or processing of timber and non-timber products (NTFP).
- (xiii) Unsustainable exploitation of natural resources.
- (xiv) Introduction of non-native species, unless these are already present in the vicinity or known from simiLAP settings to be non-invasive.
- (xv) Significant conversion or degradation of natural habitat or where the conservation and/or environmental gains do not clearly outweigh any potential losses.
- (xvi) Production or trade in any product or activity deemed illegal under Lao PDR laws or regulations or international conventions and agreements, or subject to international bans.

- (xvii) Labor and working conditions involving harmful, exploitative, involuntary or compulsory forms of labor, forced labor⁵, child labor⁶ or significant occupational health and safety issues.
- (xviii) Trade in any products with businesses engaged in exploitative environmental or social behavior.
- (xix) Subprojects that require full EIA will not be funded including any projects that will use or induce the use of hazardous materials (including asbestos) or any banned chemicals.
- (xx) Construction of health center and school buildings, which are not directly contribute to improved livelihood and nutrition outcomes and covered by other projects.

Preference list

- i) promote skill development and increase income revenue promote conservation of fish habitats
- ii) promote reforestation and re-vegetation
- iii) promote conservation of water resources
- iv) increase awareness and ownership of local community to protect and management their forest areas, wetlands, wildlife or biodiversity
- v) promote utilization of natural/organic pesticide from herb instead of chemical pesticide

⁵ Forced labor means all work or service, not voluntarily performed, that is extracted from an individual under threat of force or penalty.

⁶ Harmful child labor means the employment of children that is economically exploitive, or is likely to be hazardous to, or to interfere with, the child's education, or to be harmful to the child's health, or physical, mental, spiritual, moral, or social development.

Annex 3. Integration of Safeguard Measures into PRF Process

PRFIII AF SAFEGUARDS APPLIED TO INFRASTRUCTURE ACTIVITIES	
Steps	Safeguards activities
PRF staff and GOL overall training	PRF staff and GOL staff training on safeguards (negative list, social and environmental guidelines including ESMF, CRPF, EGPF and compensation/voluntary contribution rules, mitigation of impact on physical resources and inclusion of vulnerable ethnic groups).) raise communities awareness about the need for sustainable use of natural resources and protection of the environment and social cohesion
Orientation meeting (information about the Infrastructure planning and implementation process, Public Work Committee formation, CFA approach, O&M activities, etc.) and collection of existing village data related to access to basic services with focus on agriculture and forestry	Ensure representation and participation of small ethnic groups at the ceremony. Local ethnic interpreters will be mobilized to help with translation and facilitating small ethnic communities as deemed necessary Presentation to the communities about the key PRF and GOL safeguards (negative list, social and environmental guidelines including ESMF, CRPF, EGPF and compensation/voluntary contribution rules, mitigation of impact on physical resources and inclusion of vulnerable ethnic groups).and data collection related to small ethnic groups, vulnerable groups, etc. raise awareness of communities about the need for sustainable use of natural resources and protection of the environment and social cohesion
Data collection (walk transect, social map) and update of the overall Village Development Plan Geo-localisation of the existing basic services	Ensure representation and participation of small ethnic groups at the ceremony. Local ethnic interpreters will be mobilized to help with translation and facilitating small ethnic communities as deemed necessary. Collection of environmental data (Land allocations, watershed, etc.) and cultural resource (material and immaterial). Village and main services geo-localization
District Meeting to endorse the VDP	advisors that the final design respect PRF standards; Review of the number of people affected by resettlement of land acquisition (if any). Review potential issues related to safeguard by provincial and district representatives.
Set up Public Work Committee and description of their roles and responsibilities. Election of the 3 Public Work Committee members (technical team, procurement team, financial team). Survey-design and infrastructure planning preparation	Public Work Committee trained on safeguards related to infrastructures location and construction. PRF and concerned sector engineers environmental screening of the sub-projects locations selection and recommendation on the best location to the community. Inclusion of specific safeguards requirements or ECOP in the bidding and contract document with community (CFA) and/or contractor. Screen or identify

Poverty Reduction Fund III AF (PRFIII AF)

	whether possible land acquisition and resettlement of local people are required with special attention paid to the small ethnic groups. Identify measures to mitigate the possible impacts as per the CRPF and EGPF requirements.
Training on Procurement	List of eligible and ineligible items that can be procured shared by the community through the Public Work Committee
Procurement	PRF engineer and concerned sector engineer to check if local materials provided by the communities as part of the procurement process will not have negative impact on the environment and the people
Training on Infrastructure Implementation	Public Work Committee training related to the monitoring and mitigation of environmental and social safeguards during infrastructure implementation and how to conduct the accountability meetings
Infrastructure Implementation	PRF and concerned sector engineer to start monitoring Infrastructure construction with VIT and check compliance with environment and social safeguards. Land donation process must be completed before construction begins. Grievances are addressed through the FRM.
Infrastructure hand over to the community	Ensure representation and participation of small ethnic groups at the ceremony. Local ethnic interpreters will be mobilized to help with translation and facilitating small ethnic communities as deemed necessary
12 months infrastructure follow up visit-	Concerned sector engineer and YG to check that there is no environmental or social issues related to the infrastructure operations. Assist the community to identify and put in place a mitigation action plan

PRFIII AF SAFEGUARDS APPLIED TO LIVELIHOOD AND NUTRITION ACTIVITIES	
Steps	Safeguards activities
PRF staff and GOL overall training	PRF staff and GOL staff training on safeguards (negative list, social and environmental guidelines including ESMF, CRPF, EGPF and compensation/voluntary contribution rules, mitigation of impact on physical resources and inclusion of vulnerable ethnic groups).) raise communities awareness about the need for sustainable use of natural resources and protection of the environment and social cohesion
Orientation meeting (information about the livelihood and nutrition activities (SHG, PG, FNG, VSMC, etc.)) and collection of existing village data related to past and existing livelihood and nutrition activities	<p>Ensure representation and participation of small ethnic groups and women at the ceremony.</p> <p>Local ethnic interpreters will be mobilized to help with translation and facilitating small ethnic communities as deemed necessary</p> <p>Presentation to the communities about the key PRF and GOL safeguards (negative list, social and environmental guidelines including ESMF, CRPF, EGPF and compensation/voluntary contribution rules, mitigation of impact on physical resources and inclusion of vulnerable ethnic groups) and data collection related to small ethnic groups, vulnerable groups, etc. raise awareness of communities about the need for sustainable use of natural resources and protection of the environment and social cohesion</p>
Data collection (walk transect, social map) and update of the overall Village Development Plan	<p>Ensure representation and participation of small ethnic groups at the ceremony.</p> <p>Local ethnic interpreters will be mobilized to help with translation and facilitating small ethnic communities as deemed necessary.</p> <p>Collection of environmental data (Land allocations, watershed, etc.) and cultural resource (material and immaterial). Village and main services geo-localization</p>
Follow up of the SHG formation by YG	Detail presentation of the GESI criteria for the formation of the SHG and FNG
Set up SHG (validation per YG) (75%) and detail description of their role and responsibilities. Election of the president, treasurer and secretary	YG to check if criteria for the set-up of the SHG and FNG have been applied before validation. VIT trained on safeguards related to infrastructures location and construction. PRF and concerned sector engineers environmental screening of the sub-projects locations selection and recommendation on the best location to the community
SHG name validated and CB start on the meeting process	YG to check that during SHG meetings, every members can talk freely and that there are no elite capture

CB module one: What is Poverty and how to come out of poverty	Introduction of environmental considerations related to the consequence of poverty (unsustainable use of natural resources)
CB module 3: Finance Management & Books of Records	YG to train the FNG on the potential environmental impact of home gardens (location, potential land conflict, PMP, compost, rotation, etc.)
CB module 4: Livelihoods Improvement and Family or Household Investment Plan (HIP) and Micro Investment Plan (MIP) and open saving bank account in local bank (optional). VSMC and VSA formation (and bank account opening?)	Environmental and safeguards consideration introduced related to the selection of the SHG activities and in the preparation of the HIP and MIP
Preparation of the monthly meal plan and related budget. Analysis of resources available (land, water, etc.) and preparation of support list	YG to check equitable share of village resources (especially water) and that resources will be used in a sustainable manner
Initiate SHG performance appraisal; and transfer seed-grants to VSMC bank account	Check that all items to be procured for the home gardens are in the eligible list (PMP)
Preparation FIP and MIP by SHG and submission to VSMC	PRF and concerned sector engineer to start monitoring SP construction with VIT and check compliance with environment and social safeguards
SHG starts receiving seed-grants	YG to train the model farmers on the potential environmental impact of home gardens (location, potential land conflict, PMP, compost, rotation, etc.) Model farmer to check that during home garden monitoring, there is no environmental impact issues or use of items that are not in the eligible list
SHG starts repayment (principal and interests)	YG and moderators to check that during Social Accountability Meetings, every members can talk freely and that the participatory process is applied

Annex 4 – Subproject Proposal and Monitoring Forms

1. This annex provides a sample SP proposal and monitoring forms to guide proper screening and documentation. A guideline for simple impact assessment of subprojects is provided in Annex 4.

A3.1 Sub-project proposal form

a) <u>Impact on Environment</u>	Assessment of Impact on Environment
Changes are likely to occur in water use and/or water availability	<input type="checkbox"/> (YES – Tick ✓)
Protected area or area proposed for protection by the Government	<input type="checkbox"/> (YES – Tick ✓)
Involve sustainable harvest/use of NTFP, fishes, and other aquatic life, etc.	<input type="checkbox"/> (YES – Tick ✓)
Promote conservation of natural resources (water, forest, soil, biodiversity) and habitats	<input type="checkbox"/> (YES – Tick ✓)
Promote cleanliness, hygienic, road safety, and/or public health	<input type="checkbox"/> (YES – Tick ✓)
Presence of Unexploded Ordinances (UXOs)_____	<input type="checkbox"/> (YES – Tick ✓)
Presence of Archaeological material, Stupa, high aesthetic and recreation value	<input type="checkbox"/> (YES – Tick ✓)
Others Specify_____	<input type="checkbox"/> (YES – Tick ✓)
b) <u>Impact on pest management</u>	Assessment of Impact on pesticides
Procurement of pesticides	<input type="checkbox"/> (YES – Tick ✓)
Training on safe use of pesticides	<input type="checkbox"/> (YES - Tick ✓)
Promoting non-chemical uses	<input type="checkbox"/> (YES - Tick ✓)
Others Specify_____	<input type="checkbox"/> (YES - Tick ✓)
c) <u>Land Acquisition and Resettlement</u>	Specific meeting and use of the Contribution and Compensation Form
Subproject involving voluntary contributions	<input type="checkbox"/> (YES - Tick ✓)
	Submission of a Land Acquisition and Resettlement Report
Subproject involving the voluntary resettlement of more than 100 persons	<input type="checkbox"/> (YES - Tick ✓)
Subproject involving the voluntary contribution by at least one individual of more than 10% of their holdings	<input type="checkbox"/> (YES - Tick ✓)
Subproject involving displacement of more than 5 households or structures	<input type="checkbox"/> (YES - Tick ✓)

A4.2 – Environmental Monitoring and Inspection Form (Template)

Poverty Reduction Fund

Environmental Evaluation Control sheet - small sub-projects

Project title / Activity Code:

Name / Location of Village:

District / province:

Names, Address and phone number of VIT:

Project description:

Expected Benefits:

Number of Beneficiaries:

Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off site features necessary for its implementation. Attach additional sheets if necessary.)

Project materials and process: (Describe materials used in project and methodology);

Project expected duration (Start / completion dates):

Project location/description

Add / draw map of location including potential environmental hazards:

Describe the projects surroundings land-uses including potential environmental hazards:

Environmental factors Potentially Affected:

The environmental factors graded below would be potentially affected by this sub-project:

X – No impacts

Y – Mild Impacts

Z – Significant Impacts

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Physical and Cultural Resources	<input type="checkbox"/> Geology /Soils and Mineral Resources	<input type="checkbox"/> Hazardous materials / Chemical pesticides and / or Fertilizers
<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Noise
<input type="checkbox"/> Population / housing	<input type="checkbox"/> Transportation / Traffic	<input type="checkbox"/> UXO
<input type="checkbox"/> Waste Management	<input type="checkbox"/> Community conservation/National Conservation	<input type="checkbox"/> Other...(Describe).....

ANY PROJECT IN or within 10 Kilometers of a National Biodiversity Protection Area requires an Environmental Management and Mitigation Plan at the planning stage.

For any Y or Z classifications, describe mitigation measures below and complete the relevant ECOP Table 4.1 – 4.5 under A4.2. Attach additional sheets if necessary:

Discussion with Contractors about Contraction's contents(Circle on Yes or No)

Yes

No

Date of discussion:

Describe other issues on discussion:

Mid-term Evaluation

Mid-term evaluation (includes date / participants and details of any environmental issues and mitigation)

	Environment checklist	Yes / No	Remarks
1	Compliance with the planned mitigation measures and environmental obligations		
2	Occurrence of notable environmental pollution such as dust, water pollution, noise		
3	Encroachment to natural habitats and physical cultural properties		
4	Improper operation and maintenance of construction equipment, fuels and oils		
5	Occurrence of complaints		
6	Site cleaning while site under construction		
7	Removal of temporary access road upon completion		
	Disposal of construction wastes		
8	Erosion prevention measures for used borrow pits		
9	removal of temporary water flows diversions or blockages upon completion		
	Removal of construction camps upon completion		
	Safety of dams/weirs measures		
10	UXO clearance certification		

Signed of

For PRF
For Contractor
Final evaluation

Head off village

Final evaluation: (includes date / participants and details of any environmental issues and mitigation)

	Environment checklist	Yes / No	Remarks
1	Compliance with the planned mitigation measures and environmental obligations		
2	Occurrence of notable environmental pollution such as dust, water pollution, noise		
3	Encroachment to natural habitats and physical cultural properties		
4	Improper operation and maintenance of construction equipment, fuels and oils		
5	Occurrence of complaints		
6	Site cleaning upon completion		
7	Disposal of construction wastes		
8	Removal of temporal access roads upon completion		
9	Erosion prevention measures for used borrow pits		
10	Removal of temporary water flows' diversions or blockages upon completion		
11	Removal of construction camps upon completion		
12	UXO clearance certification		

Signed of

For PRF
For Contractor

Head off village

Annex 5. Simple Mitigation Measures for Small-Scale Sub-projects

1. This annex provides technical guidelines for a simple impact assessment and mitigation measures of SPs. Section A5.1 provides environmental code of practices for the civil works that can identified during appraisal for the SP identification (location), construction, and operation phases. Section A5.2 provides guidance for a LAPger civil works.

A5.1 Environmental code of practice (ECOP)

Table 5.1 ECOP for Community/Village Roads including small bridge, culvert, track improvement, etc.

Key issues to consider	Mitigation measures	Remarks
Location		
- Conservation area	No animal killing	
	No land occupation	
	No forest cutting	
	Solid waste Management	
	No camping	
- Flood area	Provide adequate drainage system	
	Include appropriate measure to mitigate flood impacts	
- Mountainous area	Design slope should be less than 17%	
	Side drain	
	Slop protection	
	Guard rail (simple type)	
- Community area	Speed limit sign	
	Dust and noise control	
	timely public information on works duration and schedule	
- Land property	Minute of meeting on conflict resolution and attached the land certificate	
	Cultural area, history, etc.	
-Fish spawning areas and migration routes	Avoid negative impacts such as disposal of spoil and tree uprooting which could silt up water courses Ensure optimal design.	
Construction phase		
- Borrow pit	construction materials should be obtained from certified quarries;	
- Erosion risk	Design/provide adequate slop protection	
	Provide maintenance procedure	
- Solid waste	Provide appropriate waste collection and disposal	
- Waste Oil	Do not allow to drain into soil and river	

- Camp	Secure agreement with local community	
	Provide water supply, mosquito net, and adequate sanitation (toilet, washing space, etc.), and good housekeeping to prevent rodents, insect, etc.	
- Construction material storage	Storage in proper area toxic wastes and materials will be stored in safe place.	
Operation phase		
Public health, road safety, and other social negative impacts in the village		
- Speed control	Install measures to control speed limit (sign, bumper, etc.), education campaign	
- Dust control	Control speed limit, periodic watering, plant appropriate trees, surfacing	
- Accident	Awareness training in cooperation with the Police Office	

Table 5.2 ECOP for Community/Village Water Supply (<1,000 users), including Dug well, Drilled well, Gravity Flow System

Subproject Issues	Mitigation Measures	Remarks
Location		
-Land property	Minute of meeting on conflict resolution and attached the land certificate	
-Protected area	Approved by concern sector	
-Flooding area	Detail study and proper design	
-Water source protection	Set up regulation and principle	
-Community zone	Establish the water user regulation	
-Close to borrow pit/quarry, waste disposal sites	Water testing	
Construction		
-Solid waste generation	Provide appropriate waste collection and disposal	
-Waste Oil	Do not allow to drain into soil and river	
-Camp	Secure agreement with local community	
	Provide water supply, mosquito net, and adequate sanitation (toilet, washing space, etc.), and good housekeeping to prevent rodents, insect, etc.	

-Storage of construction material	Storage in proper area; toxic wastes and materials will be stored in safe place Storage in proper area	
Operation		
-possible contamination of water	Establish measure to protect quantity and quality of water sources. Fencing water tape	

Table 5.3 ECOP for Village Irrigation System (<150 ha), including weir, irrigation channels, repaired weir, small water storage (used primarily to feed animals)

Issues to consider	Actions	
Location		
Down stream		
- Impact water user	Community consultation (resolution)	
Impacts on water flow	Consider including generic dam safety measures into design	
- Fertilizer	Data from community	
	Introduction to community	
- Erosion	Proper design	
- Temporary Block fish passage	Properly designed screens and ladders in consultation with community	
Up steam		
- Fish protection	Establish the fish protection area; Integrate fish passage and screening activities into subprojects implementation	
- Water recourse protection	Set up management regulation	
Construction phase		
- Borrow pit	construction materials should be obtained from certified quarries	
- Erosion location	Design the suitable slop protection	
	Provide Maintenance procedure	
- Solid waste	Allocate suitable area for waste.	
	Separate recyclable waste	
- Wasted lubrication	Do not allow to drain into soil and river	
- Camp	Let community allocate	
	Provide sanitation, waste water and allocate the soiled waste site	
- Construction material storage	Store safely in an approved area	
Operation		
- Potential increase use of pesticide	Provide training on safe use of pesticides	

	Promote the use of no-chemical agriculture	
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Table 5.4 ECOP Buildings (including school, market, health center, community hall, sanitary facilities)

Subproject issues	Mitigation measure	Remarks
- Land property	Land use certificate	
Water system	Detail study and proper design	
- Drainage system	Check drainage systems at planning stage	
- Location	Check, document and mitigate for any geo-specific environmental issue	
- Waste materials	Dispose of all waste in line with GoL regulations	
- Safety	Provide H&S training based upon plans, all site workers to be provided with PPE	
Operation		
- Waste management	Set up committee	
	Allocate suitable area for waste	
	Separate recyclable waste	
	Set up rules and regulations	
- Water system, drainage system	Detail study and proper design to protect rivers and underground water	

Table 5.6: ECOP - Physical Cultural Resources (specifically chance find)

Subproject issues	Mitigation measure	Remarks
Chance find Physical Cultural resources	<p>Immediate reporting to the World Bank Group and the relevant Government departments.</p> <p>In case of potential damage to chance finds, stop work in the area immediately and proceed in line with the relevant national laws and WB OP 4.11.</p>	See details on procedures listed in Annex 5, section 5.2.

The following ECoP is provided for use by Nam Saat and the suppliers of latrines in the project areas.

Table 5.7: Latrine system installations

The following ECoP is provided for use by Nam Saat and the suppliers of latrines in the project areas.

Subproject issues	Mitigation measures	Remarks
Location		
-Land property	Minute of meeting on conflict resolution and attach the land certificate	
-water source protection	Follow Production Manual stipulations esp. latrines to be 15 m from water sources.	
Construction		
-Quality	- Follow Production Manual procedures for production and installation of systems	
-Solid waste generation	Appropriate waste collection and disposal (site inspections demonstrate this is happening)	
-Storage of construction materials	Store in suitable place for the material type with special attention paid to any HazMats materials or waste	
-Camp (if required)	Secure prior agreement with local community Provide water supply, mosquito net and adequate sanitation (toilet, washing space etc.) and good house-keeping to prevent rodents and other disease vectors	
Operation		
-Possible contamination of water	Establish measure to protect quantity and quality of water sources Ensure 15 m standard for distance from supply water is observed Fencing and segregation if required.	
-Emptying systems	Ensure emptying of systems after 8 – 10 years is done with reputable contractor and in compliance with disposal best practices and Lao law.	

Table 5.8: Quality Checklist – Weir Construction

Inspection and test plan checklist for: Weir Construction – Design & Procurement

Contract Number:		Location:		Checklist
Sub-Project:				Number:
				1
Work	Items	Ref	Initialed	Comments
			/OK	

<p>1. Sub-Project Design</p>	<p>Standard Forms Section 1 (Survey – 8 forms), Section 2 (Design – 5 forms) complete. Checked by Engineer on Page 1 & 2 of SF.</p> <p>Standard Specification and Drawings stamped by Line Ministry.</p> <p>If standard drawings or specifications are modified, or special drawings and specifications prepared, then the modified/special drawings are approved by PRF Engineering Division manager.</p>	<p>Standard Forms</p>
	<p>Design and Specification checked by Provincial Engineer, and meets the Engineering and Technical Standards of PRF.</p>	<p>Engineering and Technical Guidelines</p>

I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.

Name: _____
 Signature: _____
 Date: _____

2. Preparation of Bid-Documents	Final check of bid documents by Engineer. All the dimensions are correct. Construction options are correct. BOQ matches drawing details. All amendments additions and agreements made during Project Proposal are reflected in bid documents.	
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I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.

Name: _____
 Signature: _____
 Date: _____

3. Contract Award	Standard Forms Section 3.2 to 3.5 completed by Engineer (Bidding Technical Evaluation). Checked by Engineer on Page 2 & 3 of SF.	Standard Forms
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I have carried out the Inspection and verify the above items meet the Procurement Requirements in the Standard Forms of the

Name: _____
Signature: _____

PRF.

Date:

Checked by:

Name:

Signature:

Date:

Inspection and test plan checklist for: Weir Construction – site access, layout and materials.

Contract Number: Sub-Project:	Location:	Checklist Number: 2
Work	Items	Ref
		Initialed /OK
		Comments

4. Site Access Contractor is provided access to site by local authorities.
Location for material store and workers accommodation agreed
Water and Sanitation Facilities available for construction
Workers (i.e. location of temporary latrines agreed, villagers agree to provide access to drinking water.)

I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.

Name:
Signature:
Date:

5. Site Inspection and layout Weir location and layout agreed by Engineer. Bench mark is set and final levels agreed. Spec.
The height of the floor of the Weir is set out and agreed by Engineer. Spec.
Trial pits are excavated to determine the required depth of foundation. Spec.
Any necessary diversions or temporary dams agreed by Engineer. Spec.
Contractor has mobilized the equipment required as listed in contract. Contract.

I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.

Name:
Signature:
Date:

6. Materials Course sand 1 to 5 mm. Spec.
Fine Sand free of clay particles. Spec.
Gravel 1 x2 cm (< 2.5mm) Spec.
Stone 15x20 cm is hard.
Cement (PORTLAND for concrete works) Spec.
Water for concrete mixing (contractors responsibility) is clean and free clay particles Spec.
Steel – full specified dimensions Spec.
6 mm = 0.222 Kg/m
10 mm = 0.617 Kg/m
12 mm = 0.888 Kg/m

I have carried out the Inspection and verify the above items meet the Procurement Requirements in the Standard Forms of the PRF.

Name:

Signature:

Date:

PHOTOGRAPHS: 1. Site Overview

Checked by:

Name:

Signature:

Date:

Inspection and test plan checklist for: Weir Construction – Excavation, Foundation, Floor & Side Walls.				
Contract Number: Sub-Project:		Location:		Checklist Number: 3
Work	Items	Ref	Initialed /OK	Comments
7. Excavation	Weir floor height agreed by Engineer	Spec		
	Site excavated to required depth. The bottom of the excavation is checked by Engineer to make sure had undisturbed soil has been reached.	Spec		
	Trenches for cutoff walls excavated (5 trenches)	Drawings		
	All layout and dimensions rechecked by engineer.	Drawings		
I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.			Name: Signature: Date:	
8. Foundation and floor	Option 1: Foundation of weir constructed from stone in cement mortar with reinforced concrete floor. Option 2: Full structure from reinforced Concrete.	Drawings		
	Option 1: One layer of reinforcement in floor Option 2: Two layers of reinforcement in floor	Drawings		
	Option 1 & 2: Front and rear cutoff walls are RC with two layers of reinforcement.	Drawings		
	Option 1: Three internal cutoff walls are from stone and mortar (unreinforced). Option 2: Three internal cutoff walls are from RC with two layers of reinforcement.	Drawings		
	All reinforcement DB12 @ 200mm mesh.	Drawings		
	Front and rear cutoff walls constructed to depth shown on drawings. No design modifications allowed without approval from PRF Irrigation Engineer.	Drawings		
	Concrete floor should be 1:3:5	Drawings		

	and have a minimum thickness of 10 cm. Compacted with vibrator.			
	CAUTION: Concrete mix inspection, vibrating and sampling should be done before casting.	Spec.		
I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.			Name: Signature: Date:	

PHOTOGRAPHS: 1. Site Layout, 2. Excavation preparation, Foundation Steel.

Checked by:

Name:

Signature:

Date:

Inspection and test plan checklist for: Weir Construction – Gate, & Backfill.

Contract Number:	Location:	Checklist Number:
Sub-Project:		4

- | | | |
|--------------|---|----------|
| 9. Sidewalls | Option 1 and Option 2 are both RC, with two layers of reinforcement. | Drawings |
| | All reinforcement DB12 @ 200mm mesh. | Drawings |
| | Seepage walls constructed over cutoff | Drawings |
| | Sidewalls keyed into sides of canal as shown on drawing. | Drawings |
| | Mix 1:2:4 by volume. Concrete compacted using vibrator. | Spec. |
| | Formwork kept in place for 4 days, and concrete kept moist for 3 additional days. | Spec. |

I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.

Name:
Signature:
Date:
Initialed
/OK

- | Work | Items | Ref | Initialed /OK | Comments |
|-----------------------|---|----------|---------------|----------|
| 10. Gate Construction | Water resistant hardwood timber gate. | Drawings | | |
| | Steel U at edges of RC grooves for gate. | Drawings | | |
| | Double gate installed. | Drawings | | |
| | Mix 1:2:4 by volume. Concrete compacted using vibrator. | Spec. | | |
| | Formwork kept in place for 4 days, and concrete kept moist for 3 additional days. | Spec. | | |
| | Location of gate checked and approved by Engineer. | Drawings | | |

I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.

Name:
Signature:
Date:
Initialed
/OK

- | Work | Items | Ref | Initialed /OK | Comments |
|-----------------|--|----------|---------------|----------|
| 11. Floor Block | Location, size and shape of floor blocks checked and approved by Engineer. | Drawings | | |
| | RC and formwork inspected before casting | Spec. | | |
| | Mix 1:2:4 by volume. Concrete compacted using vibrator. | Drawings | | |

I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.

Name:
Signature:

		Date:
12. Backfill	Soil for backfill checked and approved by Engineer. Soil compacted in layers < 100 mm around Weir and behind wing walls.	Drawings
	Fill level is higher than wing walls	Spec.
	Temporary drainage dug by contractor during construction are refilled and compacted.	Spec.
	Hand compaction tool or mechanical compactor.	Drawings
I have carried out the Inspection and verify the above items meet the Procurement Requirements in the Standard Forms of the PRF.		Name: Signature: Date:
PHOTOGRAPHS: 1. Wing wall Steel, 2. Gate steel, 3. Compaction Equipment.		
Checked by:		
Name:	Signature:	Date:

Inspection and test plan checklist for: Weir Construction – Finishing, Handover & Maintenance

Contract Number: Sub-Project:	Location:	Checklist Number: 5
Work	Items	Ref

Work	Items	Ref	Initialed /OK	Comments
13. Finishing	Site cleaned of construction debris.	Spec		
	All construction equipment and materials removed from site.	Spec		
	Defects list issued to VIMT and Contractor	Spec		

I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.	Name: Signature: Date:
--	------------------------------

14. Handover	All defects identified at finishing have been repaired by contractor Any agreements for completion of additional works agreed with VIMT or contractor in writing. VIMT sign for completion of all works	Spec.
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I have carried out the Inspection and verify the above items meet the Engineering and Technical requirements of the PRF.	Name: Signature: Date:
--	------------------------------

15. Maintenance	Maintenance manual (for road) given to VIMT.
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Operation and Maintenance rules
set and agreed by community
themselves. O&M team
established and checked by
Engineer.

I have carried out the Inspection and verify the above items
meet the Procurement Requirements in the Standard Forms of
the PRF.

Name:
Signature:
Date:

PHOTOGRAPHS: 1. Site Photographs of completed Weir.

Checked by:

Name:

Signature:

Date:

Annex 6. Good Engineering Practices and Some Mitigation Measures

Good engineering and housekeeping practices

The practice of housekeeping involves proper storage, use, cleanup, and disposal of the various materials used during construction for human and environmental safety. The following good housekeeping practices are required for all M-IWRM-funded activities:

DO:

- Limited working hour during the day time, especially in residential areas, and control driving speed;
- Minimize earth excavation and appropriate disposal of spoil;
- Minimize opening of new borrow pits and ensure proper closure;
- Minimize traffic congestion, dust and noise generation;
- Proper maintenance of construction equipment and vehicles;
- Provide appropriate safety sign (day and night) and closely inform local residents;
- Avoid spill of used oil and other toxic materials, including safe transportation and storage;
- Apply good housekeeping in the construction and/or storage sites to ensure safety of workers and peoples (Gather up and remove debris to keep the work site orderly and safe; Plan and implement adequate disposal of scrap, waste and surplus materials; Keep the work area and all equipment tidy. Designate areas for waste materials and provide containers; Keep stairways, passageways and ladders free of material, supplies and obstructions; Secure loose or light material that is stores on roofs or open floors; Keep materials at least 2m (5ft) from openings, roof edges, excavations or trenches; Remove or bend over nails protruding from lumber; Keep hoses, power cords, welding leads, etc. from laying in heavily traveled walkways or areas; Ensure structural openings are covered/protected adequately; Provide the appropriate fire extinguishers for the materials found on-site. Keep fire extinguisher stations clear and accessible; etc.)
- Ensure access to clean water and latrines by workers and provide mosquito net.
- Avoid social/cultural conflict between workers and local population.

DO NOT:

- Do not permit rubbish to fall freely from any locations of the project and/or access by animals (dogs, cats, pigs, etc.). Use appropriate containers.
- Do not throw tools or other materials.
- Do not raise or lower any tool or equipment by its own cable or supply hose.
- Use grounding straps equipped with clamps on containers to prevent static electricity buildup.
- Do not allow hunting of animals by workers in protected areas.

SPECIAL NOTE ON FLAMMABLE/EXPLOSIVE MATERIALS:

- Store flammable or explosive materials such as gasoline, oil and cleaning agents apart from other materials.
- Keep flammable and explosive materials in proper containers with contents clearly marked.
- Dispose of greasy, oily rags and other flammable materials in approved containers.
- Store full barrels in an upright position.
- Store empty barrels separately.

- Post signs prohibiting smoking, open flames and other ignition sources in areas where flammable and explosive materials are stored or used.
- Store and chain all compressed gas cylinders in an upright position.
- Mark empty cylinders and store them separately from full or partially full cylinders.
- Ventilate all storage areas properly.
- Ensure that all electric fixtures and switches are explosion proof where flammable materials are stored.

5.2 The following “chance find” procedures to be included in all civil works contract:

If the Contractor discovers archeological sites, historical sites, remains and objects, including graveyards and/or individual graves during excavation or construction, the Contractor shall:

Stop the construction activities in the area of the chance find;

Delineate the discovered site or area;

Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be arranged until the responsible local authorities or the National Culture Administration take over;

Notify the supervisory Project Environmental Officer and Project Engineer who in turn will notify the responsible local authorities and the Culture Department of Province immediately (within 24 hours or less);

Responsible local authorities and the Culture Department of Province would be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the archeologists of National Culture Administration. The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage; those include the aesthetic, historic, scientific or research, social and economic values;

Decisions on how to handle the finding shall be taken by the responsible authorities and Culture Department of Province. This could include changes in the layout (such as when finding an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage;

Implementation for the authority decision concerning the management of the finding shall be communicated in writing by relevant local authorities; and

Construction work could resume only after permission is given from the responsible local authorities or Culture Department of Province concerning safeguard of the heritage.

(a) Environmental Effects and Mitigation Measures for Road Subprojects

Activity	Potential Effects	Possible Mitigation Measures
Planning, Design and Land Acquisition		
Setting Design Standards	If standards are too high excessive earthworks can cause other effects. (See activities under “3 Construction”)	Set standards appropriate for class of road, traffic and terrain,
Design – General	Land requirements affect local people	Minimize land acquisition and resettlement in selecting alignment.
	Existing buildings, possibly constructed within the SP site could be affected	Attempt to negotiate a fair design or compensation solution, which does not cause undue hardship.
	Work on roads, bridges and	Minimize impact on trees and

	culverts can affect existing trees.	replant when work is completed.
	Access roads and bridges can have impacts on wildlife, virgin forest areas, cultural relics etc.	Avoid such areas as much as possible in the design.
	Roads, bridges and culverts can cause an increase in traffic speeds and accidents affecting road users, local people and animals.	Ensure a safe design including speed restriction and warning signs, to control livestock as necessary and where possible discuss possible designs with local people.
Design – Drainage	Can alter hydrological regimes and affect flooding and existing irrigation systems.	Ensure culvert, bridge and road are suitably designed to minimize effects on hydrology.
	Can cause negative impacts of concentrating water and increasing scour and soil erosion.	Ensure design improves the drainage system by rectifying any existing problems such as scour of adjacent lands, which should be checked for during the monsoons. Include tree planting in design where possible.

Construction Preparation

Mobilizing equipment	Air and noise pollution for any nearby settlements.	Control contractors' vehicle speeds and noise.
Mobilizing workforce	The introduction of an outside workforce can have a negative impact on the health and social well-being of local people.	Contractor employs local people where possible.
	Possible solution cause by domestic sewage and solid wastes.	Contractor installs and maintains a septic tank system and a system of disposing of solid wastes.
	Possible excessive or uncontrolled use of fuel wood in labour camp.	Contractor supplies alternative fuel for cooking and heating in the labour camp.
	Possible development of labour camp into a permanent settlement.	Contractor removes the labour camp at the completion of the contract.
	Possible hunting of wildlife for food.	Prohibit poaching and make contractor responsible for his workers.
Establishment and Operation of Base Camp and Workshop.	Air and noise pollution for any nearby settlements.	Locate base camp and workshop away from any residential settlements.
	Possible surface water and ground water contamination by oil, grease, and fuel in yards.	Collect and recycle lubricants. Avoid spills and have a ditch around the area with a settling pond, oil trap at the outlet.
	Possible ground and water contamination by bitumen or	Avoid spills but surround area with a ditch with a settling

	solvents.	pond/oil trap at the outlet.
	Cutting down trees to use as fuel for heating bitumen and stones.	The contractor does not use wood for heating during the processing of any materials.
Operating a borrow Pit.	Noise, vibration and dust could affect nearby settlements or other sensitive areas.	Locate plant away from any residential or other environmentally sensitive areas such as hospitals, intensive livestock production areas or wildlife breeding areas. Also avoid farmlands or forests as much as possible. Restrict work to daylight hours and limit the size and frequency of blasting.
	Changing the riverbed could affect local fishing areas.	Discuss proposed locations with local people/fishermen and insist contractor obtains their approval.

Construction

	Possible noise and vibration, especially if earthworks involve blasting, could affect nearby settlements or other sensitive areas.	Restrict work to daylight hours and limit the size and frequency of any blasting near settlements (especially hospitals) near intensive livestock production and wildlife breeding areas.
	Historical remains or cultural items could be uncovered.	Contractor to ensure all such finds are reported and discussed with representatives of the local people.
Drainage Improvement Works	Works can have temporary effects on irrigation or washing/drinking water supplies.	Ensure contractor takes into account local water uses. Temporary drainage may have to be constructed.
	Effect on traffic and pedestrian safety.	The contractor uses safe traffic control as necessary and causes the minimum possible disruption to all traffic.
Bituminous Surfacing.	Possible pollution of waterways or groundwater by bituminous products or solvents.	Strict control to avoid spills or clean up immediately after and prohibit work in rain.
Transport of Subproject Materials.	Air and Noise pollution for any nearby settlements and damage to existing roads.	Control contractor's vehicles speeds, noise and weight of loads and control dust and flying debris by covering loads or wetting material if necessary. Construct temporary roads if necessary. Use locally available construction material wherever possible to minimize transport distances.

(b) Environmental Effects and Mitigation Measures for Public Buildings (Markets, schools, health centers etc.)

Activity	Potential Effects	Possible Mitigation Measures
Before construction starts		
Brick moulding	Disturbance of habitats Loss of land Land degradation Air pollution from dust Pressure on existing water resources	Reallocation of farming land Possible use of cement block as an alternative Provision of boreholes
Brick curing	Deforestation Pollution from smoke	Afforestation (tree planting) Quotas per construction (school, dispensary, markets etc.) community based woodlots
Construction		
Civil works building	Noise and air pollution Pressure on existing water resources Creation of borrow pits	Establishment of additional possible water sources Landscaping
Carpentry	Deforestation Noise	The provision of timber by the community should be approved by the local authorities Use of alternative materials (bamboo, steel, reinforced concrete) Afforestation (tree planting) Quotas per construction (school, dispensary, markets etc.) community based woodlots
Labourers	Faecal / other wastes Injuries and avoidable accidents	Provision of latrines Select companies with strong HSE records Promote HSE planning, policy and full use of PPE
Operations		
Provision of desks / furniture	Deforestation	The provision of timber by the community should be approved by the local authorities Use of alternative materials (bamboo, steel) Afforestation (tree planting) Quotas per construction (school, dispensary, markets etc.) community based woodlots
Disposal of medical wastes	Contamination and pollution in surrounding environment	Include incinerator in health centre subproject proposal

Environmental Effects and Mitigation Measures for Boreholes

Activity	Potential Effects	Possible Mitigation Measures
Sitting	Loss of land Land degradation Nuisance and aesthetic impacts	Consultation with communities Reallocation of land Landscaping (planting of trees / crops)
Drilling	Disturbance of stream channels, aquatic fauna Social disruption by construction workers Construction hazards New diseases (STD)	Re-vegetation Establish settlement location for workers out of village to mitigate social interactions
Pump installation	Ground and surface water contamination by oil, grease etc.	Experienced drillers only Enforcing standard safety procedures
Civil works	Waste water Solid wastes	Proper disposal Drainage, soaking pits
Operation	Uncovered/unused boreholes may be breeding areas for water borne diseases (worms, mosquitoes etc.) Water may be contaminated during transport or storage Spills and leakage contamination of water Reduction in water quality because of decomposed matter Over pumping of ground water causing a lowering of ground water table Disruption to downstream hydrology	Incorporate health and sanitation Education programme Ensure adequate provision for the operation management and maintenance of facilities (Including proper staff and community training)

(c) Potential Negative Impacts and Mitigating Measures for small-scale Irrigation Schemes

Potential Negative Impacts	Mitigating Measures
Soil Erosion	Proper design and layout of furrows or field avoiding too steep a gradient. Land Levelling Design of terraces on hillsides minimizing surface erosion hazard. Maintain vegetation Cover
Water logging of soils	Regulation of water application to avoid over-watering. Installation and maintenance of adequate drainage system. Use of lined canals or pipes to prevent seepage. Accurate calculation of delivery of irrigation requirements.
Salinization of soils	Measures to avoid water logging:

	Leaching of salts by flushing soils periodically Cultivation of crops with salinity tolerance.
Scouring of canals	Design of canal system to minimize risk Use of canals lined with rocks
Clogging of canals by sediment	Measures to minimize erosion on fields Design and management of canals to minimize sedimentation. Provision of access to canals for removal of weeds and sediments.
Leaching of nutrients from soils	Avoidance of over-watering Replacement of nutrients by fertilizer and/or crop rotation. Accurate calculation of fertilizer requirements.
Algal blooms and weed proliferation.	Appropriate application of fertilizers (timing and quantity).
Clogging of canals by weeds.	Design and management of canals to minimize weed growth. Provision of access to canals for treatment or removal of weeds.
Deterioration of river water quality below irrigation subproject and contamination of local ground water (higher salinity, nutrients, agrochemicals) affecting fisheries and downstream users.	Improved water management; improved agricultural practices and control of inputs (particuLAPly pesticides and chemical fertilizers). Imposition of water quality criteria.
Seawater intrusion into freshwater systems.	Location of Scheme Appropriate water management
Reduction of downstream flows affecting flood plain use, flood plain ecology, riverine and estuarine fisheries, users of water, dilution of pollutants.	Relocation or redesign of subproject. Compensatory measures where possible.
Encroachment on swamps and other ecologically sensitive areas.	Chose subprojects' site to avoid or minimize encroachment on critical areas. Establishment of compensatory parks or reserved areas.
Threat to historical, cultural or aesthetic features.	Chose subprojects' site to prevent loss. Salvage or protection of cultural sites.
Alteration or loss of flood plain vegetation and disturbance of coastal ecosystems (e.g. mangroves)	Chose subprojects' site to less vulnerable area. Limitation and regulation of water take-off to minimize problems to extent possible.
Introduction or incidence of water-borne or water-related diseases.	Use of lined canals or pipes to discourage vectors Avoidance of stagnant or slowly moving water Installation of gates at canal ends to allow complete flushing Filling or drainage of borrow pits along canals and roads

	Water testing Disease prophylaxis and treatment
Disease and health problems from use of wastewater irrigation.	Wastewater treatment (e.g. settling ponds prior to use). Establishment and enforcement standards for wastewater use.
Conflicts over water supply and inequalities in water distribution throughout service area.	Means to ensure equitable distribution among users and monitor to assure adherence. Establishment of effective water users associations
Over-pumping of groundwater.	Limitation of withdrawal so that it does not exceed "safe yield"(recharge rate).
External	
Water quality deteriorated or made unusable by upstream land use and pollutants discharge.	Control of land use in watershed areas. Control of pollution sources Water treatment prior to use.

Annex 7: Decree on Environmental Impact Assessment (21/GOL)

**Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity**

Government
21/GOL

No.

Vientiane Capital, date 31
January 2019

**Decree
on
Environmental Impact Assessment**

- Pursuant to the Law on the Government of the Lao PDR (amended version) No. 04/NA, dated 8 November 2016;
- Pursuant to the Law on Environmental Protection No. 29/NA dated 18 December 2012;
- Pursuant to the Request Letter No. 6612/MONRE, dated 28 December 2018 of the Ministry of Natural Resources and Environment.

The Government issues the decree:

**Part I
General Provisions**

Article 1: Objectives

This Decree provides rules, regulations and measures on management and monitoring implementation of environmental impact assessment activities to make sure that such activities are proceeded correctly with transparency and in concerted form with purpose to protect [environment], mitigate [and] remedy impacts on environment, ensuring that the compensation is reasonable, relocation and occupational resumption and restoration of livelihood of the affected people is improved more than before, making management and use of the natural resources is efficient, securing the rights and interests of the nation and the people, contributing to the implementation of the National Social and Economic Development Plan in the direction of green and sustainability.

Article 2: Environmental Impact Assessment

Environmental impact assessment is a process of studying, exploring, analyzing and evaluating the potential beneficial and adverse impacts on the social and natural environment that may be caused by an investment project [or] activity⁷ in the short term and long term, as well as identifying the suitable means and measures to protect, navigate and mitigate impacts on environment.

⁷ From the translator: In Laos, it is commonly understood that the term “projects” means big investment projects like hydropower projects, whereas the term “activities” refer to “business activities”.

The outcomes of environmental impact assessment is one of the key factors that the Government considers in approval of investment projects and activities.

Article 3: Definitions

The terms used in this Decree must have the meaning as follows:

1. **“Environment”** means everything, both living and non-living, that is created naturally or that is created by human that is surrounding a target such as people, animals, plants and so on, that associated with and creates effects, both beneficial and adverse, on livelihood, production, existence, evolution of human and nature. Environment comprises: social environment and natural environment;
2. **“Social environment”** means everything or environmental composition that is created by human that is associated with and creates effects, both beneficial and adverse, on livelihood, production, existence, evolution of human and nature;
3. **“Natural environment”** means everything or environmental composition that is created naturally that is associated with and creates effects, both beneficial and adverse, on livelihood, production, existence, evolution of human and nature;
4. **“Environmental impact”** means beneficial or adverse, direct or indirect, short term or long term effects on ecology, natural resources, climate change, natural heritage, cultural heritage, lives, health, assets, livelihood, shelters and so on, that is caused by investment projects and activities;
5. **“Environmental restoration”** means restoration and remedy the destroyed or deteriorated social and natural environment to a good condition and has a balanced ecological system;
6. **“Environmental management monitoring plan”** means a plan containing the key environmental and natural tasks, means and measures for protection, mitigation and remedy environmental and social impacts that are provided in the preliminary environmental impact assessment report and the comprehensive environmental impact assessment report, as well as implementation, responsibilities, time schedule and sufficient budget for implementation of the plan;
7. **“Complicated project”** means a big investment project [that] has many activities, procedures, complicated technology, risks to have serious impacts on health and lives of people or has big impacts in environment;
8. **“Accumulative effects”** means environmental impacts that are continuous, accumulative, and having concentration of direct and indirect, short term and/long term impacts caused by activities of investment project and activities in the past, present and future plus impacts caused by the project that is being proposed;
9. **“Accumulative effect assessment”** means study, survey, [and] analyze data, and estimate potential impacts on environment caused by the existing projects and the projects being proposed, including consideration of the problems associated with impacts caused by climate change that requires accumulative assessment and a separate environmental management and monitoring plan;

10. **“Project owners”** means persons, entities or organizations, domestic or foreign that is licensed to study, survey, design, construct and operate investment projects or activities in the Lao PDR;
11. **“Affected person”** means a person, entity or organization that is permanently or temporarily, directly or indirectly, in short term or long term affected by an investment project [or] activity;
12. **“Stakeholder”** means a person, entity or organization that is interested, related to or has a stake in an investment project [or]⁸ activity;
13. **“Direct impact”** means direct impacts on life, health, natural resources, ecology, loss of assets, relocation, [and] livelihood of people that are caused by activities of an investment project [or] activity;
14. **“Indirect impact”** means impacts caused by activities of an investment project [or] activity that are not direct, such as [impacts] on mind, belief, tradition, loss of time and opportunity in working, climate change, [and] pollution;
15. **“Beneficial impact”** means creation extra convenience and good opportunity for people who are affected by an investment project [or] activity, such as life of people has been better improved, creation jobs, [and] the basic infrastructure, education, and healthcare has been improved; [and]
16. **“Adverse impact”** means adverse impacts on environment and people who are affected by an investment project [or] activity, such as deteriorated environment, people’s living is worsen, [and] basic infrastructure is damaged.

Article 4: Policies on Environmental Impact Assessment

The State encourages [and] promotes individual persons, entities and organizations both in public and private sectors that develop investment projects and activities in the Lao PDR to use modern techniques and science in environmental impact assessment to protect environment and use natural resources efficiently in the direction of green and sustainability.

The State encourages [and] promotes environmental impact assessment by formulating policies, building basic infrastructure, developing human resources, building awareness, disseminating [and] educating [policies] and creating conditions that facilitate [environmental impact assessment] activities.

The State promotes involvement of all parties in the society by [encouraging them] to provide data [and] have comments on environmental impact assessment.

Article 5: Basic Principles on Environmental Impact Assessment

Environmental impact assessment must be done in accordance with the following principles:

⁸ From the translator: the Lao text use the drafter uses the phrase “investment projects and activities” in many places in this Decree. However, in most places, it should be “an investment project or activity”, not “investment projects and activities” because it refers to a particular investment project or business activity.

1. In compliance with the laws, the National Social and Economic Development Plan, international conventions and treaties that the Lao PDR is a signatory;
2. Centralized and unified management throughout the country;
3. Transparency, disclosure, justice, and can be audited;
4. Ensuring public involvement;
5. Ensuring that the data is reliable, accurate, logical, [and] can be retested re-certified; [and]
6. Being liable for the losses and damages caused.

Article 6: Scope of Application

This Decree applies to persons, entities and organizations, in both the public and private sectors, domestic and foreign, that operate investment projects and activities in the Lao PDR.

Article 7: International Cooperation

The State promotes cooperation with foreign countries regionally and internationally in environmental impact assessment by exchange of lessons, data and information, science and technology, trainings and improvement of technical knowledge to make the [environmental impact assessment] activities efficient, complied with the international convention and treaties that the Lao PDR is a signatory.

Part II

Screening and Grouping of Investment Projects and Activities

Article 8: Screening of Investment Projects and Activities

Screening of investment projects and activities is the first process of environmental impact assessment. It is the process of consideration whether or not environmental impact assessment is required for the proposed investment projects and activities.

Screening of investment projects and activities [must] be based on the grouping list of investment projects and activities in respect of environmental impact assessment.

In the case an investment project [or] activity is not in the list, the natural resources and environment sector⁹ will do the screening process based on the data of the project or activity to consider whether or not the environmental impact assessment is necessary.

Article 9: Grouping of Investment Projects and Activities

Investment projects and activities are divided into two groups:

1. The investment projects and activities that are believed¹⁰ that will cause less or not-severe impacts on social and natural environment will be conducted preliminary environmental impact assessment;

⁹ From the translator: This term is commonly used in laws and other official documents of the Lao PDR. It refers to technical line of management and supervision in the public sector of the Lao PDR. For example, term “natural resources and environment sector” refers to all of: (i) the Ministry of Natural Resources and Environment; (ii) the provincial offices of natural resources and environment; and (iii) district offices of natural resources and environment.

2. The investment projects and activities that are believed that will cause huge or severe impacts on social and natural environment will be conducted comprehensive environmental impact assessment. For projects that [are estimated that will] have impacts on health will be conducted health impact assessment.

The Ministry of Natural Resources and Environmental [must] work with the concerned ministries and the local administration to consider and make a list of investment projects and activities for environmental impact assessment [purposes].

Part III

Types of Environmental Impact Assessments

Article 10: Types of Environmental Impact Assessments

There are two forms of environmental impact assessments namely:

1. Preliminary environmental impact assessment; [and]
2. Comprehensive environmental impact assessment.

Chapter 1

Preliminary Environmental Impact Assessment Report

Article 11: Preliminary Environmental Impact Assessment

Preliminary environmental impact assessment is a process of studying, exploring, analyzing data to evaluate the potential preliminary non-severe impacts on environment that may occur and identify the suitable means and measures to protect, navigate and mitigate impacts on environment that may be caused by an investment project [or] activity, including identification of the causes of the climate change.

Preliminary environmental impact assessment is required for investment projects and activities that are in the first grouping list. Preliminary environmental impact assessment is done by preparing a preliminary environmental impact assessment report and an environmental management and monitoring plan and submitting to the provincial office of natural resources and environment [where the project is located] for reviewing.

Article 12: Preliminary Environmental Impact Assessment Report

A preliminary environmental impact assessment report must contain the following information:

1. The project description;
2. The project selection of options;
3. Explanation of the basic environmental data and information, such as physical, biological, socio-economic [data and information] in the project area and the nearby areas; [and]
4. Environmental and [natural] disaster risk assessment.

¹⁰ From the translator: In the Lao text, the term “estimate” is used, but that is not the correct term.

The environmental management and monitoring plan must be prepared in parallel with preparation of the preliminary environmental impact assessment report as provided in Article 23 of the Decree.

Article 13: Preparation of Preliminary Environmental Impact Assessment Report

In preparation of a preliminary environmental impact assessment report, a project owner must:

1. Prepare the preliminary environmental impact assessment report together with an economical and mechanical feasibility study in Lao language in accordance with the relevant law and regulations;
2. Coordinate with the relevant provincial office of natural resources and environment and the local administration for an authorization on collection of data and public involvement in development of the project;
3. Gather physical and biological data and socio-economic data in the project area and nearby areas, including analyze the data. In gathering of field data, the place where samples will be taken must be located and must take all samples in accordance with the technical procedure and suitable with the real condition of the area. The source of data must be reliable and the data analysis at field must certified by the relevant sectoral [governmental] agency;
4. Study at least three options and each option must show the key information such as project site, the project size and production process, including explanation on impacts on environment, as well as comparison of the three options and explain rationale behind selection of an option. In studying of options, there must be non-selected options with explanation on beneficial and adverse impacts on environment of such options;
5. Study basic data on health, gender equality and ethnics as a part of the preliminary environmental impact assessment;
6. Make an environmental management and monitoring plan separated from the preliminary environmental impact assessment report; [and]
7. Proceed with public involvement by convening meetings at village level to disseminate data and gather opinions on the preliminary environmental impact assessment report from the affected people and stakeholders.

Article 14: Preparation of Documents for Application for Approval of Preliminary Environmental Impact Assessment Report

Any project owner that wants to apply for approval on a preliminary environmental impact assessment report must prepare the following documents:

1. An application for approval on the preliminary environmental impact assessment report;
2. A preliminary environmental impact assessment report [and] the environmental management and monitoring plan with executive summaries;
3. The minutes of consultation meetings at village level;
4. A preliminary economic-mechanical feasibility study report; [and]
5. A copy of the environmental business license and the list of technical team members who conducted the preliminary environmental impact assessment and their CVs.

Article 15: Checking of the Attached Documents

The provincial office of natural resources and environment [where the project is located] must check the application for approval on the preliminary environmental impact assessment report and the attached documents and inform the project owner in writing within ten working days from the date of receiving the documents [whether or not all required documents have been provided]. If all required documents were prepared correctly and have been fully provided, the project owner must make at least ten hard copies and ten soft copies and deliver them to the provincial office of natural resources and environment.

Article 16: Reviewing of Preliminary Environmental Impact Assessment Report

The provincial office of natural resources and environment [where the project is located] must review a preliminary environmental impact assessment report within forty working days from the date of receiving the documents from the project owner, excluding periods in which the project owner revises the documents. Each revision of such report must not be more than three months. If it takes more than three months, the provincial office of natural resources and environment will review the preliminary environmental impact assessment report from the beginning again. If the revision takes more than six months, the preliminary environmental impact assessment report will expire and the project owner has to go all over the whole process in conducting the preliminary environmental impact assessment again.

Reviewing of a preliminary environmental impact assessment report has two phases:

1. Gathering of opinions; [and]
2. Final reviewing.

Article 17: Opinions Gathering

Gathering opinions must be proceeded within thirty working days from the date of receiving the documents from the project owner and must be in accordance with the following procedure:

1. The provincial office of natural resources and environment [where the project is located] sets up a provincial team of specialists, and [then] deliver to the provincial team of specialists the preliminary environmental impact assessment report and the environmental management and monitoring plan to the provincial team of specialists, the district office of natural resources and environment, and other concerned parties for reviewing and comments within five working days, as well as publishing in a website for public opinions within twenty working days [from the date of receiving]. Any party that does not provide any comment/opinion within that period of time will be deemed having consent to it;
2. The provincial office of natural resources and environment [where the project is located] collaborates with the project owner to convene consultation meetings at district level that are attended by the concerned parties to provide comments on the preliminary environmental impact assessment report [and] the environmental management and monitoring plan and provide to the project owner a summary of the comments for revising before the technical consultation meeting;
3. The provincial office of natural resources and environment [where the project is located] collaborates with the project owner, the concerned district offices and

- administration and village administration for field inspection and convene technical consultation meeting for comments on the preliminary environmental impact assessment report and the environmental management and monitoring plan; [and]
4. The provincial office of natural resources and environment [where the project is located] summarize comments provided by the concerned parties, comments posted in the website, the resolution of the technical consultation meeting, the outcomes of the field inspection, and the feedbacks derived from the provincial team of specialists and provide the summary to the project owner for revision within five working days before resubmission it them to the provincial office of natural resources and environment.

Article 18: Final Review

Final review must be as follows:

1. The provincial team of specialists to convene meetings to review the revised preliminary environmental impact assessment report and the revised environmental management and monitoring plan provided by the provincial office of natural resources and environment, and [then] report the feedback gathered in the meeting to the provincial office of natural resources and environment within five working days from the date of receiving the revised preliminary environmental impact assessment report [and the revised environmental management and monitoring plan];
2. The provincial office of natural resources and environment must consider and make decision within five working days from the date of receiving the report of the feedbacks given in the meeting of the provincial team of specialists:
 - If it is alright, to issue an environmental certificate to the project owner;
 - If the information is not fully provided, to instruct the project owner to revise the preliminary environmental impact assessment report and environmental management and monitoring plan and then resubmit again;
 - If it is not accurate, to reject in writing and explain the reasons of rejection to the project owner; [or]
 - If the [potential] impacts are severe, to instruct the project owner to conduct a comprehensive environmental impact assessment.

Chapter 2 Comprehensive Environmental Impact Assessment

Article 19: Comprehensive Environmental Impact Assessment

Comprehensive environmental impact assessment is the process of analyzing to evaluate potential impacts on social and natural environment caused by an investment project [or] activity, including consideration of all potential problems that may be caused by climate change that have to be reported. An environmental management and monitoring plan must be prepared in apparel with the comprehensive environmental impact assessment report.

Comprehensive environmental impact assessment is required for all investment projects and activities that are in the second grouping list. Comprehensive environmental impact assessment is done by preparing a comprehensive environmental impact assessment report and an environmental management and monitoring plan and submitting to the Ministry of Natural Resources and Environment for review.

The procedures for comprehensive environmental impact assessment are as follows:

1. Determining the scope of assessment and works;
2. Reviewing the scope of assessment and works;
3. Preparing a comprehensive environmental impact assessment report and an environmental management and monitoring plan; [and]
4. Reviewing the comprehensive environmental impact assessment report and the environmental management and monitoring plan.

Article 20: Determination the Scope of Assessment and Works

Determination of the scope of assessment is the process of collection of basic data on environment of the project to identify the key areas and potential impacts on environment.

Determination of the scope of works is identification of all tasks that must be done during the environmental impact assessment within the scope of environmental impact assessment.

The project owner must determine the scope of assessment and works that must be done in the comprehensive environmental impact assessment of the project. The scope of assessment and works must be consistent with the regulations issued by the Ministry of Natural Resources and Environment. The scope of assessment and works must be determined by an environmental service provider that is duly licensed by the Ministry of Natural Resources and Environment.

Article 21: Reviewing of the Scope of Assessment and Works

The Ministry of Natural Resources and Environment must review and has meetings with other concerned ministries [and] sectoral [governmental] agencies to consider and approve the scope of assessment and works of the comprehensive environmental impact assessment within fifteen working days from the date of receiving the documents from the project owner.

If the scope of assessment and works is not comprehensive, [the Ministry of Natural Resources and Environment] must notify the project owner to revise and resubmit it.

Article 22: Preparation of Comprehensive Environmental Impact Assessment Reports

A comprehensive environmental impact assessment report is a report on assessment of potential impacts on the environment, including direct and indirect impacts on living organism, ecological system and environment, that may be caused by an investment project [or] activity, to protect, mitigate and remedy the impacts appropriately. A comprehensive environmental impact assessment report must have clear and easy-to-understand wording, and have means and techniques for comprehensive environmental impact assessment.

A comprehensive environmental impact assessment report of a project may be different from the comprehensive environmental impact assessment reports of other projects depending on the types of the projects. However, all comprehensive environmental impact assessment reports must have project description, options, basic data on environment, such as physical, biological, socio-economic data in the [project] area and the nearby areas, accumulative impacts, compensation, relocation and occupational resumption, and restoration

of livelihood of the people, impacts on health, gender equality, ethnics, including appropriate means and measures to protect, mitigate and remedy the environmental impacts and disaster.

In preparation of a comprehensive environmental impact assessment report, the project owner must:

1. Prepare the comprehensive environmental impact assessment in Lao language in compliance with the [relevant] law, regulations, the scope of assessment and works, in parallel with preparation of the economic-mechanical feasibility study report;
2. To carry out the comprehensive environmental impact assessment within six months after approval for the scope of assessment and works. If it passes the deadline, the approval will be revoked. If [the approval is revoked] and the project owner wants to conduct a comprehensive environmental impact assessment, it must determine the scope of assessment and works again and submit to the Ministry of Natural Resources and Environment for consideration;
3. Liaise with natural resources and environment sector at local level and the local administration to apply for authorization for collection of data and public involvement proceeding in the project development;
4. Collect detailed physical, biological and socio-economic data in the project area and nearby areas, accumulative impacts, compensation, relocation and occupational resumption, and restoration of livelihood of the people, impacts on health, gender equality, ethnics, if the project involves relocation and occupational resumption, including people interviewing and data analysis. In collection of information at field, locations for taking of all samples must be determined depending on the real condition of the location. The source of the data must be reliable and is certified by the relevant organization;
5. Study at least three options in which each option must show key information such as project site, project size and production process, including description on impacts on environment with a comparison of the three options, and explain the rationale behind selection of an option. In studying of the options, there must be an option that is not development of the project, and must explain the project's environmental condition, both benefits and adverse of such option;
6. Prepare an environmental management and monitoring plan separately as an attachment depending on circumstances;
7. Carry out an accumulative impact assessment, cross-border assessment, assessment of environmental and disaster risks, assessment of gender equality, assessment of ethics by preparing separate reports and has an environmental management and monitoring plan for each of them.

Hydropower projects along Mekong River must comply with the terms and conditions agreed in the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin 1995 and the relevant regulations.

The comprehensive environmental impact assessment reports of complicated projects must be in both Lao and English languages.

For a project that poses risks to health, the project owner must conduct an assessment of impacts on health and prepare a health impact assessment report separately in parallel with preparation of the comprehensive environmental impact assessment report, with a public health management monitoring plan in compliance with the laws and regulations issued by the Ministry of Public Health.

Article 23: Preparation of Environmental Management and Monitoring Plan

An environmental management and monitoring plan must contain asks, project activities, potential impacts, environmental and disaster risks, measures for protection, mitigation, remedy impacts on environment, potential accidents and emergency, environmental restoration, time schedule, budget and persons responsible for implementation, monitoring plans of the project owner and the concerned sectoral [governmental] agencies. Moreover, there must be specific management plans as follows:

1. A plan for handling with emergency;
2. Plans for replacement of biodiversity, tree plantation, forest restoration and preservation of water sources, management of reservoir if the project will cause impacts on forest land;
3. Plans for compensation, relocation and occupational resumption and restoration of livelihood of the people, a community development plan and a specific management plan;
4. Plans for construction and transportation route, transportation station, car parks and so on;
5. A water flow management plan to feed the down-stream organism below dams, a sediment clearance plan, a plan for management of reservoir, a down-stream development and management plan, fishery management plan and specific management plan;
6. A plan for mining site closure, an environmental restoration plan and a post closure monitoring plan;
7. Preparation of an environmental management and monitoring plan has two phases as follows:
 - The first phase is preparation of the environmental management and monitoring plan in parallel with preparation of the preliminary environmental impact assessment report and the comprehensive environmental impact assessment report;
 - The second phase is the revision of the environmental management and monitoring plan, the environmental management and monitoring plan during the construction phase, operational phase and at the end of the project.

Article 24: Preparation of Documents for Applying for Approval of Comprehensive Environmental Impact Assessment Report

Any project owner that wants to apply for an approval for a comprehensive environmental impact assessment report must prepare the following documents:

1. An application for approval on the comprehensive environmental impact assessment report;
2. The scope of assessment and works for environmental impact assessment;
3. The comprehensive environmental impact assessment report, environmental management and monitoring plan, and the specific management plan and their summaries;
4. The minutes of consultation meeting at village level;
5. The preliminary economic-mechanic feasibility study report; [and]
6. A copy of environmental business license and a list of technical team members that conducted the environmental impact assessment and their CVs.

Article 25: Checking of the Attached Documents

The Ministry of Natural Resources and Environment must check the application for approval on the comprehensive environmental impact assessment report and the attached documents and inform the project owner in writing within ten working days from the date of receiving the documents [whether or not all required documents have been provided]. If all required documents were prepared correctly and have been fully provided and are correct, the project owner must make at least fifteen hard copies and fifteen soft copies and deliver them to the Ministry of Natural Resources and Environment.

Article 26: Reviewing of Comprehensive Environmental Impact Assessment Report

The Ministry of Natural Resources and Environment must review a comprehensive environmental impact assessment report within ninety working days from the date of receiving the documents from the project owner, excluding the periods in which the project owner revises the documents. Each revision of such report must not be more than six months. If it takes more than six months, the Ministry of Natural Resources and Environment will review the comprehensive environmental impact assessment report from the beginning again. If the revision takes more than two years, the comprehensive environmental impact assessment report will expire and the project owner has to go all over the whole process in conducting the comprehensive environmental impact assessment again.

Reviewing of a comprehensive environmental impact assessment report has two phases:

1. Gathering of opinions; [and]
2. Final reviewing.

Article 27: Opinions Gathering

Gathering opinions must be proceeded within seventy working days from the date of receiving the documents from the project owner and must be in accordance with the following procedure:

1. The Ministry of Natural Resources and Environment sets up a central-level team of specialists, and [then] deliver to the central-level team of specialists the comprehensive environmental impact assessment report and the environmental management and monitoring plan to the central-level team of specialists, the provincial office of natural resources and environment, the district offices of natural resources and environment [where the project is located], and other concerned parties for reviewing and comments within five working days, as well as publishing in a website for public opinions [for] fifty working days [from the date of receiving]. Any party that does not provide any comment/opinion within that period of time will be deemed having consented on it;
2. The Ministry of Natural Resources and Environment collaborates with the project owner to convene consultation meetings at district level that are attended by the concerned parties to provide comments on the comprehensive environmental impact assessment report [and] the environmental management and monitoring plan and [then] provide to the project owner a summary of the comments for revising before the technical consultation meeting;

3. The Ministry of Natural Resources and Environment collaborates with the project owner, provincial office of natural resources and environment [where the project is located], the concerned sectors and local administration for field inspection and convene technical consultation meetings to gather comments on the comprehensive environmental impact assessment report and the environmental management and monitoring plan, and deliver to the project owner a summary of the comments for revising the report before the provincial level technical consultation meeting;
4. The Ministry of Natural Resources and Environment collaborates with the project owner, provincial office of natural resources and environment [where the project is located], the concerned sectors and local administration to convene technical consultation meetings at provincial level to gather comments on the comprehensive environmental impact assessment report and the environmental management and monitoring plan; [and]
5. The Ministry of Natural Resources and Environment summarize comments provided by the concerned parties, comments posted in the website, the resolution of the technical consultation meeting at provincial level, the outcomes of the field inspection, and the feedbacks derived from the central-level team of specialists and provide the summary to the project owner for revision within fifteen working days before resubmission it them to the Ministry of Natural Resources and Environment.

Article 28: Final Review

Final review must be as follows:

1. The central-level team of specialists to convene meetings to review the revised comprehensive environmental impact assessment report and the revised environmental management and monitoring plan provided by the Ministry of Natural Resources and Environment, and [then] report the feedbacks gathered in the meeting to the Ministry of Natural Resources and Environment within ten working days from the date of receiving the revised preliminary environmental impact assessment report [and the revised environmental management and monitoring plan];
2. The Ministry of Natural Resources and Environment must consider and make decision within fifteen working days from the date of receiving the report of the feedbacks given in the meeting of the central-level team of specialists:
 - If it is alright, to issue an environmental certificate to the project owner;
 - If the information is not fully provided, to instruct the project owner to revise the comprehensive environmental impact assessment report and environmental management and monitoring plan and then resubmit again;
 - If it is not accurate, to reject in writing and explain the reasons of rejection to the project owner; [or]
 - If it is not accurate, to reject in writing and explain the reasons of rejection to the project owner.

Article 29: Reviewing of Environmental Management and Monitoring Plan

Reviewing of an environmental management and monitoring plan has two phases as follows:

1. The first phase is reviewing of the environmental management and monitoring plan in parallel with reviewing of the preliminary environmental impact assessment report as

provided in Articles 16,17 and 18 and the comprehensive environmental impact assessment provided in Article 26, 27 and 28 of this Decree;

2. The second phase is reviewing of the revised environmental management and monitoring plan or the environmental management and monitoring plan during the construction phase or operational phase or at the end of the project. Such reviewing must be completed within thirty working days from the date of receiving such plan from the project owner. The natural resources and environment sector must collaborate with the project owner to convene consultation meetings and have field inspection when necessary.

The Ministry of Natural Resources and Environment approves the environmental restoration plan.

Article 30: Reviewing of Comprehensive Environmental Impact Assessment Report of Complicated Projects

The Ministry of Natural Resources and Environment reviews comprehensive environmental impact assessment reports of complicated projects as provided in Article 26, 28 and 27 of this Decree. Reviewing must be done within one hundred and twenty working days from the date of receiving the documents from the project owner, excluding periods in which the project owner revises the documents.

When necessary, foreign specialists may be hired to assist in reviewing the comprehensive environmental impact assessment report, the environmental management and monitoring plan and the specific management plan. The project owner is liable for all professional fees and expenses incurred by the foreign specialists.

Chapter 3 Specialists

Article 31: Specialists

A specialist is a person that has a specific qualification related to environmental impact assessment that is from an office, [governmental] agency, [or] enterprise, both in the public and private sectors, [a specialist can be] a pensioner or a Lao citizen.

A team of specialists is a non-stationed team comprises:

1. The central level specialists appointed by the Ministry of Natural Resources and Environment; [and]
2. The provincial level specialists appointed by the provincial offices of natural resources and environment, depending on the project category.

The members of the team of central level and provincial level specialists must be those whose names are in the lists of specialists only.

Article 32: Qualification of Specialists

A specialist must have the following qualification:

1. Having ethics, morality and honesty;
2. Having technical knowledge [and] ability at a certain degree with a valid certificate;
3. Having experience in the field at least five years;

4. Have never been convicted due to willful criminal offense related to his profession;
[and]
5. Being healthy.

Article 33: A Booklist of Specialists

A booklist of specialists is a book with a list of specialists in different fields, including their resumes.

The Ministry of Natural Resources and Environment to approve the list of specialists selected based on the qualification provided in the above Article 32 of this Decree and then publish the booklist. The booklist will be updated in every five years or sooner if necessary and sent to the provincial and district offices of natural resources and environment.

Article 34: Rights, Duties and Responsibilities of a Team of Specialists

Specialists have the rights and obligations within their scope of responsibilities as follows:

1. To research and provide opinion to preliminary environmental impact assessment report or the comprehensive environmental impact assessment report;
2. To attend discussion meetings or participate in field inspection at investment projects and activities when necessary;
3. To be independent in reviewing;
4. To receive wages in accordance with the regulations;
5. To provide opinion on the preliminary environmental impact assessment report or the comprehensive environmental impact assessment report of project owners in writing;
6. To be responsible to the opinion provided;
7. To perform the duties fairly, quickly and with transparency;
8. To report the outcomes of reviewing of the preliminary environmental impact assessment report [and] the comprehensive environmental impact assessment report;
9. To keep confidential the data and information get during the reviewing except the data and information that must be provided to the relevant sector pursuant to the laws and regulations;
10. To pay [taxes] pursuant to the laws and regulations; [and]
11. To exercise other rights and perform other obligations as provided in the laws.

Article 35: Budget for Performance of a Team of Specialists

The budget for activities of the specialists shall be from the incomes from providing technical services, from issuance of environmental certificates as provided in the laws or from the budget of the investment projects.

Chapter 4 Public Involvement

Article 36: Public Involvement

Public involvement is the process of consultation, provision of data and information and gathering opinions of all sectors of society on investment projects and activities during preparation and reviewing the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report and environmental management and

monitoring plan, including inspecting the implementation of environmental management in each phase of investment projects and activities to ensure transparency, justice and efficiency.

Public involvement has phases as follows:

1. Project preparation and planning;
2. Construction and operation; [and]
3. End of the project.

The natural resources and environment sector, the sector that governs the investment project, local administration and project owners have the joint responsibilities in ensuring and creating conditions for participation of all sectors in the society in environmental impact assessment.

Project owners must make a public involvement plan in environmental impact assessment in each phase, as well as making public involvement analysis, particularly involvement of ethnic minority, the gender equality, the people who cannot help themselves, and disadvantaged people that are affected by the investment project and activities.

Article 37: Public Involvement in Project Preparation and Planning

Public involvement during the project preparation and planning are as follows:

1. During preparation of a preliminary environmental impact assessment report and the comprehensive environmental impact assessment report:
 - Project owners to disseminate public involvement plan and collect basic data and information in the project area and nearby areas, particularly the data and information on population, economic-society, social and natural environment conditions;
 - Project owners to coordinate with natural resources and environment sector in dissemination to the people in the project area and the nearby areas and other stakeholders on project development plan, environmental impacts and benefits that [they] will receive from the investment projects and activities, by convening dissemination meetings and other forms, in both Lao and the dialects of the ethnic minority people if necessary;
2. During reviewing the preliminary environmental impact assessment report and the comprehensive environmental impact assessment report:
 - The provincial offices of natural resources and environment to liaise with the project owners to convene district level meeting, technical level meetings and have a field inspection trip to consult the preliminary environmental impact assessment report attended by the affected people, village administration, the district office of natural resources and environment, the sector that governs the investment project, the related sectors at district level, provincial level and other stakeholders depending on matters being discussed in each level of meeting;
 - The Ministry of Natural Resources and Environment to liaise with the project owners to convene village level meetings, technical level meetings and have a field inspection trip, and convene meeting at provincial level to discuss about the comprehensive environmental impact assessment report attended by the affected people, local administration, local level office of natural resources and environment, the sector that governs the investment project, the related sectors at central level, local level and other stakeholders depending on matters being discussed in each level of meeting.

Article 38: Public Involvement During Construction and Operation

Public involvement during the project preparation and planning are as follows:

1. Project owners to coordinate with natural resources and environment sector, the related sectors and local administration to give a notice to those who are in the project area and the nearby areas periodically on project activities that may affect the environment, such as land surface clearance, explosion, transportation, use and storage of hazardous materials and chemical substances, discharging of water from reservoir;
2. Project owners to coordinate with natural resources and environment sector, sector and local administration in dissemination of the documents on environment and society, particularly the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report, environmental management and monitoring plan, the report on implementation of project environmental activities via newspaper, televisions, speaker, radios, website or other printed materials;
3. The affected people and other stakeholders may express their opinions on implementation of the investment project and activities via hotline telephone, electronic, [or] send opinions, complaints in writing to the project owners or the governmental organization or in other means.

Article 39: Public Involvement at the End of the Project

Project owners must notify the affected people and other stakeholders of closure and environmental restoration done by their investment project and activities and their rights in expressing opinions on completion and pending activities in implementation of environmental management and monitoring plan at the end of the project that is deemed as a condition for the natural resources and environment sector to approve the end of the project.

Part IV Environmental Certification

Article 40: Environmental Certification

Environmental certification is approval of the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report, including environmental management and monitoring plan of investment projects and activities.

Article 41: Environmental Certificate

An environmental certificate is a certificate approving environment issued to investment projects and activities.

An environmental certificate is valid for the rest period of the project, but the environmental management and monitoring plan must be improved in every two or five years depending on the type of the investment projects and activities.

The natural resources and environment sector to approve and issue environmental certificates, certificate of renewal of the environmental management and monitoring plan by coordinating with the related sectors and local administration.

For the concession investment projects pursuant to the Law on Investment Promotion, environmental certificates will be issued prior to execution of the concession agreement. For other mineral investment projects pursuant to the Law on Minerals, environmental certificates will be issued before approval of the economical and technical feasibility study.

For the projects and activities that are in the list of controlled businesses pursuant to the Law on Investment Promotion, including the projects and activities that are in the grouping lists in which environmental impact assessment will be done as provided in Article 9 of this Decree, environmental certificates will be issued prior to issuance of the investment license.

Article 42: Conditions for Issuance of Environmental Certificate for Preliminary Environmental Impact Assessment Report

Conditions for issuance of a certificate [approving] a preliminary environmental impact assessment report are as follows:

1. Must complete all processes of preliminary environmental impact assessment with participation of society;
2. Have sufficient, correct and accurate data and information and already disclosed to the affected people and other stakeholders;
3. Have been approved by divisions, local administration and the majority of the people affected by the investment projects and activities;
4. Have been certified by the agriculture and forestry sector on impacts on forest land, tree plants, bio-diversity, and the remedy measures. If the forest land is transformed, there must be evaluation of losses and damage; [and]
5. Have allocated sufficient budget for implementation of the environmental management and monitoring plan.

Article 43: Conditions for Issuance of Environmental Certificate for Comprehensive Environmental Impact Assessment Report

Conditions for issuance of a certificate [approving] a comprehensive environmental impact assessment report is as follows:

1. Must complete all processes of preliminary environmental impact assessment with participation of society;
2. Have sufficient, correct and accurate data and information and already disclosed to the affected people and other stakeholders;
3. Have been approved by the concerned ministries, local administration and the majority of the people affected by the investment projects and activities;
4. Have been certified by the agriculture and forestry sector on impacts on forest land, tree plants, bio-diversity, and the remedy measures. If the forest land is transformed, there must be evaluation of losses and damage;
5. Have been certified by the Resettlement and Livelihood Restoration Committee in the case the project compensates losses and damages and relocate the place of living and occupation;
6. Have been certified on health impacts by the public health sector in the case it affect health [of people];
7. Have put an environmental deposit to restore environment by the projects and activities as provided in the laws and regulations; and

8. Have allocated sufficient budget for implementation of the environmental management and monitoring plan.

Article 44: Conditions for Issuance of a Certificate on Renewal of Environmental Management and Monitoring Plan

Conditions for issuance of a certificate on renewal of an environmental management and monitoring plan are as follows:

1. For general projects, must submit a summary of past implementation of the environmental management and monitoring plan and prepare a new environmental management and monitoring plan for future;
2. For complicated projects:
 - During the construction phase, there must be a summary of implementation of the environmental management and monitoring plan and an [environmental] management and monitoring plan for the construction phase;
 - During the operational phase, there must be a summary of implementation of the environmental management during the construction phase and a monitoring plan and an [environmental] management and monitoring plan for the operational phase.

[The project owner] must submit the environmental management and monitoring plan for the construction phase and the environmental management and monitoring plan for the operational phase to the natural resources and environment sector at least ninety days prior to the expiry of the certificate. The natural resources and environment sector will consider renewal of the environmental certificate prior to its expiry.

Article 45: Refusal to Issue an Environmental Certificate

Based on the outcomes of the reviewing of the environmental impact assessment, an environmental certificate will be issued to investment projects and activities that:

8. [Will] cause more damage and gains;
9. [Will] cause serious damage to health, living, and assets of the people such as a big number of people has to relocate, but have no sufficient and suitable land area for relocation and resumption of occupation;
10. [Will] cause serious damage to the bio-diversity or will change the ecological system [in the project area];
11. [Will] cause negative impacts on wild animals or rare plants that nearly becomes extinct;
12. [Will] affect the national strategic area, national heritage area, historical area, cultural area, tourism area, good tradition and national unique beautiful views;
13. [Will] have accumulative impacts beyond the sustention capacity of the natural ecology system and environmental quality; [or]
14. Violated the laws.

Article 46: Suspension of Environmental Certificates

Issuance of an environmental certificate to an investment project [or] activity may be suspended in any of the following circumstances:

1. Violated the laws and regulations on environment that does not cause serious damage;
2. Failed to comply with the conditions provided in the environmental certificate;
3. Failed to perform a payment obligation, environmental obligation and other obligations provided by the laws and regulations;
4. Failed to comply environmental management and monitoring plan;
5. Concealed, hid or provided false environmental data/information;
6. Failed to remedy the environment after being warned in writing by the natural resources and environment sector; [and]
7. Caused serious damage to health, livelihood and assets of the people and the environment.

Suspension issuance of an environmental certificate must have definite time limit for project owners to improve and remedy.

After the natural resources and environment sector suspends issuance of an environmental certificate, the concerned [governmental] agency must notify the project owners and activities as provided in the laws after receiving a notice from the natural resources and environment sector.

Article 47: Withdrawal of Environmental Certificates

An environmental certificate issued to an investment project [or] activity will be withdrawn in any of the following circumstances:

1. [The project owner] failed to improve and remedy [the environment] as set out in the conditions for suspension as provided in Article 46 of this Decree;
2. [The project owner] does not do anything for two years from the date of issuance. The certificate will expire;
3. Violated the laws and regulations on environment and caused serious damage to the environment.

After the natural resources and environment sector withdraws an environmental certificate, the concerned sectoral [governmental] agency must notify the project owner to stop operation of the project [or] activity pursuant to the laws, after receiving a notice from the natural resources and environment sector.

Part V

Environmental Technical Inspection in Investment Projects and Activities

Article 48: Environmental Technical Inspection in Investment Projects and Activities

Technical environmental inspection is inspection of environmental compliance by investment projects and activities particularly [performance of] the environmental obligations, conditions for issuance of environmental certificates, environmental management and monitoring plan, compensation plan, relocation and resumption of occupations, and comprehensive management plan.

Article 49: Duration of Environmental Technical Inspection

Environmental inspection is divided into three phases namely:

1. Construction inspection that is an inspection of environmental implementation during construction phase;
2. Operational inspection that is inspection of environmental implementation during operation; [and]
3. End project inspection that is inspection of environmental implementation at the end of the project.

Article 50: Responsibilities in Environmental Technical Inspection

[Parties that have] the responsibilities to conduct environmental technical inspection are:

1. Project owners;
2. The sectoral [governmental] agency that govern the investment project [or] activity;
3. The natural resources and environment sector.

Article 51: Project Owner's Responsibilities in Environmental Technical Inspection

The project owner is the first persons that conduct the inspection reguLAPly to ensure that environmental implementation of the project is effective by creating systematic monitoring mechanism as follows:

1. Appointment of civil servants with specific qualification and establishment of environmental management team to be responsible for implementation and monitor environmental implementation and coordinate with the concerned [governmental] agencies;
2. Establishment of society management team if the project has to compensate losses and damage and is liable for relocation and resumption of occupation;
3. Provision of sufficient standard equipment required for field work, particuLAPly equipment for collection of samples and tools for measurement of the quality of water, soil, air and sound. For complicated projects, tools for automatic measurement of water, air and sound must be set up;
4. Reporting the outcomes of inspection to the sectoral [governmental] agency that governs the investment and the natural resources and environment sector.

Article 52: Responsibilities the Sectoral [Governmental] Agency that Governs the Investment Project in Environmental Technical Inspection

Sectoral [governmental] agency that governs the investment project is the second party that, within its scope of responsibilities, monitor environment by coordinating with the concerned sectoral [governmental] agencies and local administration as follows:

1. The central-level sectoral [governmental] agency that governs the investment project to carry out environmental inspection when necessary;
2. The provincial-level sectoral [governmental] agency that governs the investment project to carry out environmental inspection during construction phase for three to five times per annum, during operational phase for two to three times per annum, and during the end of project phase for one to two times per annum;
3. The district-level sectoral [governmental] agency that governs the investment project to carry out environmental inspection during construction phase for four to six times per annum, during operational phase for three to four times per annum, and during the

end of project phase for two to four times per annum, except for environmental inspection of the complicated project.

The number of times of environmental technical inspection may be increased or reduced depending on special characteristics and size of the investment project, besides from the above-mentioned environmental technical inspection.

The sectoral [governmental] agency that governs the investment project must report the outcomes of each inspection to the natural resources and environment sector.

Article 53: Responsibilities of the Natural Resource and Environment Sector in Environmental Technical Inspection

The natural resources and environment sector is the third party that monitors environmental implementation, by coordinating with concerned sectoral [governmental] agencies and local administration, particularly [in monitoring] performance of environmental obligations, conditions provided in the environmental certificate, the environmental management and monitoring plan and the specific management plan, including guidelines, notices and imposition of [disciplinary] measures on violators in accordance with the laws and regulations, and report the outcomes of the inspection to the Government periodically as follows:

1. The Ministry of Natural Resources and Environment is responsible at macro level, to issue regulations, manuals for monitoring and field inspection when necessary;
2. The provincial offices of natural resources and environment to monitor the environment during construction phase for three times per annum, during operational phase for two times per annum, and during the end of project phase for one time per annum;
3. The district offices of natural resources and environment to monitor the environment during construction phase for three to four times per annum during operational phase for two to three times per annum, and during the end of project phase for two to three times per annum, except for environmental technical inspection of the complicated project.

The number of times of environmental technical inspection may be increased or reduced depending on special characteristics and size of the investment project, besides from the above-mentioned environmental technical inspection. [The natural resources and environment sector] may randomly inspect or in the case of emergency or when being requested by the public, may inspect suddenly by setting up an ad hoc committee to monitor environmental compliance by the investment projects [or] activities.

For complicated projects, the Ministry of Natural Resources and Environment may set up a field environmental inspection to manage and monitor the environmental [compliance] daily. The team must comprise representatives from natural resources and environment sector, sectoral [governmental] agency that governs the investment project, and from other concerned sectoral [governmental] agencies.

Article 54: Project Owner's Reporting on the Outcomes of Environmental Technical Inspection

A project owner must report the outcomes of its inspection of environmental implementation to the sectoral [governmental] agency that governs the investment project

and the natural resources and environment sector regularly, monthly, quarterly, semi-annually and annually as per the conditions of the environmental certificate. In the event, it found out that there is a risk that an accident, emergency or a violation that will cause serious damage to the environment, it must report immediately and must initially report the situation in writing within 24 hours.

The report on outcomes of the environmental implementation inspection must contain the following information:

1. The progress, violation or pending performance of the environmental implementation, performance of the conditions provided in the environmental certificate, the environmental management and monitoring plan, compensation plan, relocation and resumption of occupation plan, and the specific management plan;
2. The measured quality of water, air and sound in graphs, diagrams and samples, by comparing against the data and information before the project and the national environmental standard; [and]
3. Difficulties in performance of the environmental obligations of the project.

In the case of a complicated project must report the condition of the measured air, water and sound via an inter-connected database linking to the data base of the natural resources and environment sector and other sectoral [governmental] agencies.

Article 55: Environmental Technical Services

Preliminary environmental impact assessment and comprehensive environmental impact assessment must be done by an environmental service provider that is licensed by the Ministry of Natural Resources and Environment.

The environmental service provider must carry out preliminary environmental impact assessment and comprehensive environmental impact assessment with transparency, justice, ethics, morality and consistent with the laws and regulations and is responsible for [accuracy] of all data and information and the outcome of its study.

Any environmental service provider whose license is suspended is prohibited to conduct any preliminary environmental impact assessment and comprehensive environmental impact assessment for two years.

Part VI

The Rights and Obligation of the Affected Persons and the Project's Owner

Article 56: The Rights of the Persons Affected by Investment Projects [or] Activities

People who are affected by an investment project [or] activity have the following rights:

1. To receive and have access to the data and information on benefits, environmental impacts of the investment project [or] activity;
2. To receive compensation, resettlement and occupational resumption benefits as provided in the [relevant] laws and regulations, and [to receive] fair treatment;
3. To receive health protection, medical check-up and treatment depending on the circumstances;

4. To receive promotion and cultural, religious, traditional and [religious] belief protection, including gender equality promotion;
5. To participate in field inspection and each level meetings to express opinions on the environmental impact assessment;
6. To request the project owner or complain to the concerned State's organization for solution of environmental impacts caused by the investment project [or] activity that is not lawful and unfair; [and]
7. To exercise other rights as provided by the laws and regulations.

Article 57: The Obligations of the Persons Affected by Investment Projects and Activities

People who are affected by an investment project [or] activity have the following obligations:

1. To cooperate and provide data and information on environment in the project area and nearby areas, including the data and information on their land, buildings, crops, assets and incomes, to the project owner and the concerned sectoral [governmental] agencies;
2. To report environmental impacts caused by the investment project [or] activity in writing, verbally, or through media [or] other forms of communication, to the each level of local administration, the natural resources and environment sector, and other concerned sectoral [governmental] agencies for resolution of the environmental impacts caused by the investment project [or] activity; [and]
3. To perform other obligations as provided by the laws and regulations.

Article 58: The Rights of the Project's Owner in Environmental Impact Assessment

In environmental impact assessment, a project owner has the following rights:

1. To select an environment service provider to carry out preliminary environmental impact assessment or comprehensive environmental impact assessment;
2. To gather environmental data and information related to its investment project;
3. To coordinate with the natural resources and environment sector, each level of sectoral [governmental] agency and local administration in respect of environmental impact assessment;
4. To monitor and request for documents related to environmental impact assessment from the concerned sectoral [governmental] agencies and local administration;
5. To participate in field inspection and attend consultation meetings to express opinions on environmental impact assessment;
6. To complain to the concerned State's organizations for solutions of incorrect and unfair treatment; [and]
7. To exercise other rights provided in the laws and regulations.

Article 59: The Obligations of the Project's Owner in Environmental Impact Assessment

In environmental impact assessment, a project owner has the following obligations:

1. To be responsible to the data and information stated in the report on preliminary environmental impact assessment, the comprehensive environmental impact assessment report, and the environmental management and monitoring plan;

2. To be liable for expenses incurred in field inspection [and] each level meeting, [and expenses incurred by] the team of specialists, [the cost of] hiring foreign specialists, including [the cost of] implementation of the environmental management and monitoring plan;
3. To pay official fees and charges as provided in the laws and regulations;
4. To pay natural resource royalties, ecological service fees and environmental protection fees as provided in the [relevant] laws and regulations;
5. To deposit environmental warranty money for environmental restoration to be payable by the investment project [or] activity as provided in the [relevant] law or contract;
6. To contribute to the Environmental Protection Fund;
7. To improve the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report and the environmental management and monitoring plan after receiving comments from natural resources and environment sector;
8. To perform environmental obligations pursuant to the environmental management and monitoring plan, the compensation plan, relocation and occupational resumption plan, and the specific management plan;
9. To solve the complaints submitted by those who are affected by the investment project [or] activity;
10. To improve, modify and restore environment damaged by its investment project; [and]
11. To perform other obligations provided in the [relevant] law and regulations.

In the case its investment project created any unforeseeable environmental impact not stated in its preliminary environmental impact assessment report, comprehensive environmental impact assessment report and environmental management and monitoring plan, the project owner must be liable for additional study and remedy of the impacts.

Part VII

Contractor Hiring, Transfer and Changes in Investment Projects and Activities

Article 60: Hiring of Contractors by Investment Projects and Activities

Any project owner that wants to hire a contractor to do any activity of the investment project or activity must have terms and conditions on obligations and measures on environmental management and monitoring provided in the contract to ensure that the contractor perform such obligations and measures have been correctly and fully performed and implemented.

In the case the contractor fails to perform the terms of the contract signed with the project owner, the project owner must be liable for the environmental impacts.

Article 61: Transfer of Investment Projects and Activities

Any project owner that wants to transfer an investment project [or] activity to a third party [must ensure that] the third party continue to exercise the rights and perform the environmental obligations as provided in the environmental certificate, the preliminary environmental impact assessment report or the comprehensive environmental impact assessment report, and the environmental management and monitoring plan, including the specific management plan throughout the term of the investment project [or] activity.

In the event of transfer or change in the investment project [or] activity's name, the project owner must request the natural resources and environment sector for changing of the name in the project owner or the company in the environmental certificate.

Article 62: Changes in Investment Projects and Activities

Any project owner that wants to alter the investment project [or] activity, such as a new investment project [or] activity in the same area or expansion to a new area, technical changes, enlargement or reduce the size of the existing investment project [or] activity, the project owner must prepare a new preliminary environmental impact assessment report or the comprehensive environmental impact assessment report, including environmental management and monitoring plan and specific management plan.

Part VIII

Data and Information In Respect of Environmental Impact Assessment

Article 63: Provision of Environmental Data and Information

Provision of environmental data and information is providing of physical, biological, and socio-economic data and information and other data and information to facilitate preparation and reviewing of the preliminary environmental impact assessment report, the comprehensive environmental impact assessment report, environmental management and monitoring plan, including monitoring environmental implementation.

In an environmental impact assessment, the following data and information must be provided:

1. The natural resources and environment sector, other concerned sectoral [governmental] agencies [must] cooperate and provide the data and information that they possess to the project owner for use in the environmental impact assessment activities;
2. The project owner [must] provide sufficient data and information on the investment project [or] activity, and the data and information on environmental impact assessment to the natural resources and environment sector for reviewing and approval;
3. The project owner must create database for use and periodically provide to the natural resources and environment sector and the concerned parties the data and information on implementation of the environmental management and monitoring plan and specific management in the form of printed materials and electronic for monitoring and evaluation; [and]
4. The affected people [must] provide to the project owner and the concerned sectoral [governmental] agencies the data and information on environment in the project area and the nearby areas, including the data and information on their land, buildings, crops, assets and incomes.

Article 64: Disclosure of Environmental Data and Information

Disclosure of environmental data and information is presentation of the data and information derived from the preliminary environmental impact assessment report or the comprehensive environmental impact assessment and the environmental management and monitoring plan, including the costs of implementing, to the affected people and other

stakeholders to inform them of the impacts or the potential impacts on the environment, caused directly or indirectly by the investment project [or] activity.

In an environmental impact assessment, the following data and information must be disclosed:

1. The natural resources and environment sector and the project owner must disclose and provide access to the data and information related to the project owner, environmental impact, the obligations and measures to mitigate impacts on environment, preliminary environmental impact assessment report, the comprehensive environmental impact assessment report and the environmental management and monitoring plan, including the outcomes of monitoring implementation and other data;
2. Periodical disclosure to the public of the data and information of the project must be made in both Lao and English languages [and must be done] through newspaper, television, speaker, radios, website, online and other printed materials;
3. In the event the project owner does not want to disclose a data and information stated above, the project owner must submit to the natural resources and environment sector a request attached with such data and information. The natural resources and environment sector must determine whether or not such data and information is confidential data and information within twenty-five working days. If [it is determined that] the data and information is confidential data and information, it must be kept confidential within a period mutually agreed by the natural resources and environment sector and the project owner;
4. For the complicated project, the project owner must set up database centers in the project area and the nearby districts.

Part IX Prohibitions

Article 65: General Prohibitions

It is prohibited persons, entities or organizations, both domestic and foreign, to do the following acts:

1. To provide environmental professional services without a license from the natural resources and environment sectoral [agency];
2. To counterfeit environmental certificates, seal, signature and [other] documents in respect of environmental impact assessment;
3. To exercise the rights and duties exceedingly, application of force or threat to the public officials;
4. To conceal, hide or providing false data/information;
5. To give or be a medium man for accepting or giving bribes;
6. To refuse cooperation or obstruct environmental impact assessment;
7. To defame or making false statement on the State's organization and public officials; [and]
8. To have any other behavior that violates the laws.

Article 66: Prohibitions Imposed on Project Owners and Management of Firm that Provide Environmental Professional Services

It is prohibited a project owner and the management of a firm that provides environmental professional services to do the following acts:

1. For the project owner, to conduct environmental impact assessment on its own;
2. To provide environmental technical services not in compliance with the license and certificate;
3. For the management of the firm that provides environmental technical services, to affix its seal on the preliminary environmental impact assessment report or the comprehensive environmental impact assessment report, environmental management and monitoring plan that it has not conducted and prepared;
4. To bribe or give kickbacks to public authorities and officials;
5. To conspire with the public authority and official to acquire illegal interests;
6. To use force or threaten the public authorities and officials;
7. To defame or making false statement on the State's organization and public officials;
8. To counterfeit documents, signatures, seals and provide false data and information;
9. To violate the duties and conditions provided in the environmental certificate, evade payment of environmental obligations, natural resource royalties, official fees, charges as provided in the laws and regulations;
10. To refuse cooperation or obstruct environmental impact assessment;
11. For the project owners, to construction and operate investment projects or activities that are in the grouping lists of investment projects and activities that require environmental impact assessment without an environmental certificate; [and]
12. To have any other behavior that violates the laws.

Article 67: Prohibitions Imposed on Authorities or Officials

It is prohibited public authorities or officials in natural resources and environment sector and the sectoral agency that governs the investment projects to do the following acts:

1. To study and prepare a preliminary environmental impact assessment report, comprehensive environmental impact assessment and environmental management and monitoring plan;
2. To ignore [and] neglect in performing duties, to delay, withhold reviewing of documents on environmental impact assessment;
3. To be unfair, biased and incorrect to persons, entities, organizations and collective community;
4. To be an agent [or] consultant to a person, entity and organization in environmental impact assessment;
5. To abuse power, position [and] duty, to ask for [and] accept bribery from project owners for personal interest, [or the interests of] relatives and friends;
6. To issue environmental certificates illegally;
7. To counterfeit documents, signature, and seal;
8. To conceal, hide or providing false data/information;
9. For the foreign experts [and] the team of specialists, to review any preliminary environmental impact assessment report, comprehensive environmental impact assessment report and environmental management and monitoring plan of an investment project or activity that they have been involved in conducting and preparation;
10. To disclose confidential data and information without permission;
11. To destroy evidence, documents on environmental impact assessment; [and]
12. To have any other behavior that violates the laws.

Part X Dispute Resolutions

Article 68: Means of Dispute Resolutions

Dispute resolution in respect of environmental impact assessment may be done in any of the following manners:

1. Resolution by compromise;
2. Resolution by administrative means;
3. Dispute resolution by Economic Arbitration Center;
4. Submission to courts; [and]
5. International dispute resolution.

Article 69: Mediation or Compromise

In the event there is a dispute on environmental impact assessment that is not severe and with small amount of damages, the adversaries may resolve the dispute by discussion, negotiation and compromise by amicable means or request for mediation.

Article 70: Dispute Resolution by Administrative Means

In the case there is a dispute related to environmental impacts and damage that is not severe and not in a big amount, the adversaries may request the concerned sectoral [governmental] agency to solve.

Article 71: Dispute Resolution by Economic Arbitration Center

In the case there is a dispute related to environmental impacts and damage, the adversaries may submit the dispute to the Economic Arbitration Center for resolution in accordance with the [relevant] law.

Article 72: Submission to People's Courts

In the case, there is a dispute on environmental impact assessment; a party may file with the [competent] people's court for adjudication in accordance with the [relevant] law.

Article 73: International Dispute Resolutions

In the case, the dispute on environmental impact assessment has international characteristics, the adversaries may submit it to the domestic, foreign or international arbitrators mutually agreed or as provided in the international convention and treaty that the Lao PDR is a signatory.

Part XI Management and Inspection

Chapter 1 Management of Environmental Impact Assessment Activities

Article 74: Agencies Responsible for Management of Environmental Impact Assessment Activities

The management of environmental impact assessment is centralized and unified at the Government. The Government assigns to the Ministry of Natural Resources and Environment

to be directly responsible and key player in coordination with the ministries, [governmental] agencies, local administration and other organizations.

The organizations that are in charge of management of environmental impact assessment are:

1. The Ministry of Natural Resources and Environment;
2. The provincial offices of natural resources and environment; and
3. The district offices of natural resources and environment.

Article 75: The Rights and Duties of the Ministry of Natural Resources and Environment

In management of environmental impact assessment, the Ministry of Natural Resources and Environment has the following rights and duties:

1. Conducting research and draft policies and laws on environmental impact assessment and submit to the Government for approval;
2. Adopting the policies and laws on environmental impact assessment into detailed regulations and working plans, programs and projects, and implement;
3. Advertising, disseminating, training the policies, laws and regulations on environmental impact assessment;
4. Issuing decisions, directions, guidelines and notices in respect of environmental impact assessment;
5. Suspending or revoking decisions, directions, guidelines, [and] notices that are inconsistent with the laws and regulations;
6. Strengthening and training the civil servants of the natural resources and environmental sector in respect of environmental impact assessment and monitoring environment;
7. Giving technical advice to project owners and environmental professionals¹¹ on environmental impact assessment and environmental monitoring;
8. Creating and improving the lists of grouped investment projects and activities for the purposes of environmental impact assessment to make them suitable with the current situation nationwide;
9. Reviewing and approving the scope of assessment and works for comprehensive environmental impact assessment report;
10. Field inspecting and organizing each level meetings during reviewing of comprehensive environmental impact assessment report;
11. Appointment of a team of specialists at central level to review comprehensive environmental impact assessment report;
12. Hiring foreign specialists to assist in reviewing comprehensive environmental impact assessment reports, environmental management and monitoring plan and specific management plan when necessary;
13. Issuing, suspending or withdrawing environmental certificates in respect of comprehensive environmental impact assessment reports;

¹¹ From the translator: The term refers to a person who provide environmental technical services. I also use the term “environmental service provider” in other places in this Decree. But, both of them means the same thing the “person” or “firm” that provides environmental services, that conduct the environmental impact assessment and prepare environmental management and monitoring plans.

14. Issuing certificates to renew environmental management and monitoring plan of investment projects and activities that are in the second group;
15. Approving environmental management and monitoring plans for the mineral prospecting and plans for environmental restoration;
16. Instructing project owners to upgrade their preliminary environmental impact assessment into comprehensive environmental impact assessment in the event finding that the impact is material;
17. Instructing project owners to carry out further study or improve the approved comprehensive environmental impact assessment report, environmental management and monitoring plan and specific management plan if found out that the impacts are beyond the preliminary assessment scope;
18. Establishing a field environmental management team to daily manage and monitor environmental activities of complicated projects;
19. Inspecting environmental technical staff of investment projects and activities within its scope of responsibilities;
20. Establishing central ad hoc committee to monitor environment of the investment projects and activities in the case of emergency and when necessary;
21. Gathering requests of people affected by the investment projects and activities and of the related stakeholders, including resolution of disputes within its scope of responsibilities;
22. Coordinating with ministries, [governmental] agencies, local administration and project owners in environmental impact assessment;
23. Working with foreign countries, regionally and internationally, in environmental impact assessment activities;
24. Regularly summarizing and reporting implementation of environmental activities to the Government; [and]
25. Exercising other rights and performing other duties pursuant to the laws and regulations.

Article 76: The Rights and Duties of the Provincial Offices of Natural Resources and Environment

In management of environmental impact assessment, the provincial offices of natural resources and environment has the following rights and duties:

1. Implementing policies, laws, detailed working plan, programs and projects in respect of environmental impact assessment;
2. Advertising, disseminating, training the policies, laws and regulations on environmental impact assessment;
3. Requesting for issuance decisions, directions, guidelines and notices in respect of environmental impact assessment;
4. Requesting for suspension or revoking of decisions, directions, guidelines, [and] notices that are inconsistent with the laws and regulations;
5. Strengthening and training the civil servants of the natural resources and environmental sector in respect of preliminary environmental impact assessment report and monitoring environment;
6. Giving technical advice to project owners and environmental professionals on preliminary environmental impact assessment report and environmental monitoring;
7. Collaborating and facilitating project owners in public involvement procedure with participation of the affected people and other stakeholders;

8. Field inspecting and organizing each level meetings during reviewing of comprehensive environmental impact assessment report;
9. Appointment of a team of specialists at provincial level to review comprehensive environmental impact assessment reports;
10. Issuing, suspending or withdrawing environmental certificates to approve in the preliminary environmental impact assessment;
11. Requesting the Ministry of Natural Resources and Environment to suspend or withdraw environmental certificate approved the comprehensive environmental impact assessment report;
12. Issuing certificates to renew environmental management and monitoring plan of investment projects and activities that are in the first group
13. Inspecting environmental technical staff of investment projects and activities;
14. Requesting provincial majors to establish an ad hoc committee to monitor environment of the investment projects and activities in the case of emergency and when necessary;
15. Gathering requests of people affected by the investment projects and activities and of the related stakeholders, including resolution of disputes within its scope of responsibilities;
16. Coordinating with offices, local administration and project owners in environmental impact assessment;
17. Regularly summarizing and reporting implementation of environmental activities to the Ministry of Natural Resources and Environment; [and]
18. Exercising other rights and performing other duties pursuant to the laws and regulations.

Article 77: The Rights and Duties of the District Offices of Natural Resources and Environment

In management of environmental impact assessment, the provincial offices of natural resources and environment has the following rights and duties:

1. Implementing policies, laws, detailed working plan, programs and projects in respect of environmental impact assessment;
2. Advertising, disseminating, training the policies, laws and regulations on environmental impact assessment;
3. Requesting for issuance decisions, directions, guidelines and notices in respect of environmental impact assessment;
4. Requesting for suspension or revoking of decisions, directions, guidelines, [and] notices that are inconsistent with the laws and regulations;
5. Strengthening and training the civil servants of the natural resources and environmental sector in respect of preliminary environmental impact assessment and monitoring environment;
6. Participating in environmental impact assessment and monitoring of environment in investment projects and activities;
7. Gathering requests of people affected by the investment projects and activities and of the related stakeholders, including resolution of disputes within its scope of responsibilities;
8. Coordinating with other related parties in environmental impact assessment;
9. Regularly summarizing and reporting implementation of environmental activities to the provincial offices of natural resources and environment and the local administration; [and]

10. Exercising other rights and performing other duties pursuant to the laws and regulations.

Article 78: The Rights and Duties of the Sector in Charge of the Investment Projects

In management of environmental impact assessment, the technical sector that governs the investment project has the rights and duties, within their scope of its responsibilities, to coordinate with the natural resources and environmental sector and other related sector in preparing a plan, budgeting, protecting of environment, encouraging project owners to conduct environmental impact assessment and apply modern and environmental-friendly technology in construction and operation of the projects, as well as being secondary inspector that inspect performance of the environmental sector as provided in Article 52 of this Decree.

Article 79: The Rights and Duties of the Sectoral Offices, Local Administration and Other Sectors

In management of environmental impact assessment, the other technical sectors, local administration and other organizations have the rights and duties to coordinate with natural resources and environmental sector within their roles and scope of responsibilities in protection of environment, environmental impact assessment, application of modern and environmental-friendly technology in construction and operation of the projects.

Chapter 2 Inspection

Article 80: Agencies Responsible for Inspection of Environmental Impact Assessment Activities

The [governmental] agencies that are in charge of inspection of environmental impact assessment are:

1. Internal inspectors are the [governmental] agencies that are in charge of environmental impact assessment listed in Article 74 of this Decree
2. External inspectors are the provincial people council, the Governmental Inspector, each level-State inspector, the State Auditor, the National Front for National Construction, the Veteran Association, Civil Organization, Mass Media and citizen.

Article 81: Inspection Matters

The matters that will be inspected when conducting an inspection on environmental impact assessment activities are as follows:

1. Compliance with policy, laws and regulations on environmental impact assessment;
2. Organization and activities of the [governmental] agency that is in charge of management of the environmental impact assessment;
3. Exercise of the rights, and performance of duties and imposition of legal measures on violators.

Article 82: Means of Inspection

There are three forms of inspection namely:

1. ReguLAPly systematic inspection;
2. Inspection with an advance notice; [and]
3. Sudden inspection.

ReguLAPly systematic inspection is an inspection done in accordance with the plan that has a definite schedule.

Inspection with an advance notice is an inspection that is outside the plan when it is deemed necessary, by giving an advance notice to the inspected target.

Sudden inspection is urgent inspection without giving an advance notice to the inspected target.

Part XII

Policies on Persons Who Performs Very Well and Measures on Violators

Article 83: Policies on Persons Who Performs Very Well

Any person, entity or organization that is outstanding in implementing this Decree, such as, being a good model and contributing actively in environmental impact assessment, achieving the objective and is effective, will be commended or granted other [benefits in accordance with] the policy as provided in the laws and regulations.

Article 84: Measures on Violators

Any person, entity or organization that violates this Decree, particuLAPly the prohibition, will be educated, warned, disciplined, fined, ordered to pay civil compensation or criminally prosecuted depending on the circumstances.

Part XIII

Final Provisions

Article 85: Implementation

The Ministry of Natural Resources and Environment is the key player in dissemination and implementation of this Decree effectively.

Ministries, governmental agencies, local administration, project owners and affected people to acknowledge and implement this Decree strictly.

Article 86: Deadline for Dealing with Investment Projects and Activities that Do Not Have Environmental Certificate

The Ministry of Natural Resources and Environment coordinates with the sectors that govern the investment projects and other [governmental] agencies to review the investment projects and activities that do not have an environmental certificate and instruct the project owners to carry out and complete environmental impact assessment and preparation of an environmental management and monitoring plan by six months or one year depending on circumstances since the date of receiving the instruction.

Article 87: Coming into Force

This Decree comes into force since the date of signature and after publication in the official gazette for fifteen days.

The Government of the Lao PDR

The Prime Minister

[Signed [illegible] and seal

Thongloun Sisoulith

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY



The Poverty Reduction Fund

**COMPENSATION AND RESETTLEMENT POLICY
FRAMEWORK (CRPF)**

April 2019

SECTION I: EXPECTED IMPACT AND EXPERIENCE OF THE PRF III AF

Lessons Learned from PRFII and PRF III include the following:

- i) Review of types and sizes of the infrastructure sub-projects implemented under the PRF III (cycle XIV, XV and XVI) suggest that most of the civil works are small, and impacts are minimal. Of a total of about 1,138 sub-projects implemented and benefiting to around 150,000 households, 539 households (0.4%) involved a minor loss of private land or assets, mostly under road and water supply sub-projects. Only 3 households lost more than 5% of the total productive assets and have been compensated accordingly and in line with the provisions of the CRPF. A LAPge majority of the households that have lost less than 5% of their total asset have provided voluntary donation.
- ii) The safeguard performance evaluation confirmed that potential benefits versus negative impacts on land or household livelihoods and assets related to infrastructure construction had been discussed. Measures to minimize impact had been developed and agreed within the communities and by affected households. In all cases, affected people directly benefited from the infrastructure construction that caused the loss.
- iii) Overall, the CRPF is well followed through, however documentation and monitoring need to be strengthened. While forms for monitoring and reporting on social safeguards have been developed under the PRF III, the safeguard performance evaluation found adequacies of implementation of these reporting and monitoring procedures still vary between target areas. The safeguards reporting has been strengthened since and the project progress report include a specific section with details of the households impacted, level of impact and a description of the full compensation process. The PRF III AF will continue to strengthen the implementation of the system to ensure adequate monitoring and documentation in all Project districts.
- iv) The Framework for Resettlement and Acquisition of Land and Assets (FRALA), which was developed under the PRF I and PRF II and III in order to address the issue of land acquisition including voluntary land donation and compensation at replacement cost (described in detail in the next section), also still needs strengthening. There are still needs to (a) strengthen coordination among PRF teams (TA, CD, and M&E) and (b) strengthen monitoring of safeguard compliance especially after the construction phase of the infrastructure sub-projects. Continued training and support to local PRF staff, including CD, DAE, YGs and M&E are required for monitoring and reporting on safeguard compliance and issues.
- v) The PRFII evaluation also found that affected households may not be fully aware of their right to receive compensation at replacement cost. It found that some local PRF staff considers that affected people are entitled for compensation at replacement cost only if they lose more than 5% of their total land. Furthermore, the Land Acquisition Report (LAP) requires far more information that beneficiary communities can prepare themselves, and the PRF district staff does not have the necessary capacity to provide support. There is a risk that affected people may be forced to donate assets because beneficiary communities cannot technically prepare the LAP. In order to address the risk, the PRF III has raised awareness of villagers and the PRF staff that anyone negatively affected by a sub-project is entitled to compensation at replacement cost. Furthermore, the PRF III has developed the capacity of villagers and the PRF staff so a LAP is prepared in line with the requirement of the CRPF if necessary.

vi) Activities to support livelihood activities and nutrition enhancement did not result in any loss of private land or assets. Livelihood/nutrition grants provided under the pilot were typically used for the production of small livestock such as poultry and catfish, weaving activities and provision of special meals for pregnant/lactating mothers and malnourished infants¹². Some small structures were built on public space within beneficiary villages as “Village Nutrition Centers” (VNC). The safeguard instruments prepared for the PRF III, including the simple Pest Management Plan (PMP), were used to minimize and mitigate environmental and social impacts associated with LN activities. The safeguard assessment did not find any outstanding safeguard issues associated with the livelihood/nutrition activities.

Anticipated impacts under the PRF III AF

Since the PRFIII AF would focus on infrastructure that is more “production” oriented and strongly related to income-generating and nutrition-improving activities identified in the targeted villages with an envelope of around US\$7,500 per village for three years, the scale and scope of impact are expected to be much smaller than those experienced under the PRFII and PRFIII phases. There is a high probability that the financial envelope will be used to rehabilitate or maintain existing infrastructures and will be completed in one cycle and highly likely in year one). Therefore it is unlikely that the activities supported during the PRFIII AF will have significant or irreversible impact would occur under the PRF III AF. Furthermore, physical relocation of households or businesses is not allowed. Although minor impacts are expected the impact will be minimized, mitigated and compensated with management incorporated at the management stage. Activities to support nutrition enhancing livelihood development will unlikely result in any adverse environmental impacts. Supplementary meal sessions through the Village Nutrition Centers (VNC) will not be supported under the PRF III but through the Farmer Nutrition Groups. Any request for investment from the SHG will be addressed through the Family Investment Plans (FIP) which will be approved by the Village Self-help group Management Committee (VSMC) and the PRF, and will allow conducting environmental and social safeguards compliance.

The partnership with the Water and Sanitation Program (WSP) will unlikely result in any loss of private land or assets. The PRF III AF will facilitate beneficiary villagers build simple pit latrines of their own, if they choose to do so, within their own residential plots. The PRF III AF will not finance the cost of building private pit latrines, or build public latrines. The PRF III AF will finance only the travel costs of community facilitators and community leaders to receive training in basic sanitation and facilitate behavioral change of community members. Potential environmental impacts will be addressed through the Environmental Code of Practice (ECOP) recently revised by the Nam Saat in line with the World Bank’s OP 4.01 and the new Government EIA decree no21/GOL.

¹² Also, training in basic financial literacy, accounting, basic nutrition and hygiene, was provided.

SECTION II: OBJECTIVE, ELIGIBILITY AND PRINCIPLES OF CRPF

Objective:

The objective of the CRPF is to provide the national, provincial and district government, the PRF team, consultants, village officials, private and public sector agencies and beneficiary community members with adequate guidance for effectively addressing the social issues in line with OP 4.12 Involuntary Resettlement. Specifically, the CRPF aims to achieve the following:

- a. Potential negative environmental and social impacts should be avoided, minimized and mitigated;
- b. Loss in livelihoods associated with or caused by the project activities should be prevented and, where unavoidable, minimized and fully compensated;
- c. Anyone residing in, gaining income from or having tenure rights over, land that will be affected by infrastructures, livelihood and nutrition activities implementation financed under the Project is entitled to compensation at replacement value sufficient to improve or at least maintain their pre-Project living standards, income earning capacity and production levels, without regard to their tenure status or ethnic background;
- d. Economic and physical displacement should be avoided, minimized and fully mitigated. Physical relocation of households is not allowed under the Project;
- e. A social screening will be conducted to identify the level of potential impacts and appropriate mitigation measures;
- f. No one should lose more than 10% of his or her productive assets under the Project. Infrastructure designs will be adjusted or alternative locations will be sought if any household may lose more than 10% percent of its productive assets under the original design. SimiLAP principle would be applied for the livelihood and nutrition activities;
- g. Environmental and social benefits should be enhanced wherever possible;
- h. Small Ethnic groups should be meaningfully consulted and receive project benefits in a culturally appropriate manner;
- i. Implementation of infrastructures, livelihood and nutrition activities will commence only after compensation is fully paid or voluntary donation processes are fully completed; and
- j. The capacity of the PRF to manage environmental and social impacts should continue to be developed.

Eligibility:

All Project Affected Persons (PAPs) identified in project-impacted areas during the initial community meetings (infrastructure activities) and after the formulation of the FIP, MIP and FNG home garden plans will be entitled to compensation for their affected assets and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-Project living standards, income-earning capacity and production levels.

Vulnerability, Gender, and Ethnicity:

PRF IIIAF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels and has incorporated these concerns into the preparation and implementation of project activities through an adoption of participatory planning and decision making process. Women in the rural villages play a key role in

household economy and community livelihood development. They will be empowered to become active members in community activities and projects and other collective endeavors in support of project implementation and monitoring. The PRF III AF will continue to identify any specific needs or concerns that need to be considered for ethnic groups and other vulnerable groups such as landless, poor, and female headed households, disabled, elderly or children without means of support. The Gender and Social Inclusion Action Plan has been developed during the PRF II and updated for use under the PRF III to promote a full participation of women and ethnic groups. Equal participation of women in the whole cycle of the project activities will increase project sustainability. Active participation of women and ethnic groups will be ensured during the development of appropriate measures to be responsive to specific needs or concerns of these groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support.

The Prohibited Activities

To avoid adverse impacts on local communities that they cannot mitigate by themselves, the following activities are not allowed under the PRF III AF as under the PRF III:

- a. Use of PRF investment to support infrastructures, livelihood and nutrition activities as an incentive and/or a tool to support and/or implement involuntary resettlement of local people. The Project will not support activities involving village consolidation and/or resettlement that are not consistent with World Bank policies.
- b. No new settlement or expansion of existing settlements will be supported in critical habitats, protected areas or areas proposed for protection. Where settlements already exist, proposals for funding should be in compliance with any local regulations on land management and other provisions of the protected area management plan. No road construction or rehabilitation of any kind will be allowed inside critical natural habitats and existing or proposed protected areas. New settlements or expansion of existing settlements inside a “Total Protected Zone” as defined in a government decree (see ESMF) are not allowed either. As a pro-active measure, one of the criteria to be applied to select the list of the eligible village to receive PRF assistance, will follow the 4+4 policy. Therefore, villages that have been resettled less than 4 years ago or that are in the resettlement plan set for the next 4 years will not be entitled to receive PRF assistance.
- c. The IDA fund will not cover costs associated with the acquisition of land or loss of private assets under any conditions. Only the villagers' own resources will be used to provide in-kind compensation.
- d. Any activity unacceptable to vulnerable ethnic groups in a village of mixed ethnic composition cannot be funded without prior review by the Executive Director. Activities that will have significant adverse impacts on vulnerable ethnic groups in villages and in neighboring villages cannot be funded. The Ethnic Group Planning Framework (EGPF) has been developed to address ethnic group issues.
- e. Sub-projects that will negatively affect more than 200 persons or 20 households, or those that will result in any household losing more than 10% of its productive assets are not allowed.
- f. Likely creation of adverse impacts on small ethnic groups within the village and/or neighboring villages or unacceptable to ethnic groups living in a ethnic homogenous village or a village of mixed ethnic composition.

- g. Imposing ideas and changing priorities identified by the community and endorsed at the Village Development Plan level meeting without community consultation, prior review and clearance from the Executive Director.
- h. Damage or loss to cultural property, including sites having archeological (prehistoric), paleontological, historical, religious, cultural and unique natural values.
- i. Resources access restriction that could not be mitigated and will result in adverse impacts on the livelihoods of small ethnic groups and disadvantage peoples.
- j. Purchase of guns; chain saws; asbestos, dynamites, destructive hunting and fishing gears and other investments detrimental to the environment.
- k. Purchase pesticides, insecticides, herbicides and other dangerous chemicals exceeding the amount required to treat efficiently the infected area. However, if pest invasion occurs, small amount of eligible and registered pesticides in Lao PDR is allowed if accompanied with a training of farmers to ensure its safe uses and World Bank's clearance is needed, following the procedures specified in the Pest Management Plan.
- l. Forestry operations, including logging, harvesting or processing of timber and non-timber forest products (NTFP). However support to sustainable harvesting and processing of NTFPs is allowed if accompanied with a management plan for the sustainable use of the resources.
- m. Unsustainable exploitation of natural resources.
- n. Introduction of non-native species, unless these are already present in the vicinity or known from simiLAP settings to be non-invasive.
- o. Significant conversion or degradation of natural habitat or where the conservation and/or environmental gains do not clearly outweigh any potential losses.
- p. Production or trade in any product or activity deemed illegal under Lao PDR laws or regulations or international conventions and agreements, or subject to international bans.
- q. Labor and working conditions involving harmful, exploitative, involuntary or compulsory forms of labor, forced labor¹³, child labor¹⁴ or significant occupational health and safety issues.
- r. Trade in any products with businesses engaged in exploitative environmental or social behavior.
- s. Activities that require a comprehensive EIA.
- t. Activities that are not in the list of eligible activities.

¹³ Forced labor means all work or service, not voluntarily performed that is extracted from an individual under threat of force or penalty.

¹⁴ Harmful child labor means the employment of children that is economically exploitive, or is likely to be hazardous to, or to interfere with, the child's education, or to be harmful to the child's health, or physical, mental, spiritual, moral, or social development.

SECTION III: THE FRAMEWORK FOR RESETTLEMENT AND ACQUISITION OF LAND OR ASSETS (FRALA)

The Framework for Resettlement and Acquisition of Land and Assets (FRALA) was developed and applied to the PRF II and PRF III phases, in order to avoid, minimize or mitigate loss of private land or assets under the project. The FRALA will continue to be applied under the PRF III AF.

Basic principles

The FRALA defines the terms and provides guidance for voluntary acquisition of land or other assets (including restrictions on asset use) caused by sub-project implementation either through contribution or with compensation by communities. It establishes principles and procedures to be followed to ensure equitable treatment for, and rehabilitation of, any person adversely affected by sub-project implementation. The FRALA thus allows for acquiring assets through the following two methods:

1) Voluntary Contributions:

Community members have the right to make a contribution of their land or other assets without seeking or being given compensation at full replacement value. This can often be justified because the infrastructure, livelihood and nutrition activities will either increase the value of the remaining property or provide some other direct benefit to the affected people. Voluntary contribution is an act of informed consent. **DCs** must assure that voluntary contributions are made with the affected person's full and prior knowledge of the availability of other options (including compensation at replacement cost) and are obtained without coercion or duress. Also, voluntary donations are allowed only if the affected people are direct beneficiaries of the investments that cause such impact. Proposals including voluntary contributions will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users (the size of land contributed on a voluntary basis should not exceed 10% of that individual's total land holding).

Specifically, the following protocol will govern voluntary contributions under the PRF III AF:

- Voluntary contributions are an act of informed consent and affected people are not forced to donate land or other assets with coercion or under duress, or misled to believe that they are obliged to do so, without regard to the ethnic background or legal status of their land occupancy.
- Voluntary contributions are allowed only if a sub-project can technically be implemented in another location than where it is planned. If a sub-project is location-specific by nature, land acquisition associated with such a sub-project cannot be considered as voluntary; rather, it is an act of eminent domain. In such cases, a Land Acquisition Plan (LAP) will be developed.
- Voluntary donations are allowed only for very minor impacts that meet the following criteria:
 - A. The households contributing land or other assets are direct beneficiaries of the infrastructure, livelihood and nutrition activities;
 - B. The total size of productive land owned by the affected household is more than 300m²;
 - C. The impact is less than 5% of the total productive assets owned by said household;

D. No household has to be physically relocated.

- The affected people are fully informed that they have the right to refuse to donate land or other private assets, and instead receive compensation at replacement cost, and that a grievance handling mechanism is available to them through which they can express their unwillingness to donate. Furthermore people are encouraged to use the Feedback and Resolution mechanism if they have questions or inquiries, either in writing or verbally. Adequate measures will be in place to protect complainants.
- The DAE and YG will encourage beneficiary communities to identify and provide in-kind assistance to affected households to minimize and/or mitigate negative impacts. It is to note that such assistance does not need to be sufficient to fully mitigate infrastructure, livelihood and nutrition activities impact and that the conditions of voluntary contribution can be considered met, if affected people knowingly agree to donate assets against the in-kind assistance that may be offered to them.
- The DAE, YG and the PWC will confirm through individual face-to-face meetings that the affected households are indeed aware that they are entitled to full compensation at replacement value and knowingly and freely agree to donate land or other assets. The minutes of this meeting, including the confirmation that all conditions for voluntary donations in this CRPF are met, will be attached to the signed Voluntary Contribution Form (Annex 3).
- Once the informed consent of the affected people has been confirmed in writing, the PWC together with the DAE and the YG will develop a Voluntary Contribution Form (Annex 3). Both the husband and the wife of the affected household will sign two copies of the form in the presence of the district YG and the PWC.
- The PRF DC will review and approve the signed Voluntary Contribution Form, and keep one original signed copy for review by the World Bank. The affected household keeps another original signed copy.
- Implementation of infrastructure, livelihood and nutrition activities involving voluntary donations starts only once the DC has approved the signed voluntary donation forms.
- **6 months** follow-up visits carried out by the DAE and the engineer from the concerned sector and participated by the PRF DC will verify the informed agreement of affected people.

2) Compensation at Replacement Cost:

Based on the experience under the PRF II and the PRFIII phases, almost all impacts under the PRF III AF are expected to be addressed through voluntary donations. Designs can be adjusted and alternative locations be sought so significant impact would not occur under any infrastructure, livelihood and nutrition activities. Participatory processes will help ensure affected people will directly benefit from these activities, which will be confirmed by the PRF staff and documented in the infrastructure proposals the FIP and the MIP.

Since the PRF III AF will continue to use the participatory approach, the types and scale of the infrastructure, livelihood and nutrition activities well as their impacts cannot be known until implementation, significant impacts may actually occur and/or all conditions of voluntary contributions may not be met fully. If in a highly unlikely event that any of the conditions for voluntary contributions provided under the CRPF cannot be met, the impact is considered as involuntary and will be addressed through compensation at replacement value.

In such an event, the PRF should first inform the World Bank for guidance. Overall, following principles will be applied to address involuntary land/asset loss through compensation at replacement value, which is defined by the national decree 192 on compensation and resettlement as the amount in cash or in-kind needed to replace lands, houses, infrastructure or assets on the lands (crops, trees) and other assets (income) affected by the development projects.

- Land acquisition should be avoided or minimized if unavoidable, and should not result in persons losing their home or suffering any decline in income, livelihood, or living standards. No physical relocation of households is allowed under the PRF III AF.
- The PRF DAE, the YG and affected households, under the guidance of the PRF central office and the support of the World Bank Task Team, will jointly assess the scale of impact and identify in-kind compensation that is sufficient to restore pre-Project level of income streams.
- Beneficiary communities themselves from their own assets should provide in-kind compensation. IDA resources cannot be used to finance resettlement cost.
- The total size of productive land owned by the affected household should be more than 300m².
- No one should lose more than 10% of their productive assets as a result of sub-project implementation. If, based on the survey conducted by the PRF DAE and the engineer from the concerned sector with the participation of affected people find that more than 10% of productive assets would likely be affected, designs should be adjusted and/or alternative locations be sought so that impact would be reduced to below 10%.
- Community infrastructure, if affected by sub-project, must be fully restored or replaced.
- A Land Acquisition Plan (LAP) will be prepared by the PRF under the support of the World Bank social safeguard specialist. The LAP should address the following, at minimum: (i) the names of affected people, (ii) baseline census and socio-economic data of affected people; (iii) the inventory of impacts, (iv) mitigation measures including the types and the scale of in-kind compensation, (v) implementation arrangements including participatory processes to ensure participation of affected people in the LAP implementation; (vi) implementation schedule to ensure that in-kind compensation will be provided before any infrastructure, livelihood and nutrition activities start. The LAP will be reviewed by the WB prior to LAP, (vii) processes and procedures to address grievances under the feedback and resolution mechanisms, and (viii) the estimated cost of compensation. The sample template of LAP is attached in Annex 4.
- Implementation of the infrastructure, livelihood and nutrition activities will commence only after all entitlements are delivered to affected households.
- In the event that any of the above conditions cannot be met, such activity will not be implemented.
- 6 months follow-up visits carried out by the PRF YG and the DAE from the concerned sector and participated by the PRF Provincial Offices will verify the informed agreement of affected people.

Procedures

Social Screening: Social impacts will be screened at the beginning of the infrastructure, livelihood and nutrition activities preparation using the Social Screening Form attached to this CRPF (Annex 1a). Impacts that may occur will be recorded in the Form, which will be used for the subsequent design of the infrastructure, livelihood and nutrition activities to avoid or minimize impacts. The completed Form will be attached to the infrastructure proposal, the FIP and the MIP or any other investment proposal (PG, FNG, etc.). The DC will be responsible for preparing and submitting an impact assessment/IEE reports and social impact mitigation instruments (such as ARAP formerly called Land Acquisition Report, FRM report) based on the findings of assessment conducted by the YGs. The DAEs based in district will be responsible for preparing the impact mitigation instruments (site specific EMPs, ECOPs, PMP) required based on the findings of the impact assessment conducted by the YGs.

All safeguard documents will be directly submitted by the DC and DAE directly to the Capacity Development Coordinator and PMT Engineer at the national level for review and quality assurance. The PMT Engineer and CDC share the safeguard documents especially ARAP and EMP **for high risk investments with the Bank for review and clearance** before the SP implementation can start.

Simultaneously, the safeguard documents (IEE reports, ARAP, EMP, PMP) will be also submitted to DONRE for review and approval. For investments with higher risks or significant impacts, IEE reports along with impact mitigation instruments (EMP, ARAP, PMP) may be escalated to PONRE for approval. In **case of significant delay in approval for the safeguard documents due to uncertainty and limited capacity of PoNRE/DoNRE** in some provinces to review and process the safeguard documents, the project should be allowed to proceed with the SP implementation after clearance provided by the World Bank. The Bank safeguard policy would prevail in case there are gaps and discrepancy between the national and the WB policy.

Consultation Principles: The village must ensure that all people affected by the infrastructure, livelihood and nutrition activities are consulted at a public meeting in the village. During this meeting, which should happen during the activity design phase, their right to compensation must be explained. Formal minutes of the meeting are required and will include the main points of discussion as well as any decisions reached, including:

- The name of the affected person (if possible both husband and wife);
- PWC minutes will contain the signatures of the affected persons and the village chief. There will be notes about complaints made by the affected persons, and a map will show the location of the affected assets.

The YG will deliver a copy of the above notes to all those people who are affected by the sub-project, to determine directly their wishes in regards to asset contribution, their perception of whatever agreements had been reached, and their complaints (if any).

The Project staff shall provide a copy of the minutes to affected persons and confirm in private discussion with each of them (both husband and wife) their requests and preferences

for compensation, agreements reached, and any eventual complaint. Copies will be kept in the project documentation and be available for monitoring and supervision.

Valuation of Replacement Cost: For infrastructure sub-projects or livelihood and nutrition activities that will result in involuntary land or asset loss, consultations with affected households will be made to determine levels of compensation at replacement cost. The affected household, the PWC and DAE under the guidance of the PRF central office and the support of the World Bank Task Team and the DoNRE, will jointly assess the scale of impact and identify in-kind or cash compensation that is sufficient to restore pre-Project level of income streams. The YG will assist the consultation process, ensuring facilitation in local language as spoken by the affected households. The valuation must take into account: i) type of asset; ii) in-kind or cash entitlement, as described in the entitlement matrix (Section VIII of this CRPF); iii) production potential of land or asset; iv) accessibility; and v) loss of revenue during period of reestablishing full production potential, e.g. the maturing period of fruit trees.

Preparation of a Voluntary Contribution Form: For sub-projects that will result in voluntary donation of land or other assets, a Voluntary Contribution Form will be prepared for each affected household by the PWC assisted by the YG and the DAE and the concerned sector engineer. The form will describe in detail all assets donated. Both the husband and the wife of the affected household will sign two copies of the form in the presence of the YG and the PWC.

Preparation of a Land Acquisition Report: For activities that will result in involuntary land or asset loss, a **Land Acquisition Report (LAP)** will be prepared. The LAP will fully address all requirements under OP 4.12 as the Resettlement Action Plan (RAP). The LAP will address the following elements, as relevant:

- Basic data that describe impacts and persons affected;
- Arrangements for in-kind replacement of land or for compensation at replacement cost, including signed statements by all affected landowners confirming that these arrangements are satisfactory;
- Short summary of the existing legal framework and policies and principles that will apply to the implementation of relevant sub-projects with regard to the management of social impacts;
- Arrangements to ensure adequate performance by contractors relating to compensation for temporary impacts;
- A schedule of assets (other than land), which will require to be replaced as part of the construction contract, and signed statements by the affected owners confirming that these arrangements are satisfactory;
- An implementation schedule indicating that replacement land will have been provided before implementation of the project begins;
- Field measurements validated by villagers, showing land to be acquired and replacement land to be provided, sufficiently detailed to allow verification;
- Any support that is considered to be necessary to support the poor and vulnerable population;
- Arrangements for disclosure of information, consultations, and procedures for pursuing grievances; and

- Arrangements for implementation monitoring by the PRF staff.

Project staff will assist the preparation of the LAP, which will be reviewed by the DoNRE, PMT as well as by the World Bank's task team. No activities requiring a LAP will be approved or implemented before the PRF central office and the World Bank have approved it. Thus, Project staff will carefully review the activities that would require demolition of houses or acquire productive land, permanently or temporary. The review process will confirm that no other satisfactory alternative is available, that affected persons have been informed about their rights to compensation and assures that they have agreed with the arrangements.

The infrastructure, livelihood and nutrition activity proposal will also include a description of the persons affected, impacts involved (e.g. land, trees, crops, houses and other structures) and agreements reached (such as nature and amount of compensation). In case of voluntary donation of minor assets or land (<10% of the total productive assets), the agreement forms shall be completed and included as an annex to the sub-project proposal.

6 months follow up visits: Follow-up visits to affected households will be made by the PRF District team and the engineer from the concerned sector to verify that contributions and compensations have been made according to prior informed agreements. The visits will be documented on the Voluntary Contribution Form and LAP respectively. Issued discussed and follow up actions agreed will be noted on both copies of the form (one kept by PRF and one kept by the household). Both husband and wife of the affected household will sign the form.

SECTION IV: MONITORING AND INFORMATION DISCLOSURE

4.1.Internal monitoring

The implementation of CRPF will be regularly monitored by the provincial PRF staff and key monitoring indicators such as the number of infrastructure sub-projects as well as livelihood and nutrition activities that involve land/ asset loss, the number of affected households, whether or not they are addressed under voluntary donations, and so on, are reported through the Project Management Information System (MIS). The PMT will continue to supervise and monitor the implementation of this CRPF at least twice a year and include the results in the Project annual reports and to be furnished to the World Bank.

PRF staff at central office and local offices are responsible for forging effective implementation of CRPF in close consultation with concerned agencies and local authorities. PRF central office developed details in the Project Operation Manual and continue to provide training on the safeguard policy and process to local PRF staff and concerned sector representatives. PRF local staff will also continue to work closely with local authorities and communities on details and keep proper record for review by the PMT and the World Bank. The PMT is responsible for periodic monitoring and report the safeguard implementation process in the project progress report.

4.2.External monitoring

Performance of safeguard implementation will be assessed during the implementation of the PRF III AF by an independent consultant from the World Bank during regular donors support mission.

4.3.Information disclosure

Public Consultation and Information Disclosure (OP. 17.50) defines the World Bank's requirements for giving the public access to project information and documentation. It requires that during the planning and preparatory process, project beneficiaries and affected groups and local Civil Society Organizations shall be consulted and the environment and social aspects of the project should be presented. The consultation should be an on-going process throughout the design and implementation of investments and must be compliant with all other applicable safeguard policies. The policy also requires that any relevant material such as the environmental assessment study, social assessments, Resettlement Action Plan (RAP), etc. should be made accessible, in a timely manner and in a form language understandable to the groups being consulted. In line with this policy, safeguard information related to mitigation measures carried out under PRF III AF will be made available for public access in the PRF website and on the PRF information board at the community level.

Throughout the implementation of the PRF III AF, beneficiary/affected communities will be informed of the overall project approach including the provisions of this CRPF as part of the participatory planning processes.

SECTION V: ENTITLEMENT MATRIX

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Productive Land (e.g. paddy fields, garden, and teak or other plantation)	Legal owner or occupant identified during consultations.	<ul style="list-style-type: none"> For marginal loss <10% of land, alternative land within the village, of the simiLAP type, category and productive capacity, free from transaction costs (taxes, administration fees). Voluntary contributions allowed if impacts < 5%, and conditions of voluntary donations are met. 	<ul style="list-style-type: none"> No loss of land >10% is allowed.
Residential Land	Legal owner or occupant identified during consultations.	<ul style="list-style-type: none"> <u>With</u> remaining land sufficient to rebuild houses/structures: (i) in kind compensation at replacement value which is sufficient to restore pre-sub-project livelihood (ii) District government to improve remaining residential land at no cost to PAPs (e.g. filling and leveling) so PAPs can move back on remaining plot. <u>Without</u> remaining land sufficient to rebuild houses/structures: not allowed. 	<ul style="list-style-type: none"> Acquisition of residential land requiring physical relocation not allowed.
Fish Pond	Owner of affected fishpond.	<ul style="list-style-type: none"> In-kind compensation at replacement value. If the currently held fish stocks will not be harvested before the project takes possession of the fishpond, then in-kind compensation for the projected mature value of fish stock held at replacement value. District government to restore/ repair remaining fishpond. 	<ul style="list-style-type: none"> Adequate time provided for PAPs to harvest fish stocks. If remaining fish pond is unviable and/ or cannot meet expected personal or commercial yield, such sub-projects are not allowed.
Houses/ Shops, and Secondary Structures (kitchen, rice bins)	Owners of affected houses whether or not land is owned.	<ul style="list-style-type: none"> In-kind compensation at replacement value that is sufficient to restore the pre-sub-project level livelihood. 	<ul style="list-style-type: none"> Physical relocation of household or businesses not allowed. Affected houses and shops are considered no longer viable if remaining portion is no longer usable/ habitable. Such impacts fall under the category of physical relocation and is not allowed under the project.
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 it should not be less than the unrealized income and revenue that could have been generated from using 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) 	<ul style="list-style-type: none"> The PRF will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works contractors will have the least adverse social impacts; (ii) that the landowner is adequately informed of his/her rights and entitlements as per the investment project resettlement policy; and (iii) that agreement reached

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		restoration of the temporarily used land within one 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.	between the landowner and the civil works contractor are carried out.
Crops and Trees	Owner of crops and trees whether or not land is owned	<ul style="list-style-type: none"> • If standing annual crops are ripening and cannot be harvested, in-kind compensation at replacement value • For perennial crops and trees, in-kind compensation at replacement value. • For timber trees, in-kind compensation at replacement value 	<ul style="list-style-type: none"> • Schedule of civil works will be adjusted to avoid loss of standing crops. • TA/Engineer and CD teams will assist affected households and communities assessing and determining the replacement values.
Permanent loss of physical cultural resources/ public structures/ village or collective ownerships	Villagers or village households	<ul style="list-style-type: none"> • Relocation to where affected villagers agree; or • Compensation at replacement cost for present/existing structures based on its present value. 	If some ritual or ceremonial activities have to be conducted prior or during relocation, the cost will be borne by the beneficiary communities
Graves located in the affected areas	Owners of graves	<ul style="list-style-type: none"> • Compensation for the removal, excavation, relocation, reburial and other related costs will be paid in cash to each affected family. 	If some ritual or ceremonial activities have to be conducted prior or during relocation, the cost will be borne by the beneficiary communities
Electricity Poles	Electricity Companies	<ul style="list-style-type: none"> • Cash compensation for cost to dismantle, transfer and rebuild 	

ANNEX 1a: SOCIAL SCREENING FORM

Proposed Activity:

Brief Description:

.....

Location:

Filled out by:

Organization:

Date:

Attachments:

Prepared with the following Partner Organizations / Community Representatives:

Remarks:

General Instructions:

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

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

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
in the sub-project service area?			
• Other:	<input type="checkbox"/>	<input type="checkbox"/>	
C. OTHER REMARKS:			

D. Involuntary Resettlement Category¹⁵

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

☐ “The affected people are not physically displaced and less than 10% of their productive assets are lost”, an abbreviated Resettlement Action Plan is required

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

☐ No anticipated displacement, and loss of assets are negligible

**E. POTENTIAL SOCIAL IMPACTS ON
VULNERABLE GROUPS, IF ANY:****WILL THE SUB-PROJECT/ACTIVITY
(DESCRIBE THE IMPACT):**

• Affect poverty group?	<input type="checkbox"/>	<input type="checkbox"/>
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¹⁵ World Bank OP 4.12, Policy on Involuntary Resettlement

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
• Affect women headed households?	<input type="checkbox"/>	<input type="checkbox"/>	
• Affect Ethnic Groups or Indigenous People?	<input type="checkbox"/>	<input type="checkbox"/>	
• Affect other vulnerable groups?	<input type="checkbox"/>	<input type="checkbox"/>	
F. OTHER REMARKS:			
REQUIRED SAFEGUARD DOCUMENTS:			
• Land Acquisition/Resettlement Action Plan (LAPAP)?	<input type="checkbox"/>	<input type="checkbox"/>	
• Indigenous People's Dev't Plan (IPDP)?	<input type="checkbox"/>	<input type="checkbox"/>	
• Land Titles or Documentation?	<input type="checkbox"/>	<input type="checkbox"/>	
• Community DecLAPations?	<input type="checkbox"/>	<input type="checkbox"/>	
• Other?	<input type="checkbox"/>	<input type="checkbox"/>	
G. OTHER REMARKS:			
H. CONCLUSIONS/RECOMMENDATIONS:			
I. SIGNING OFF:			

IMPLEMENTING AGENCY:

PRF SAFEGUARD
COORDINATOR:

NAME:

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
NAME:
POSITION:.....			POSITION:.....
DATE:.....			DATE:

ANNEX 1b: SUMMARY INFORMATION MATRIX ON AFFECTED LAND AND INFRASTRUCTURE

Province: _____ District: _____ Village/Commune: _____

						Loss of Assets			Loss of Crops			Loss of other Assets	Other Losses		
HH No.	Name of Head of Household	No. of Persons in Household	Total Landholding of Household (m2)	Land to be acquired (m2)	Loss as % of Total	Structures Permanent (m2)	Structures Temporary (m2)	Area of Residential Land Lost (m2)	Fruit Trees Lost (Type and Number)	Number of Trees/ area of Crops Lost (m2)	Other (Specify)	Example: graveyards, wells, etc. (type and number)	Residence (rented)	Business Lost	Income Lost

ANNEX 2: DEFINITIONS OF TERMS

Definitions of key terms are as follows:

Beneficiary - All persons and households from the villages who voluntarily seek to avail of and be part of the project.

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

Cut-off-date – The date that the Decision on the target beneficiaries and on the land acquisition of the project areas is issued by a competent authority and publicly announced to local target-communities and to affected or displaced persons.

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.

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.

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

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.

Land Acquisition - the process whereby a person is compelled by a government agency to alienate all or part of the land a person owns or possesses, to the ownership and possession of the government agency, for public purpose in return for a consideration.

Project Affected Persons (PAPs) - includes any person or entity or organization affected by the investment project, who, on account of the involuntary acquisition of assets in support of the implementation of the investment 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.

Replacement Cost – is the term used to determine the amount sufficient to replace lost assets and cover transaction costs. When domestic laws do not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standards.

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.

Vulnerable Groups - are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) households headed by women, the elderly or disabled, (ii) households living below the poverty threshold, (iii) the landless, and (iv) ethnic groups.

ANNEX 3: VOLUNTARY CONTRIBUTION FORM

Province:	
District:	
Kumban:	
Village:	
Sub-project ID:	
Name of CD:	
Name of TA:	
Date of Village Meeting	

Date of face-to-face meeting:	
Name of CD/TA:	

Name of land owner:	ID Number:	Beneficiary of the sub-project: Y/N		
Sex:	Age:	Occupation:		
Address:				
Description of land that will be taken by the sub-project:	Area affected:	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact:				
	Details	Number		
– Trees that will be destroyed				
– Fruit trees				
– Trees used for other economic or household purposes				
– Mature forest trees				
– ...				
Describe any other assets that will be lost or must be moved to implement the				

project:
Value of donated assets:
Will affected people need to be physically relocated?

By signing or providing thumb-print on this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumb print, and ask for compensation instead.

Date:.....

Date:.....

Village Implementation Team
representative's signature

Affected persons signature
(both husband and wife)

Date of visit:	
Name and signature of CD/TA:	
Contributions made according to signed form	Yes / No
Issues discussed:	
Follow up actions:	
Signatures of husband and wife of affected households	

ANNEX 4: LAND ACQUISITION/RESETTLEMENT REPORT (LAP)

List of Content:

- Baseline census and socioeconomic data of affected people
- Detailed inventory of loss (types, scale and scope of impact)
- In-kind compensation to be provided that should be sufficient to restore pre-sub-project level livelihood and income stream.
- Policy entitlements related to any additional impacts identified under census or survey
- Implementation schedule
- Detailed cost estimate and source of resources

ANNEX 5: REPORTING FORM ON SAFEGUARS COMPLIANCE MONITORING

<u>Table of Summary on Safeguard Monitoring of PRF Subprojects during Cycle at Implementation Stage (to be completed during monitoring visit and included in quarterly progress and Annual Report)</u>							
District:							
Province:.....							
Completed by:, Cell phone number:....., Office phone Number:.....,							
Email or Fax:.....							
Date:.....							
No	Kumban	Villages	Ethnic group composition	PRFII Subprojects and Brief Technical Details (type, design, size and year of completion)	During subproject implemtnation, any emerging social impacts found or	What mitigation measure or next steps taken or will be taken to mitigate the impacts found	When the measures was or will be completed
1							
2							
3							
4							
Additional information or comments or suggestions:							
.....							

Should make sure that the CRPF refers to PRF III AF. Please also change the heading.

Existing form – should change info to PRF III AF and correct spelling of safeguards.

Table of Summary on Safeguards Monitoring of PRF Subprojects, Cycle, Planning and Preparation Stage (to be completed during monitoring visit and included in quarterly progress and Annual Report)													
District:, Province:													
Completed by:, Cell phone number:, Office phone Number:, Email or Fax:													
Date:													
No	Kumbar	Villages	Ethnic group composition	PRFII Subprojects and Brief Technical Details (type, design, size and year of completion)	Did the project consult and establish support the subprojects villagers	Did the project conduct social impact screening using Negative List	If ethnic groups found, do they, especially women have difficulty in communication or cultural barriers	Will PRFII Subproject triggers Land Acquisition?				What measures applied to mitigate the social impacts found	When the measures was or will be completed
								Subproject involving voluntary contributions, if yes CC-Form completed	Subproject involving the voluntary resettlement of more than 100 persons if yes CC-Form completed	Subproject involving the voluntary contribution by at least one individual of more than 10% of their holdings if	Subproject involving displacement of more than 5 households or structures if yes CC-Form completed		
1													
2													
3													
4													
Additional information or comments or suggestions:													

Annex 9: Ethnic Group Planning Framework

SFG1887 REV

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY



The Poverty Reduction Fund

ETHNIC GROUP PLANNING FRAMEWORK (EGPF)

April 2019

SECTION I: PROJECT BACKGROUND

Ethnic Groups in the project Areas

Although their numbers differ, specialists mostly agree on the following classification for the Lao PDR small ethnic groups: there are four main ethno linguistic groups, including in majority Tai Kadai, which comprises 65% of the population. These four groups are further sub-divided into 49 officially recognized sub-groups, and again into more than 200 smaller groups (See Table 1 for a summary of the main characteristics associated with the four ethno-linguistic groups).

The PRF III AF will be implemented in four Northern provinces and fourteen districts, which are populated by many different ethnic groups (around 13 of the main small ethnic groups in Lao PDR) – almost all ethno-linguistic groups located in the north part of Lao PDR are represented in these four PRF provinces.

Table 1: Ethnicity of Population¹⁶

Ethno-Linguistic Group	Language Family	Summary Characteristics
Tai Kadai	Lao Phoutai	65% of the population, living mostly along the economically vibrant Mekong corridor along the Thai border or in Northern lowlands; settled cultivators or urban dwellers; migrated into Lao PDR since the 13th century; the LAPgest group – the ethnic Lao are mainly Buddhists, while some of the minor groups, e.g. Tai Dam and Tai Deng, have remained animist.
Austroasiatic	Mon Khmer	24% of the population, living mainly in mid- and highland areas in the North, Central and South; smaller groups (Khmu) live also in the Northern lowlands; the most diverse ethnic group and the first one to inhabit LAPge areas of Lao PDR; mainly animist and shifting cultivators; fairly assimilated due to hundreds of years of interaction with Lao-Phoutai, single communities live in isolation as hunter-gatherers.
Hmong - lu Mien	Hmong Yao	8% of the population, living mainly in mid- and upland areas in the North; Hmong is the LAPgest sub-group; animist with strong ancestor cults, although many converted to Christianity; typically shifting cultivators, migrated to Lao PDR in the 19th century.
Chine – Tibetan	Tibeto Burman	3% of the population, living mainly in poorly-connected upland areas in the North; animist and shifting cultivators; migrated to Lao PDR in the 19th century.

Poverty in Lao PDR still remains concentrated in remote upland areas inhabited LAPgely by ethnic minority communities. Often due to their geographical location, these populations have comparatively less access to productive land, markets and government services. In addition, cultural and linguistic differences may contribute further to their isolation. As such, the higher incidence of poverty makes upland, remote, ethnic minority populations particuLAPly vulnerable socially and economically. Even though the quantitative analysis of the Lao Expenditure and Consumption Surveys (LECS) shows that poverty fell from 39% in 1997-98 to 27.6% in 2007-08, there still exist wide regional and ethnic discrepancies. As illustrated in Table 2 below, rural poverty at 38%

¹⁶ Lao People's Democratic Republic: Northern Region Sustainable Livelihoods Development Project, Indigenous Peoples Development Plan, Document Stage: Final Project Number: 35297, August 2006, Prepared by the Government of Lao People's Democratic Republic for the Asian Development Bank (ADB), page 5 and *NSC/CPI, ADB, SIDA and the World Bank, 2006*

is thus far higher than urban poverty (at 20%), and the majority belonging to the Lao-Phoutai language family have a 19% poverty incidence, while for the Mon Khmer speaking groups the incidence is more than twice as high at 47%.¹⁷

Table 2: Ethnic Group Poverty Patterns in Lao PDR (2013)

	% of National Population			Incidence of Poverty Headcount Index (% of pop.)		
	2003	2008	2013	2003	2008	2013
Total Lao PDR	100.0	100.0	100.0	33.5	27.6	23.2
By Geographic Area						
Urban	23.0	28.8	28.8	19.7	17.4	10.0
Rural	77.0	71.2	71.2	37.6	31.7	28.6
Rural with all-season road						
Rural without all-season road						
By Language Family						
Lao-Phoutai	66.4	66.0	66.7	25.1	18.4	15.4
Mon Khmer	20.9	21.5	22.1	53.7	47.3	42.3
Hmong-Lu-Mien	8.4	8.8	7.1	45.8	43.7	39.8
Chine-Tibet	3.3	3.1	3.4	40.0	42.2	16.4
Other	1.0	0.6	0.7	48.1	22.0	33.1

Source: LECS5 2012/2013

Challenges Faced by Vulnerable Ethnic Groups

The challenges faced by vulnerable ethnic groups in project areas are similar to those faced by ethnic groups in general and can be grouped into three areas. The first is linked to transitions taking place in the uplands. Indeed, the market-economy, the changes taking place at the village level (for example mixed villages) and issues related to land use, have a direct impact on ethnic groups' lifestyles and quality of life; and may contribute to increasing the ethnic groups' vulnerabilities. In fact, it appears that vulnerable ethnic groups may not be able to make the most out of the market-economy opportunities with women being the least able to. Secondly, institutional changes, such as the creation of the Kum ban committees and village consolidation in response to the national program for rural development and poverty eradication and decentralization policy, locally called 'Samsang', also have potential impacts on vulnerable ethnic groups insofar as they demonstrate the difficulties faced by these groups in accessing information and being represented in decision-making; thus, contributing to negotiation discussions that may be imbalanced. Lastly, the changes mentioned above, also have a potential impact on traditional gender roles that may lead to persistent gaps between men and women, especially those belonging to vulnerable ethnic groups.

Implementation Experience of the PRF II and PRFIII

Project experience confirms that many ethnic groups are present in the project villages. As can be seen in Table 3 below, a large variety of ethnic groups are present in most provinces where the PRF operates. Indeed, about 72% of people who reside in the project villages belong to non Lao-Phoutai speaking ethnic groups, and the number of direct beneficiaries amounts to slightly fewer than 500,000. These ethnic groups are among the potential beneficiaries. They were consulted with and participated in the planning and implementation processes of the project. Decisions on the allocation of funds were made by the community members themselves, through a defined negotiation process, and with information provided by PRF facilitators and technicians.

Table 3 Ethnic Group Distribution in PRF Supported Villages

¹⁷ LECS4, 2007/2008

Province	Number of Ethnic Groups	Small Ethnic Groups in PRF villages
PHONGSALY	9	Bit, Er pa, Khmou (Khmu), Akha, Sila (Laoseng), Hmong, Oma, Singsily (Phou Noi), Phong Sat
OUDOMXAY	4	Hor, Khmou, Hmong, Singsily
HUAPHANH	8	Khmou, Hmong, Moy, Mroi, Phong, Phong, Pouak, Iewmien (Yao)
XIENGKHUANG	3	Khmou, Hmong, Phong

Source: PRF Central Office, 2015

The Social Assessment did not find any significant negative impact that occurred to the affected ethnic groups under the PRFII and the PRFIII. Minor asset loss that occurred had been addressed in line with the Compensation and Resettlement Policy Framework (CRPF) of the project. Overall, the PRF had improved the quality of consultation with and participation of ethnic groups in the project implementation processes through the following steps:

- Strengthened participatory processes were introduced under the ‘Deepen Community Driven Development’ (DCDD) approach which include¹⁸: (i) social mapping and production of village profiles, including data on different ethnic groups living in the village, concentration of ethnic groups and levels of poverty; (ii) community meetings with smaller groups and separate meetings in each smaller village settlement (hamlet) where minority ethnic groups tend to live; (iii) strengthened IEC toolkit to increase the awareness of ethnic groups about the guiding project principles and safeguard principles, processes, procedures and entitlements; (iv) participatory wealth ranking and production of beneficiary matrix to identify poor ethnic groups and ensure they benefit from the project activities (infrastructure, livelihood and nutrition).
- A YG will cover no more than 4 villages in order to ensure regular village visits.
- Requirement that at least one YG in each district is fluent in an ethnic language found in that district, preferences given to applicants from ethnic group for staff replacement, and the quota that 40% of new staff to be recruited in PRF should be female.
- Requirement that at least 80% of the SHG and FNG members are female.
- Linkages have been developed with the LFNC and the LWU for the monitoring of the Gender and Social Inclusion strategy and plan as well as the training delivered to the community.
- IEC tools have been translated in local languages (song, video, etc.)

As a result, during the PRFII, the proportion of female staff increased from 29% in annual cycle XII to 33% in annual cycle XIII. Furthermore about 70% of KBFs are now from local ethnic groups and facilitated sub-project implementation in relevant local ethnic languages, which significantly improved the quality of participation and the level of understanding of ethnic groups in sub-project implementation processes. Overall, the participation of ethnic groups in sub-project planning processes increased from below 50% percent to 91%.

The Social Assessment found that during the PRFIII, the DCDD approach had resulted in very high levels of social inclusion of women, especially in the needs identification, prioritization and decision making processes of the planning stage of the Project cycle. Female consultation participants, in DCDD pilot communities, were found

¹⁸ The DCDD methodology is described in further detail in Section VI below.

to be more interested in participation in project meetings and activities and expressed higher levels of project ownership than their sisters, who had not yet been exposed to the DCDD.

Overall, the Social Assessment found that the improvements to the planning cycle introduced in the DCDD have succeeded in ensuring free, prior and informed consultations with and high levels of participation of beneficiaries – and particuLAP of women and ethnic groups – in decision making. Further to this, the approach asks that a total of 9 village members, and minimum 5 women, are selected to the VIT (as compared to 3 in the CDD) and that women are given priority to set up SHG and participate to the VNC activities. Thus more villagers are directly involved in the coordination of sub-project implementation and in the livelihood and nutrition activities.

As a result the improved Community facilitation is proving to be very effective with 82.85% of target village households participating in village priority setting and 84% of the total number of beneficiaries are from small ethnic groups. SimiLAP results are found in the livelihood and nutrition activities with 85% of the SHG members being women.

However, the monitoring and documentation of social inclusion needs strengthening (preparation of safeguards reports). Therefore, a specific section on the safeguards have been developed and incorporated in the project progress report with more details on the number of households impacted, the level of the impact as well as the description of the full process of compensation.

Anticipated impacts under the PRF III AF

Since the PRF III AF would focus on infrastructure that is more “production” oriented and strongly related to income-generating and nutrition-improving activities with a limited financing envelope per village (US\$7,500 per village for 3 years), no significant or irreversible impact would occur under the PRF III AF. Physical relocation of households or businesses is not allowed. For the construction, improvement or rehabilitation of community infrastructure, major land acquisition or asset loss is unlikely to occur, given the small size of investment, although minor loss of land, assets and/or standing crops may be unavoidable. Nutrition enhancing livelihood activities will unlikely result in any loss of land or assets as the project will support existing activities, and any new activities that required additional land will be developed on lands own by the SHG households. Supplementary meal sessions through the Village Nutrition Centers (VNC) will not be supported under the PRF III AF but trough the FNG with meetings organized at FNG members home.

The partnership with the Water and Sanitation Program (WSP) will unlikely result in any loss of private land or assets. The PRF III AF will facilitate beneficiary villagers build simple pit latrines of their own, if they choose to do so, within their own residential plots. The PRF III AF will not finance the cost of building private pit latrines, or build public latrines. The PRF III AF will finance only the travel costs of community facilitators and community leaders to receive training in basic sanitation and facilitate behavioral change of community members. Potential environmental impacts will be addressed through the Environmental Code of Practice (ECOP) recently revised by the Nam Saat in line with the World Bank’s OP 4.01.

A summary of the SA findings is attached in Annex 2.

SECTION II: PRINCIPLES AND PROCEDURES TO BE APPLIED TO THE PRF III AF

Approach for Inclusion of all Ethnic Groups

Basic principles

The PRF III AF will continue to seek to empower vulnerable ethnic groups by enabling them to have better access to economic opportunities to reduce poverty, and enhance their knowledge and behavior to reduce the prevalence of malnutrition to improve and sustain their livelihoods and wellbeing through the community driven modalities,

The PRF III AF will operate in the four northern government's priority poverty provinces. SimiLAPly, the PRF III AF will continue to provide training opportunities targeting ethnic groups. Based on lessons learned during implementation of the PRF II and III, the PRF III AF aims at expanding the vulnerable ethnic groups' space for negotiation and interaction with the government while preserving their cultural specificities. Through this respect and empathy for diverse cultures, the PRF's proactive approach intends not only to provide information but also to increase vulnerable ethnic groups' participation in all of the infrastructures, livelihood and nutrition activities. As such, the main objectives of the PRF III AF in relation to vulnerable ethnic groups are:

- To empower vulnerable ethnic groups to benefit from development by building capacity through increasing access to information as well as encouraging participation in decision-making.
- To empower vulnerable ethnic groups in seizing the opportunities brought by the infrastructures, livelihood and nutrition activities.
- To promote gender equality and increase the participation of women at all levels of the PRF's sub-projects' implementation.
- To establish a free, prior and informed consent of ethnic groups to project objectives and activities. The project will cease to operate in the communities where such consent is not established.

Implementation strategy

The following strategy, adopted under the PRF II and III, will continue to be applied under the PRF III AF in order to empower vulnerable ethnic groups in line with the above-mentioned policy and ethnic group consultation guideline:

- Continue to carry out free, prior and informed consultations with ethnic groups leading to broad community support, using the DCDD approach' introduced during the PRFII and PRFIII phases;
- Continue to strengthen the representation of small settlements, where ethnic groups often reside, outside main village settlements in village-wide decision making processes using the DCDD approach;
- Continue to strengthen the representation of women in village-wide decision making processes using the DCDD approach;
- Continue to strengthen participation of vulnerable ethnic groups and women in *all* processes of infrastructures, livelihood and nutrition activities including activities identification, preparation, implementation, monitoring and evaluation, and the monitoring and documentation thereof;
- Strengthen the documentation of feedback from ethnic groups about priorities identified, potential negative impacts of infrastructure, livelihood and nutrition activities and measures to address them in the agreement signed between communities and the PRF;
- Provide training on issues facing vulnerable ethnic groups, especially females, not only to the PRF team, but also to the district officials, to raise awareness and sensitize on these issues;
- Increase the knowledge and sense of ownership amongst vulnerable ethnic groups also through the oral sharing of key documents in their ethnic languages;

- Maintain and expand partnerships with Mass-based organizations, projects and others involved with vulnerable ethnic groups as well as women;
- Develop and adopt planning and communication tools such as the Information, Education, Communication (IEC) material and other Participatory Rural Appraisal (PRA) tools (participatory mapping, the pocket chart) as well as new initiatives (such as the quadrant game) in order to increase confidence and skills to participate and to better integrate vulnerable ethnic groups at the onset of the sub-projects' implementation;
- Increase access to information on development issues in general;
- Use an enhanced village profile that will lead to a better monitoring and evaluation of the infrastructures, livelihood and nutrition activities impacts on vulnerable ethnic groups as well as a better tracking of the differences in terms of ethnic groups' composition at the village level;
- Ensure appropriate or proportionate representation of small ethnic groups in village development committees as well as VSMC, SHG, PG, FNG, VSA, VIT and Mitigation Committee in those villages where multiple ethnic groups are found.

Key activities and procedures

The following activities have been applied to facilitate a better integration of vulnerable ethnic groups and this procedure has been adopted.

- Train PRF staff and Government stakeholders at all levels in gender and ethnic sensitization (see Training Manual).
- Use the recently developed IEC materials and pictures wherever possible during community meetings.
- Conduct social mapping and maintain village profiles, including data on different ethnic groups living in the village, concentration of ethnic groups and levels of poverty. Update data annually.
- Provide capacity building to all village institutions and organizations (VSMC, SHG, FNG, PG, VSA, VIT, etc.) especially those who belong to vulnerable ethnic groups (see Training Manual).
- Provide supervision in local ethnic language.
- Conduct workshops and training on relevant issues for vulnerable ethnic groups.
- Organize study visits and exchange of experiences between VSMC, SHG, PG, FNG, VSA, VIT and Mitigation Committee working in villages where there are different ethnic groups on the methods, difficulties, solutions retained when integrating, socializing and mobilizing vulnerable ethnic groups.
- Learning experience from other countries through research and video conferences.
- Link with key partners experienced in vulnerable ethnic groups' participation, mobilization (such as Lao Women's Union (LWU) and Lao Front for National Construction (LFNC)) in the areas of provision of training, monitoring and evaluation and other areas, which are complementary.
- Reach out to youth, especially those from vulnerable ethnic groups, e.g. broadcast radio spots on the community radio.
- Recruit qualified personnel from vulnerable ethnic groups including those who are newly graduated from National University of Lao PDR (NUOL) and other institutions, especially women.
- Monitor and evaluate PRF vulnerable ethnic groups' coverage and support. This could also include ad hoc studies related to vulnerable ethnic groups done by consultants according to the Program's needs (ex: studies to identify potential adverse effects on vulnerable ethnic groups to be induced by the Project, and to identify measures to avoid, mitigate, or compensate for these adverse effects).

- Coordinate and cooperate with other rural development projects.

The basic principles of the World Bank policy related to ethnic groups and indigenous people rests on the following three points: i) the consultation process which constitutes free, prior and informed consultations leading to ‘broad community support’; ii) indigenous peoples do not suffer adverse impacts during the development process; and iii) they receive culturally compatible social and economic benefits.

To avoid certain adverse impacts on the ethnic peoples, especially the disadvantages groups, a negative list will be adopted. The negative list will include:

- No new settlement or expansion of existing settlements will be supported in critical habitats, protected areas or areas proposed for protection. Where settlements already exist, proposals for funding should be in compliance with any local regulations on land management and other provisions of the protected area management plan. No road construction or rehabilitation of any kind will be allowed inside critical habitats and existing or proposed protected areas.
- The PRF III AF will not *fund* the acquisition of land under any conditions and involuntary resettlement or involuntary land acquisition will not be allowed. Land acquisition can occur only on a voluntary basis or with compensation paid by the village's own funds agreeable to the affected people. Sub-projects requiring land acquisition will undergo review by the trained PRF staff. Any voluntary movement or land acquisition affecting more than five households or household structures will need special approval from the PRF central office in Vientiane prior to decision at the district level meeting. A Compensation and Resettlement Policy Framework for PRF III AF has been developed and will apply.
- The PRF III AF will not support programs involving village consolidation and/or resettlement that are not consistent with World Bank policies. Project investment or sub-project cannot be used as an incentive and/or a tool to support and/or implement involuntary resettlement of local people.
- Any activity unacceptable to vulnerable ethnic groups in either a homogenous village or a village of mixed ethnic composition cannot be funded without prior review by the PRF Central Office. Activities that will have significant adverse impacts on vulnerable ethnic groups in villages and in neighboring villages cannot be funded.

Consultations with Ethnic Groups during Implementation

PRF's approach for inclusion of all ethnic groups was developed and updated based on the experience of the on-going project. It is specifically designed to ensure that (a) the project follows the key principles of the World Bank's policy concerning ethnic groups (OP/BP 4.10 on Indigenous Peoples) and the Government revised EIA no21/GOL dated January 31, 2019, which are to “ensure that indigenous peoples do not suffer adverse impacts during the development process and that they receive culturally compatible social and economic benefits”; (b) the concerns of all ethnic groups are met through the project design itself as well as in accordance to government policy; and (c) throughout the PRF's sub-project implementation the cultures of the multi-ethnic societies are respected and gender issues are integrated at all levels.

Similar to the PRF II and III, the PRF III AF will continue to be implemented in the government's priority poverty areas. However, whereas PRF I focused on the priority poverty *districts*; and the PRF II and PRF III phases focused on priority poverty *kum bans*, the PRF III AF will focus on villages with high poverty level and high stunting level.

Under the PRF III AF, the “Deepen CDD” approach will continue to be used and rolled out in all project areas, in order to ensure that (i) participatory Social Assessment (SA) including free, prior and informed consultations are carried out with ethnic groups; (ii) that their broad community support to subprojects are ascertained; (iii) that negative impacts on ethnic groups are avoided or otherwise minimized and mitigated; and (iv) that positive benefits for ethnic groups are enhanced.

Specifically, the following processes will continue to be used under the PRF III AF:

- Social mapping: at the initial village level meeting village representatives report the ethnic composition of their village and the location of any hamlets outside village centers. A comprehensive list including information about location of village hamlets (distance to main village) and ethnic composition (representation in each hamlet) is developed for each kumban
- “village visioning meetings”: The three days village visioning meeting will be held in villages that have never developed a Village Development Plan in the past. If they have already developed one, it will just be updated during a one day village meeting. one additional day of community meeting is held at the hamlet level in addition to the village-wide meetings if they have never been involved in the past. The IEC tools developed by the PRF for the planning purpose will continue to be used. The full planning process is as follow: Representatives of all hamlets participate in the first day, village-wide meeting, where they receive explanation about core PRF principles and procedures, including safeguards, as well as the criteria to rank hamlet level priorities into village level priorities. During the second day, hamlet level meetings, villagers receive project information including on safeguards from their representatives as well as PRF community facilitators and confirm their broad community support to participate in the Project. Upon the confirmation of broad community support, the situation analysis is conducted including household wealth ranking and social mapping to identify distinctive needs of the poor. The hamlet level priorities are consolidated at the third day, village-wide meeting where representatives of all hamlets rank them into village level priorities using the criteria agreed at the first day meeting. The resultant priorities as well as issues identified are documented in the “village vision”. The village delegates to the District meeting are also selected during the third day meeting.
- Sub-project designs and presentation at the village validation meeting: the villagers with the assistance of PRF staff design infrastructure sub-projects, and during the process, identify potential negative impacts. The DoNRE representatives and the PRF staff (DAE and the YG) meet those who may lose private assets or experience negative impacts without fellow villagers to assess whether they are willing to donate assets or request compensation at replacement cost, following the provisions of the Compensation and Resettlement Policy Framework (CRPF). The sub-project designs are presented at the village wide meeting and the broad community support to the sub-project is established. If broad community support is not obtained, such sub-projects will not be implemented.
- Sub-Grant Agreement: following the confirmation of broad community support to sub-project designs and measures to mitigate negative impacts, the PRF DC and representatives of communities sign the Sub Grant Agreement. The copies of the relevant Village Visions as well as the minutes of community-wide meeting are attached to the Sub Grant Agreement.
- For the livelihood and nutrition activities, it is unlikely that there will be any environmental and social impact. Nevertheless, the YG will assess any potential impact in the Investment plans that will be submitted by the SHG, the FNG or the PG.

Under the PRF III AF, Ethnic Group Planning Framework (EGPF) will continue to be developed as a collection of multiple documents rather than as a single document. This is because the sheer number of sub-projects to be financed, the limited capacity of communities in documentation, and the current Community Subproject Cycle, which involves multiple steps and documentation done for each step, make it difficult to develop one document that captures all elements of the Indigenous People’s Plan (IPP).

Specifically, the following documents, developed under the PRF II and III, will continue to be developed under the PRF III AF. Collectively they address all elements of the IPP required under the OP 4.10:

- The Village Vision document: which summarizes the result of the participatory Social Assessment (SA) including free, prior and informed consultations with ethnic groups and benefits that ethnic groups would receive;

- Minutes of all village wide meetings: including the village validation meeting, which record the presentation of SP design including the potential negative impacts, feedback provided by community members and broad community support established to the SP;
- Handouts distributed to communities: describing, with visual presentations wherever possible, participatory sub-project monitoring conducted by the VIT, and the project Feedback and Resolution Mechanism (FRM: project grievance redress mechanism as described below); and
- Sub Grant Agreement: that describes the cost and the description of sub-projects including the cost to mitigate impact.

SECTION III: FEEDBACK AND RESOLUTION MECHANISM

The purpose of the Feedback and Resolution Mechanism (FRM) is to ensure that the PRF III AF has in place a system to receive feedback from citizens, assuring that the voices are heard from the poor and vulnerable, and the issues are resolved effectively and expeditiously. Such a system is expected to enable the PRF III AF to be fully responsive to its beneficiary communities and empower the ethnic groups and poor in villages who are the principal target of the Project.

The Social Assessment (SA) carried out during preparation found that while awareness of the FRM exist among Project beneficiaries, not many have found a need for it. Consulted community members were fully aware that any issue could be reported and those complaints can be made anonymously. ReguLAP opening of community feedback boxes were found to be well documented by the village Feedback and Resolution Committees (FRC), however, the records shows that the box is usually found empty, except from a few cases of positive feedback or requests for more support. Also very few actual complaints have been reported through the FRM toll free hotline (see Table 4 below).

The SA found several cultural and social reasons for the reluctance to use the FRM, including: 1) illiteracy – people cannot write their complaint; 2) language – people who cannot speak Lao cannot use the hotline; 3) traditionally preference to resolve any conflict without interference from outside the village – usually conflict resolution is facilitated by Village Chief and *Neo Hom*; 4) custom of financial fee to be paid if requesting support from higher level; and 5) loss of ‘model problem-free village’ status – a prestigious recognition from local government.

In order to address the gap identified under the SA, the PRF III AF will continue to strengthen the existing FRM by integrating it with the Social Audit arrangement initiated. The Social Audit would enhance community participation in the monitoring and reporting of sub-project implementation including the identification of grievances. The FRM Committee consisting of elected members at least 50% of women will be trained to perform the social audit. Specific tasks of the social audit committee are as follows:

- Ensure that all Committees and the leaders of the committees function in a just and fair manner.
- Where discrepancies and malpractices are noted, report them to the village wide meetings.
- Perform an internal audit of all records and accounts of the organization/ VIT and other committees, at least once in 2 months.
- Identify any grievances that remain unaddressed, and seek for solutions to redress them.
- Ensure adherence to PRF principles, rules and concepts such as transparency in the functioning of committees.
- Identify weaknesses and take remedial measures.
- Report remedial actions taken at the general meeting of the village.
- The Mediation Committee should meet at least once a month and inform issues to the village organization management.

In this way, the villagers can ensure quality of work, principles and rules followed and demonstrate their capacity to manage resources effectively by themselves.

1. *Guiding Principles of the FRM*

Visibility	Information about how and where to provide feedback is well publicized and easily noticeable.
Accessibility	Citizens should find it easy to engage and use the complaints procedure, irrespective of language or disability.
Responsiveness	Prompt acknowledgment to be followed by prompt action, with informant kept informed of progress.
Objectivity	Any investigation should be open-minded and impartial, complete and equitable.
Charges	There are no costs to the informant as their feedback is provided and handled.
Confidentiality	Unless voluntarily provided, identities of informants will be kept confidential throughout and after the investigation process.
Citizen-focus	The project welcomes citizen feedback of all types, with a culture that sees citizen as central.
Accountability	There should be clarity on roles and authority in handling feedback, and staff should be accountable for their actions and decisions.
Continual Improvement	There should be a permanent objective to learn from feedback to improve processes, policies, and procedures.

Adapted from the ISO 10002, the international complaint-handling standard.

2. *Sources of Feedback*

In principle, feedback can be provided by anyone involved in the PRF process. The system has been setup and modified to increase participation of vulnerable groups (such as small ethnic groups and women) who are likely to have less voice in planning and implementation process of the PRF.

3. *Types of Feedback*

Feedback may include: (i) misuse of funds; (ii) corruption allegations; (iii) inappropriate intervention by outside parties; (iv) violation of program policies, principles and contracts for infrastructures construction or livelihood and nutrition activities; and (v) negative impacts of infrastructures, livelihood and nutrition activities on individual households or sub-groups, including with regard to voluntary land/ asset donations and compensation arrangements for land acquisition, and impacts from civil works and other safeguard related issues. Feedback may just be simple inquiries about program procedures or rules.

4. *Feedback Channels (Uptake)*

The FRM is an integral part of the Monitoring Information System (MIS) of the PRF, and crucial for an effective implementation of the PRF basic principles. Provision of feedback is possible at all levels (village, district, provincial, and national levels). For the FRM to function, the PRF has established the following conduits for feedback:

- Mediation Committees at village level;
- FRM committee at district, and provincial levels;
- Feedback boxes;
- Toll free hotline: Free hotline call: 1611 set up and well-functioning;
- PO Box;
- Dedicated email;

- Website;
- ReguLAP meetings at all level as well as annual evaluation meetings (village,, district, provincial and national);
- Social Accountability meetings in all villages covered by the project soliciting feedback from community members about the quality of the services delivered to them by the concerned sectors and the PRF team.

For additional information, refer to the Project Operations Manual.

5. *Integration of Ethnic Group Procedure into PRF process*

Implementation experience: Following the updated FRM pilot carried out in 2012, the PRF III phase marked an increase in the amount of feedback received from the community (four time more from 2016-2018 compared to 2013-2015). The number of complaints have increased gradually **to reach** a pick in 2018, showing that community members are more eager to their complains than in the past. Complaints were mainly related to technical issues (low quality of construction materials, sub-project location), issues with the sub-contractor (trash around the sub-project area, low level of communication and coordination, implementation delays), issues with management at the village level (VIT management not reaching the expected level) or environmental issues (disaster impact, land use, land slide, no trees plantation). These issues were, however, quickly resolved at village level. Further detail is provided in Table 4 below.

Table 4: Feedback and resolution from 2013-2018

Feedback Received	2013 (Oct-Dec)	2014	2015	2016 (Jan-Sep)	2017	2018
Request for information	6	18	27	33	50	92
Request for Fund/Technical Assistance	29	296	387	230	184	516
Thanks to PRF	31	55	105	188	1,161	464
Complaints	3	7	7	17	194	331
Other	-	-	-	-	934	-
Feedback related PRF	69	377	526	468	2,523	1,403

This mechanism could be further strengthened in order to improve local community satisfaction and/or CRPF improvement, to allow the PRF to be fully responsive to the communities feedback and empower the vulnerable ethnic groups and poor in villages. To improve this mechanism, it is anticipated that PRF should encourage the local people to provide feedback both from the positive and negative side through various means with a focus on the reguLAP visits that are organized at the village level by the PRF team (mainly YG).

Members consisting of at least 50% of women elected to the FRCs will be trained to perform the social audit.

Responsibilities of the social audit committee are as follows:

- Ensure that all Committees and the leaders of the committees function in a just and fair manner.
- Where discrepancies and malpractices are noted, report them to the wider representative meeting of the village.
- Perform an internal audit of all records and accounts of the organization/VIT and other committees, at least once in 2 months.
- Ensure adherence to PRF principles, rules and concepts such as transparency in the functioning of committees.
- Identify weaknesses and take remedial measures.

- Report remedial actions taken at the general meeting of the village.
- Social audit committee should meet at least once a month and inform issues to the village organization management.

In this way, villagers can ensure quality of work, principles and rules followed and demonstrate their capacity to manage resources effectively by ourselves.

Table 2: Feedback and Resolution Mechanism for PRF III AF

Procedures	Feedback Channel	Response Time	Responsible Unit/Institution	Means of Verification/Documentation
Step 1 – Village Level	<p>Village FRC/Social audit members and PRF staff.</p> <p>Public place accessible to informant/complainant/beneficiaries or PAPs (feedback box at the PRF information board).</p> <p>Toll free hot line.</p> <p>ReguLAP PRF meeting at the village level during the project cycle preparation and implementation.</p>	<p>Resolution within 1-3 weeks.</p> <p>Feedback box open every 2 weeks. Response within 1-3 weeks. Informant/complainant/beneficiaries or PAPs reguLAPly updated on the progress of their feedback during PRF meetings all along PRF cycle.</p> <p>Hot line accessible 24 hours a day.</p> <p>Response within 1 week. Informant/complainant/beneficiaries or PAPs reguLAPly updated on the progress of their feedback on a monthly basis.</p> <p>ReguLAP PRF Meeting. Response within 1 day to 1 week. Informant/complainant/beneficiaries or PAPs reguLAPly updated on the progress of their feedback during PRF meetings all along PRF cycle.</p>	<p>FRC at the village level (<i>Neo Hom</i> and Village Chief).</p> <p>Upper level if the case cannot be solved at this level</p>	<p>Written Feedback and Resolution form, through the FRC.</p> <p>Monthly submission of the Feedback and Resolution Report to the village FRC with all relevant information and progress.</p>
Step 2- District Level	<p>PRF Office (feedback box at the PRF information board)</p> <p>Toll free hot line</p> <p>ReguLAP PRF meeting at the district level during the project cycle preparation and</p>	<p>Feedback box open every 2 weeks. Response within 1-3 weeks. Informant/complainant/beneficiaries reguLAPly updated on the progress of their feedback during PRF meetings all along PRF cycle.</p> <p>Hot line accessible 24 hours a day. Response within 1 week. Informant/complainant/beneficiaries reguLAPly updated on the progress of their feedback on a monthly basis.</p>	<p>FRC at the District level (PRF Coordinator).</p> <p>Upper level if the case cannot be solved at this level</p>	<p>Written Feedback and Resolution form, through the district FRC.</p> <p>Monthly submission of the Feedback and Resolution Report to the FRC at the provincial level with</p>

	implementation Dedicated E-mail and website	ReguLAP PRF Meeting. Response within 1 day to 1 week. Informant/complainant/ beneficiaries reguLAPly updated on the progress of their feedback during PRF meetings all along PRF cycle. Dedicated E-mail website: 1 day to 1 week. Informant/complainant/ beneficiaries reguLAPly updated on the progress of their feedback on a monthly basis.		all relevant information and progress
Step 3 – Provincial Level	PRF Office (feedback box at the PRF information board) Toll free hot line ReguLAP PRF meeting at the provincial level during the project cycle preparation and implementation Dedicated E-mail and website	Feedback box open every 2 weeks. Response within 1-3 weeks. Informant/complainant/ beneficiaries reguLAPly updated on the progress of their feedback during PRF meetings all along PRF cycle. Hot line accessible 24 hours a day. Response within 1 week. Informant/complainant/ beneficiaries reguLAPly updated on the progress of their feedback on a monthly basis. ReguLAP PRF Meeting. Response within 1 day to 1 week. Informant/complainant/ beneficiaries reguLAPly updated on the progress of their feedback during PRF meetings all along PRF cycle. Dedicated E-mail website: 1 day to 1 week. Informant/complainant/ beneficiaries reguLAPly updated on the progress of their feedback on a monthly basis.	FRC at the Provincial level (PRF Coordinator). Upper level if the case cannot be solved at this level	Written Feedback and Resolution form, through the provincial FRC. Monthly submission of the Feedback and Resolution Report to the PMT (M&E Unit) with all relevant information and progress
Step 4 – National	Toll free hot line ReguLAP PRF meeting at the National level during the project cycle	Hot line accessible 24 hours a day. Response within 1 week. Informant/complainant/ beneficiaries reguLAPly updated on the progress of their feedback on a monthly basis.	M&E Unit at the PRF Central level	Written Feedback and Resolution form, through the M&E Unit at the central level.

Level	<p>preparation and implementation</p> <p>Dedicated E-mail and website</p>	<p>ReguLAP PRF Meeting. Response within 1 day to 1 week. Informant/complainant/ beneficiaries reguLAPly updated on the progress of their feedback during PRF meetings all along PRF cycle.</p> <p>Dedicated E-mail website: 1 day to 1 week. Informant/complainant/ beneficiaries reguLAPly updated on the progress of their feedback on a monthly basis.</p>		<p>Feedback Quarterly submission of the Feedback and Resolution Report to the PMT (M&E Unit) with all relevant information and progress</p>
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SECTION IV: MONITORING, DOCUMENTING, INFORMATION DISCLOSURE AND REPORTING

The PRF central office, in close consultation with the PRF local staff and the Lao Front for National Construction (LFNC), is responsible for the supervision and monitoring of ethnic groups' related issues, including documentation and reporting. Results will be included in the project progress report. The World Bank supervision missions will periodically review the progress to ensure that the investments affecting indigenous peoples afford benefits to, and mitigate any adverse impacts on, them.

Throughout the implementation of the PRF III AF, beneficiary/affected communities will be informed of the overall project approach including the provisions of this EGPF as part of the participatory planning processes. Information, about the Project, including planning meeting minutes, budgets and financial records will be shared with all community members attending village meetings. Copies of key documents and meeting minutes of village meetings will be displayed on the village notice boards and information will be shared orally in local languages, with people who are illiterate or who speak another language than Lao, in order to ensure full disclosure.

Social safeguards performance monitoring will be strengthened under the PRF III AF. In particular, safeguard compliance, monitoring and documentation in later phases of sub-project implementation will be improved by:

- Including modules on social safeguard in all technical training of PRF staff, discussing safeguard measures and reporting structures relevant to the particular topic of the training. This is with the intention of strengthening the integration of social safeguards and its documentation into all processes of sub-project implementation.
- Introducing livelihoods and nutrition activities planning and monitoring tools, currently under development, to assist district PRF staff and YG ensuring safeguard compliance during all steps of the livelihood and nutrition activities implementation.
- Provincial and district PRF staff conducting 12-month follow up visits in beneficiary communities to verify safeguard compliance. Those issues discussed and necessary follow up actions agreed upon will be documented on the sub-project planning and monitoring form. Visits to affected households, including issues discussed and follow up actions agreed upon, will furthermore be documented on the household's Voluntary Contribution Form/ LAP.
- Further capacity building among YGs to encourage and assist affected households in reporting of issues through the FRM.

ANNEX 1: Feedback and Resolution Mechanism Forms

Modules for Feedback and Resolution Mechanisms training will emphasize the principle of confidentiality, enhanced engagement of mass organization (LWU and LFND), and increased usage of the system by vulnerable groups within each community. Module will also stress the importance of transparency and timeliness in resolution process.

Training shall be targeted to National and local PRF staff and prospective members of the Mitigation Committee at all levels, but the system should be well communicated to the communities as well.

During the monitoring of the implementation of the sub-projects of the Cycle VIII, DCs and PRF Community Development Officers should organize trainings of the members of the FRC at the village level, and will be followed by a meeting with communities to inform them about the new rules and principles of the system and the main channels of communication available to provide feedback.

Trainings will use the revised version of the IEC tools developed by the CD team on FRM (poster, brochures, radio spot) and will also use role play to ensure active participation of the trainers and put them in real situation to assess their understanding and adoption of the new FRM.

It is also recommended that a module be included in field staff training sessions so that all PRF staff is familiar with the system.

Feedback and Resolution Form

Province: District: Koumban: Village:

Feedback to be transferred to the Feedback Resolution Committee at

☐ Province level ☐ District level ☐ Koumban level ☐ Village level

Date: / /

Describe the cases in detail for prompt investigation. To assure confidentiality, we will **not** ask for your identity, unless you specify voluntarily. The Feedbacks/problems are as follows:

Date of the event you would like to provide feedback:

Location of the event:

Person involved:

Nature of the feedback (please describe the information you would like to communicate):

.....

.....

.....

.....

.....

.....

.....

What is your request?

.....

.....

We hereby propose this matter for you to consider or to review and to help us to solve the problem.

Feedback and Resolution Agreement Form

Province:..... District:..... Koumban:..... Village:.....

Agreement was made by Feedback and Conflict Resolution Committee at

☐ Province level ☐ District level ☐ Koumban level ☐ Village level ☐ Other specify:.....

Date: / /

FCRC organized the investigation of Feedback Register No.: at:

Province..... District:..... Koumban:..... Village:.....

At the meeting it was agreed that:

.....
.....
.....
.....
.....

This agreement is signed to confirm by all parties involved that the feedback case is closed, and no problem remains.

Participant and Witnesses

Feedback Concerned Persons (Name of persons who were involved in the case in some way. Note that this does NOT apply to the plaintiffs - name of plaintiffs shall be kept confidential unless complainant(s) requested otherwise.)

<u>Name</u>	<u>Position</u>	<u>Signature</u>
1		
2		
3		
4		

Feedback and Conflict Resolution Committee

<u>Name</u>	<u>Position</u>	<u>Signature</u>
1		
2		
3		
4		

At: _____ Date: ____ / ____ / ____

(Signature and Stamp from the Government representative)

Feed back and Resolution Report Form

1/ Reporting Level

Report from Feedback and Conflict Resolution Committee at:

Village	
Koumban	
District	
Province	

2/ Reporting period

From / / to / /

3/ Summary

Total of feedback received	
Total of feedback solved	
Total of feedback not yet solved	

4/ Details of the feedback received

Refer to table below

Date:...../...../.....

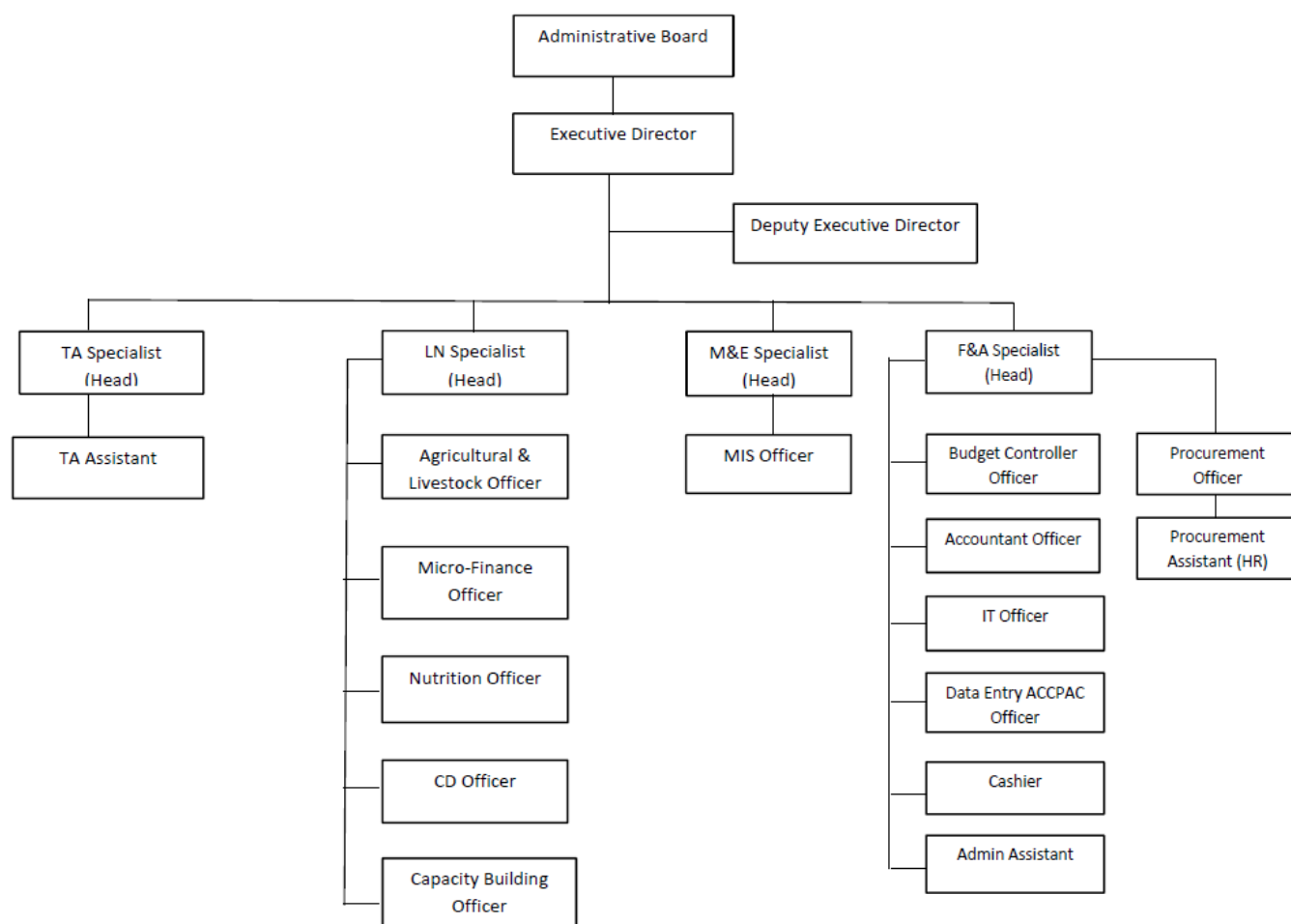
Signature and stamp from FRC

Table with details of the feedback received

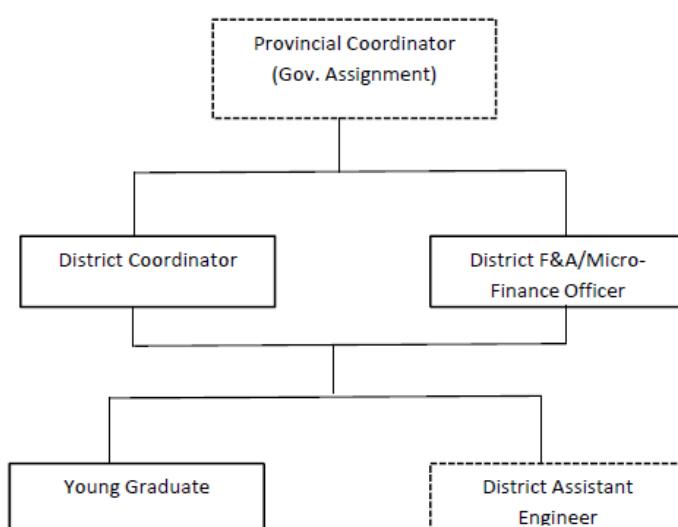
# feedback received	Date feedback received	Location	Nature of the feedback	Date of investigat ion	Outcome of the investigation	Case solved or not		Comment from FRC/ next step
						Yes	No	

Annex 10: Organizational Structure

PRF ORGANIZATION AND STRUCTURE CHART



Provincial and District Level



Annex 11: Pest Management Plan

Lao People's Democratic Republic
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY



The Poverty Reduction Fund

SIMPLIFY

PEST MANAGEMENT PLAN (PMP)

April 2019

Section I Introduction

1. *PMP*: This document is the simplified Pest Management Plan (PMP). It aims to provide basic knowledge to the national, provincial and district government, the PRF team, consultants, , village officials, community beneficiaries, private and public sector agencies with adequate guidance for effectively addressing the safeguard issues in line with OP 4.09. The process will be implemented as part of the PRF support to the infrastructure, livelihood and nutrition activities and fully integrated into the identification, selection, approval, preparation, implementation, and monitoring and evaluation process of all project supported activities. The PMP describes key issues related to use of pesticide and chemical fertilizer and mitigation measures related to prohibited activities, training, and guidelines related to safe use of pesticides. This PMP is adopted from ESMF of Lao Upland Food Security Improvement Project (LUFSIP) which was developed as part of PRF activity implementation support during the PRFII period. The PMP will be applicable for all PRFIII AF activities related to infrastructure sub-projects as well as livelihood and nutrition activities. The simplified PMP will be implemented along with other safeguard instruments developed for the PRFIII AF such as the ESMF, CRPF and EGPF.

2. *Responsible agency*: The PRF staff at central and local levels will be responsible for implementation of the PMP and ensuring full compliance, including keeping proper documentation in the project file for possible review by the DoNRE and the World Bank.

3. *This document is considered a living document and could be modified and changed as it is appropriated. Close consultation with the World Bank and clearance of the revised PMP will be necessary.*

Section I Key Issues and Mitigation Measures

1.1 Key issues related to use of pesticide and chemical fertilizer

10. The PRFIII AF will not finance any pesticide and/or any chemical input to support agriculture production, and will promote the principle of clean, green and sustainable agriculture introduced by MAF instead. However; minimum amount of pesticide could be used to avoid the loss of crops from severe pest invasion. The PMP is developed to support the sub-project of any type identified by the community and are the responsibility of all parties to support its strict implementation.

11. Negative impacts from the use of pesticide and chemical fertilizer are expected to be minor and localized and could be mitigated during the planning, preparation and implementation of the project supported activities. However, given that pesticide and chemical fertilizer are practices already known and applied by many farmers, it is important for PRF staff and local communities to understand the nature and risk of such activity which could possibly encourage people to reduce the use pesticide and chemical fertilizer. Below summarizes the possible activities which could be associated with the use of pesticide and chemical fertilizer under PRFIII AF.

- Implementation of infrastructure sub-projects related to irrigation (new and rehabilitation) may indirectly involve/increase the use of pesticides and or chemical fertilizer. It often occurs when farmers aim at increase their productivity as their land can now be irrigated. It also obvious when intensive agriculture has been introduced given an opportunity of water is available in their agriculture areas.
- PRFIII AF would support nutrition and livelihoods activities. These activities could encourage community with an intensive on-farm activity such as a rice production, vegetable garden,

industry tree plantation, and livestock husbandry where pesticide and chemical fertilizer could be applied by local communities.

- From past experience, many of PRFI, PRFII and PRFIII supported villages are using pesticide and chemical fertilizer on their agriculture activities as well as rubber plantation or banana plantation which has already polluted nearby streams.

1.2 Actions for mitigation

12. As mentioned previously, the negative impacts from the use of pesticide and chemical fertilizer from PRFIII AF activities would be minor and localized and could be mitigated during the planning and implementation of the sub-project selected by the communities and that will be supported by the project. During the consultation stage with the 200 selected villages, there are opportunities to inform the community about the Government Decree on Pesticides Management as well as the WB policy related to the use of pesticide. During the preparation and implementation of the community supported activities, there will also be opportunities to verify that these regulations will be strictly applied. The points below summarize the activities to be carried out during the planning and implementation of PRF II on pest management.

(a) Prohibition

13. To avoid adverse impacts due to pesticides, procurement of pesticides, insecticides, herbicides and other dangerous chemicals exceeding the amount required to treat efficiently the infected area will be prohibited and this has been included in the “*negative list*”.

- Purchase pesticides, insecticides, herbicides and other dangerous chemicals exceeding the amount required to treat efficiently the infected area. However, if pest invasion occurs, small amount of eligible and registered pesticides in Lao PDR is allowed if accompanied with a training of farmers to ensure its safe uses and World Bank’s clearance is needed;
- Individuals, legal entities and organizations using pesticides shall comply with the following requirement:
 - (i) The pesticide must be registered with the Department of Agriculture, Ministry of Agriculture and Forestry;
 - (ii) Only using the pesticide when necessary in order to reduce the risks of pesticide and comply with the principles of integrated pest management;
 - (iii) Selecting the pesticide which is suitable for a specific pest and target plants as prescribed on the label;
 - (iv) Follow the instructions for use and the pre-harvest interval as prescribed on the label;
 - (v) Using appropriate and correct application techniques to ensure safety for the health of humans, animals and the environment;
 - (vi) Having prescribed protective equipment and clothes during application of the pesticide to ensure safety of human, animal and surrounding environment and set up warning sign prior and after using;
 - (vii) Keeping the pesticide in a safe storage and dispose waste after use in accordance with the instruction as prescribed on the label;

(b) PRF and GOL staff training

14. If pest invasion occurs, small amount of eligible and registered pesticides in Lao PDR is allowed. In this circumstance, PRFIII AF will provide basic knowledge on alternative options for

agriculture development and / or livelihood activities, including safe use of pesticides and other toxic chemicals. Budget would be allocated for project and Government counterpart staff training to understand 1) overall policy on Pest Management (Government and Bank policy); 2) basic knowledge on possibly negative impact on environmental and health from the use of pesticide and chemical fertilizer; and 3) basic knowledge on how to prevent it including what are the prohibited items in the country for pesticide and chemical fertilizer, how to prevent or mitigate the negative impact from the use etc (staff training could be done jointly with other topics).

(c) *Provide knowledge to farmers (SHG, PG, FNG).*

15. Pest management will be included as one topic during the orientation meeting with the 200 communities that will be supported by the PRFIII AF. SHG will also receive training modules including PMP consideration. The PRF DC will also review the Family Investment Plan and the Micro Investment Plan to check if the SHG/PG or the FNG plan to purchase any pesticides as part of their investments. Finally, the YG will regularly monitor the livelihood and nutrition activities and verify that the PMP are strictly applied. Trainings on pest management will be provided in the following areas:

- *Pest management training:* The objective is to provide basic knowledge to the SHG/PG/FNG members on prohibited type of pesticide in Lao PDR, the negative impact on the use of pesticide and chemical fertilizer both on environmental and human health, and how to mitigate the negative impact from the usage of pesticide and chemical fertilizers if there is a need to use it. The purpose of the Pest management training is also to inform farmers that, the GOL is not intended to support the use of any pesticide and chemical fertilizer in any agricultural productivity but promote clean, green and sustainable agriculture instead. However, the country has experienced severe pest invasions, and could lead to the usage of pesticide and chemical fertilizer in some cases to limit losses and damages to the agriculture products. The procurement of pesticide and chemical fertilizer will not be necessary funded under PRFIII AF budget; however any PRFIII AF villages that get support for either agriculture infrastructure and livelihood and nutrition activities would need to have training on pest management described under this PMP.
- *Training on GOL regulation.* The country is experienced increasing use of pesticide and chemical fertilizer and learnt from its neighboring countries. The PRFIII AF will train the target farmers using the content of the Regulation number 258/GOL dated August 24, 2017 (*See annex 1*) on Pesticide Management before any infrastructure, livelihood and nutrition activities can be implemented and subject to compliance with the Bank safeguard policy OP 4.09 on Pest Management.
- *Technical training.* This training would assist the SHG/PG/FNG members to understand clearly the technical aspect of pesticide and skill in using them such as the eligible and prohibited lists of pesticides in Lao PDR, the level of negative impact of each pesticides listed, how to use them, how to protect and minimize the negative impact while using them, how to keep them safely before and after used, etc. The project will use trainers from PAFO or DAFO who is knowledgeable on these topics. The PRFIII AF will finance the training costs, including per diem and transportation cost for the trainer(s) if needed.

4.3 Promotion of non-chemical agriculture

16. The PRFIII AF has been designed also to promote conservation of natural resources. It is anticipated that linking PRFIII AF agriculture's activities with clean, green and sustainable agriculture technique is important for improving farmers quality of life of. Given that most of PRF supported villages are located in remote area, sustainable use of natural resources would be critical for their livelihood development and poverty reduction. If protected areas or critical natural habitats are located nearby, it is necessary to also take measures to minimize potential negative impacts and/or enhance positive impacts through the community-driven process. In this context, a "clean, green and sustainable agriculture technique" should be introduced for target communities. During the planning process, action will be carried out jointly between the PRF and DAFO to plan and train farmers.

1.4 Implementation arrangement and budget

(a) Planning and implementation

17. In close cooperation with the MAF, the PRF staff at central level will be responsible for providing training to PRF staff and Government counterparts at province during the project staff training period. The Budget for trainings/capacity building will be included in the PRFIII AF budget.

(b) Monitoring.

18. The DAE and the YG will work with DAFO staff for the monitoring of the use of pesticide in target community including a) ensure the procured pesticide(s) is in the eligible list provided in the PRFIII AF ESMF b) ensure procured pesticide(s) are properly kept and carried safely to the target area, c) ensure training delivery to the users before distribution, and d) monitor compliance usage of pesticide(s) according to the Government Decree no 258/GOL dated August 24, 2017. The World Bank and PRF team at central level will carry out a joint Implementation Support Mission every six months to review the compliance with this PMP. The World Bank will use its Pest Management Guidebook as a standard to monitor compliance of the use of pesticide procured under the project.

Annex 1 – Government Decree No 258/GOL



Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

Government

No 258/GOL

Vientiane Capital, 24 August

2017

Decree
on Pesticide Management

- Pursuant to the Law on Government No. 04/NA, dated 08 November 2016;
- Pursuant to the Law on Plant Protection and Quarantine (Amended Version) No. 13/NA, dated 15 November 2016;
- Pursuant to the Law on Chemical Management No. 07/NA, dated 10 November 2016;
- Based on the letter of proposal of the Minister of Agriculture and Forestry No. 482/MAF, dated 12 May 2017;

Section 1

General Provisions

Article 1. Objectives

This Decree defines the principles, regulations and measures regarding the use of pesticides, management and monitoring of pesticide activities to ensure the quality, efficiency and safety for humans, animals, plants and environment with the aim of allowing the agricultural and forest production to be carried out in line with clean, green and sustainable agriculture, capable to ensure regional and international integration, and contribute to the national socio-economic development.

Article 2. Pesticide Management

Pesticide management means the implementation of measures on use and business operations related to pesticides in accordance with technical guidelines ensuring safety to the health, life, property, environment and society.

Article 3. Definitions

The terms used in this Decree shall have the meanings as follows:

1. **Pesticide** means any substance or mixture of substances of chemicals including biological ingredient intended for repelling, destroying, controlling any pest, disease vector, or regulating plant growth;
2. **Pest** means any plant, insects, animals and pathogenic agent injurious to plants, plant products and environment;
3. **Pesticide registration** means the process of pesticide approval through the evaluation of scientific data aimed at demonstrating that a pesticide is effective for its intended purposes and does not pose an unacceptable risk to human or animal health or environment under the conditions of use;
4. **Pathogenic agent** means virus, fungus, bacteria, parasites and other diseases;
5. **Disease vector** means any organism which transmits infectious disease to human, animal, plant and environment such as: animals, cockroaches, mosquitoes;
6. **Banned pesticide** means the pesticide which is prohibited to be produced, imported, sold or used and for pesticide activities in order to protect the health

- of humans, animals and the environment, including the pesticides which are withdrawn from the list of permitted pesticides in Lao PDR;
7. **Counterfeit pesticide** means a product which is produced and packed in a simiLAP manner as a product already registered, but with a different composition, active ingredient, trademark and validity date on the label;
 8. **Unstandardized pesticide** means a pesticide product that contains a lower or higher concentration of active ingredient, containments or other characters that are not in conformity with the pesticide standard being registered;
 9. **Deteriorated pesticide** means a pesticide product that has expired as indicated on the label and where its properties have changed from the original due to coagulation, changing of color and change in other properties;
 10. **Pesticide waste** means the waste from the pesticide, such as: empty containers, packages, pesticide residue and application equipment;
 11. **Treatment of pesticide** means the process of mitigating the pollution and/or adverse health impact occurring from pesticide-related activities through the use of techniques, machines or materials and equipment;
 12. **Disposal of pesticide** means the burning, burying or the use of other methods for the purpose of destroying or isolating the pesticide waste;
 13. **Pesticide formulation** means the combination of various ingredients or many kinds of raw materials designed to render the product effective for the purpose claimed and envisage mode of application;
 14. **Active ingredient** means the part of the pesticide product that provides the pesticide to become active for repelling, destroying, controlling the pests and disease vectors or to regulate plant growth;
 15. **Residue** means any specified substance of the pesticide which remains in the plants, soil, water, food, agricultural products, animal feed at a rate exceeding the determined standard value of the international organization or of the relevant regulation.
 16. **Container** means bottle, tank, box, bag, package or sachet and other objects used to hold pesticide product;
 17. **Biological pesticide** means a micro-organism, bio-chemical substance or plant extract which is used for reducing the pest population.
 18. **Integrated Pest Management** means the control of pests through combining various suitable methods for preventing the development of pest populations in order to minimize the use of pesticide or to mitigate the risks to the health of humans, animals and the environment by focusing on the use of resistance variety and healthy crop, and methods that have no impact on eco-system and on natural pest control mechanism.

Article 4. State Policy on Pesticide Activities

The State pays attention to the pesticide activities through the training of staff, research, experiments, development and transfer of technical know-how relating to pesticides, including the construction of infrastructure and development of techniques in order to ensure an effective management of these activities.

The State encourages and promotes individuals, legal entities and organizations to invest in business operations in the least hazardous pesticides, biological pesticides and to use environmental-friendly management approaches, such as integrated pest management and good agricultural practices, through the provision of information, techniques, tax and duty incentives according to the law.

Article 5. Principles for Pesticide Activities

Principles that are to guide pesticide activities are as follows:

1. Complying with the policy guideline, strategy, national socio-economic development plan and laws;
2. Ensuring a centralized and harmonized management throughout the country;
3. Paying attention to the importance of plant protection by using chemical pesticide in line with integrated pest management best practices;
4. Ensuring safety with regards to the health of humans, animals and the environment;
5. Conforming with the technical standards;
6. Complying with international agreements and conventions of which Lao PDR is a contracting party.

Article 6. Scope of Application

This Decree shall apply to any person, legal person and organizations within and outside the country engaged in pesticide activities including import, manufacturing, sale, transport, export, use, advertising, treatment, disposal, research and pesticide business operations in the Lao People's Democratic Republic.

Article 7. International Cooperation

The State promotes foreign, regional and international cooperation related to pesticide activities through the exchange of experience and information, scientific and technological research, human resource development and implementation of international agreements and conventions of which Lao PDR is a contracting party.

Section 2

Type and List of Pesticides

Article 8. Type of Pesticides

The pesticides are classified based on the level of hazard into the following types:

1. Extremely hazardous pesticide;
2. Highly hazardous pesticide;
3. Moderately hazardous pesticide;
4. Slightly hazardous pesticide;
5. Pesticide unlikely to present acute hazard.

A list of pesticides for each type is determined in a specific regulation.

Article 9. Extremely Hazardous Pesticide

An extremely hazardous pesticide is a pesticide that is acutely toxic to humans and that also adversely impacts the environment with a long persistence period. This is a pesticide which, on the basis of test results, kill 50 percent of the number of tested animals after receiving the toxic substance of the pesticide through oral exposure in a quantity of less than 5 mg per kg body weight, or through dermal exposure in a quantity of less than 50 mg per kg body weight of the tested animals.

It is prohibited to manufacture, import, sell, use and possess extremely hazardous pesticides.

Article 10. Highly Hazardous Pesticide

A highly hazardous pesticide is a pesticide that is acutely toxic to the health and life of humans and also adversely impacts the environment with a long persistence period. This is a pesticide which, on the basis of test results, kill 50 percent of the number of tested animals after receiving the toxic substance of the pesticide through oral exposure in a quantity of 5-50mg per kg body weight or through dermal exposure in a quantity of 50-200 mg per kg body weight of the tested animal.

It is prohibited to manufacture, import, distribute, use and possess highly hazardous pesticides, except for the purpose of research and development of technology of the Government, and for the prevention and control of quarantine pests or disease vectors. In these cases, highly hazardous pesticides are required to be authorized and registered by the Ministry of Agriculture and Forestry.

Article 11. Moderately Hazardous Pesticide

A moderately hazardous pesticide is a pesticide that is toxic to the health and life of humans. This is a pesticide which, on the basis of test results, kill 50 percent of the number of tested animals after receiving the toxic substance of the pesticide through oral exposure in a quantity of 5-2,000 mg

per kg body weight or through dermal exposure in a quantity of 200-2,000 mg per kg body weight of the tested animal.

Moderately hazardous pesticides can be manufactured, imported, distributed, used and possessed following registration and authorization from the agriculture and forestry sector and shall remain under supervision in strict compliance with relevant regulations.

Article 12. Slightly Hazardous Pesticide

A slightly hazardous pesticide is a pesticide that is toxic to the health and life of humans. This is a pesticide which, on the basis of test results, kill 50 percent of the numbers of tested animals after receiving the toxic substance of the pesticide through oral or dermal exposure in a quantity of more than 2,000 mg per kg body weight of the tested animal.

Slightly hazardous pesticides can be manufactured, imported, distributed, used and possessed following authorization and registration from the agriculture and forestry sector and shall be in compliance with relevant regulations.

Article 13. Pesticide unlikely to present acute hazard

Pesticide unlikely to present acute hazard is a pesticide that is toxic to the health and life of humans, but has no acute toxicity. This is a pesticide which, on the basis of test results, kill 50 percent of tested animals after receiving the toxic substance of the pesticide through oral or dermal exposure of the quantity of 5000 mg or more per 1 kg body weight of the tested animal.

Pesticide unlikely to present acute hazard can be manufactured, imported, distributed, used and possessed following registration and authorization from the agriculture and forestry sectors and shall be in compliance with relevant regulations, except for biological pesticides which are safe for the health of humans, animals and the environment which are not required to be registered but shall be subject to authorization by the Ministry of Agriculture and Forestry.

Article 14. List of Pesticides

List of pesticides is a compilation of pesticides which are permitted and banned for use in Lao PDR.

The Ministry of Agriculture and Forestry shall determine and review the list of pesticides permitted for use based on the registration of the pesticides and the list of banned pesticides in each year and shall, thereafter, notify these lists or the change in these lists to relevant sectors and international organizations including trading partners upon request.

The list of pesticides which are permitted for use in Lao PDR must have the information on the trade name, common name or chemical name, toxic substances and application rate, type of pesticide, target pests and plants, pre-harvest interval and pesticide residue.

Section 3

Registration of Pesticide

Article 15. Registration of Pesticide

Persons intending to produce or import the pesticide for sale and use in Lao PDR must submit the application together with relevant documents for the registration of the pesticide to the Department of Agriculture, Ministry of Agriculture and Forestry.

The evaluation and consideration of pesticide registration shall be performed by a Pesticide Registration Board which is appointed by the Minister of Agriculture and Forestry. The composition, structure, rights and duties of this Board are determined in a specific regulation.

Article 16. Exemption of Registration of Pesticide

Pesticides which are exempted from registration are as follows:

1. Pesticides which are temporarily imported and re-exported or are imported for manufacturing and then exported according to the investment agreement between domestic investors and foreign investors;
2. Biological pesticides which are safe for the health of humans, animals and the environment and are not for the purpose of sale.

Article 17. Requirements for Pesticide Registration

Persons desiring to register pesticides are required to meet the following conditions:

1. Holding business operation licence for production or import of pesticides in Lao PDR;
2. The pesticides must be registered in the exporting country;
3. Having authorization from the manufacturer of the pesticides in the exporting country;
4. Having the report on assessment of the efficacy, properties and safety of the pesticide;
5. Having a testing plan on the quality and efficacy of the pesticide in the laboratory and in the target field;
6. Having the technical grade standards and samples of the pesticide product.

Requirement for registration of particular types of pesticide as prescribed in article 10 of this decree shall be defined in a specific regulation of the Ministry of Agriculture.

Article 18. Documentation

The documents required for the application of pesticide registration are as follows:

1. Application form;
2. Enterprise Registration Certificate, Pesticide Business Operation Licence;
3. Pesticide Registration Certificate from the country of origin;
4. Certificate of analysis of the chemical composition of pesticide from the country of origin;
5. Evaluation Report on the efficacy, properties and safety of the pesticide;
6. Testing plan on the quality and efficacy of the pesticide in the field;
7. Letter of Authorisation from the pesticide manufacturer of the exporting country;
8. Letter of Authorisation and identification card of the applicant;
9. Other documents as prescribed by the Ministry of Agriculture and Forestry.

Article 19. Examination and Consideration of Registration of Pesticide

After receiving the application together with relevant documents for registration of a pesticide, the Department of Agriculture shall examine and issue the Provisional Pesticide Registration Certificate within 15 working days from the date of receipt of the corrected and completed application for the pesticide which is manufactured or imported for the first time or is in the process of efficacy testing. In case of rejection of the

issuance of a provisional registration certificate, this should be notified in writing to the applicant.

The Provisional Pesticide Registration Certificate is valid for one year and can be extended upon request.

Article 20. Test of the Pesticide

The test of a pesticide includes field trial and laboratory analysis which is conducted by a centre, station or business operation on pesticide analysis and testing approved by the Ministry of Agriculture and Forestry.

The eligible centre, station or business operation on analysis and testing of the pesticide shall issue the certificate following the test of a pesticide. This certificate shall be valid for three years.

The expenses related to the test of a pesticide should be charged to the applicant for pesticide registration.

Article 21. Issuance of Full Pesticide Registration Certificate

Where the test of the pesticide is complete and complies with specific requirements, the holder of the Provisional Pesticide Registration Certificate shall submit the application to the Department of Agriculture for considering the issuance of a full pesticide registration certificate.

After receiving the application, the Department of Agriculture shall within 30 working days examine and propose to the Pesticide Registration Board for their consideration and approval whether a full pesticide registration certificate should be issued or not. In case of rejection of the issuance of the full

pesticide registration certificate, this should be notified in writing to the applicant.

The full pesticide registration certificate is valid for three years and can be extended upon request.

Article 22. Issuance of Supplementary Pesticide Registration Certificate

The issuance of supplementary pesticide registration certificate means the issuance of registration certificate to the pesticide manufacturer, importer who applies for the registration of the pesticide which has already been registered.

Persons desiring to apply for a supplementary pesticide registration certificate shall have authorization from the original registrant and have entered into a written agreement.

Article 23. Re-Issuance of Pesticide Registration Certificate

The re-issuance of pesticide registration shall be required in the following cases:

1. The registration certificate is lost, damaged or has contained wrong data;
2. There is a change in the trade name of the pesticide, the data on individual, legal entity and organization as requested by the holder of the pesticide registration certificate.

Any person desiring to request for re-issuance of pesticide registration certificate shall submit the application together with relevant information to the Department of Agriculture.

The Department of Agriculture shall consider the re-issuance of pesticide registration certificate within ten working days from the date of receipt of the application and relevant information. In case of rejection of re-issuance of registration certificate, the applicant should be notified in writing.

Section 4

Safety for Pesticide Activities

Article 24. Safety for Pesticide Activities

Safety for Pesticide Activities refers to the measures applied for the safety management for the pesticide activities, such as: container and package, label and labeling, advertisement, use, import, export, transit, treatment and disposal of the pesticide and development of the pesticide activities.

Article 25. Container and Package

The container and package of the pesticide shall meet the following criteria:

1. Being strong, resistant and leakage-proof;
2. Not being decayed and not affecting the quality of the pesticide under normal condition of storage and use within the prescribed period;
3. Not being simiLAP to the container and package of food and drinks;
4. Being closed firmly with cover that cannot be opened by a child;
5. Being suitable for the specific pesticide;
6. Being safe during storage and use.

Article 26. Labels and Labeling

All pesticides which are produced, imported and distributed in Lao PDR must have the label that consist of picture, text in Lao and foreign languages in order to show, indicate the danger, provide instructions and guidance on safety measures relevant for the pesticide. The picture and content of the label shall be determined by the Ministry of Agriculture and Forestry.

Labeling is made either by directly affixing or printing on the pesticide container, and the labeling must be made strongly so that it may be endured and secured.

Article 27. Advertisement

The advertisement for a pesticide shall be carried out in compliance with the approved content, form and place. The advertising content must be

clear, accurate about the type, kind, properties, quality of the pesticide, trademark, and level of hazard and safety protection measures.

Any individual, legal entity and organization desiring to make the advertisement on the pesticide shall apply for authorization from the agriculture and forestry sector and the information, culture and tourism sector in compliance with the relevant laws and regulations.

Article 28. Manufacturing

The manufacturing of pesticide shall be undertaken in compliance with the technical requirements and standards as follows:

1. Manufacturing premises of highly and moderately pesticides shall be far from community, school, hospital, market, water resources and comply with technical standards;
2. Having the required safety protection system;
3. Having the machines, equipment, process of production techniques which are appropriate for each type of pesticide;
4. Having a treatment system for waste water and factory waste that meet the standards and cause no adverse impact to the environment;
5. Providing access to first medical aid and having facilities for treatment in case of accident from pesticide exposure.

Article 29. Import

The import of a pesticide shall be carried out as follows:

1. Ensure safe packaging, labeling and transporting of the pesticide as specified in Articles 25, 26 and Article 32 of this Decree;
2. Ensure the quality of the imported pesticide;
3. Import at the border checkpoint as specified in the import permit and receive inspection from the competent government officer for the validity and integrity of the pesticide;
4. Store and possess the pesticide as specified in article 33 of this decree;
5. Comply with the procedures, requirements and standards set out by the Ministry of Agriculture and Forestry in each period.

Article 30. Export

Pesticides which are intended to be exported shall obtain the authorization from the agriculture and forestry

sector and shall be carried out in compliance with relevant laws and regulations of the Lao PDR as well as with the regulations and requirements of the importing and transit countries.

Article 31. Transit

The transport of pesticide through Lao PDR is required to be notified to the pesticide management authority at least thirty days in advance and to fulfill the following requirements:

1. Ensuring the safety in the transportation, preventing the leakage of the container or the spilling of the pesticide;
2. Complying with relevant laws and regulations of Lao PDR, and with bilateral or multilateral agreements that Lao PDR is a party to.

Article 32. Transport

The transport of the pesticide and the waste of pesticide used in households shall be carried out in compliance with the following requirements:

1. Avoiding the use of public transport vehicle and ensuring the safety in case of river transportation;
2. Secured arrangement and tightly enclosed package and container of pesticide and separating it from consumer goods, living beings and other things.

The transport of pesticide and waste of pesticide which are imported, exported, transited, manufactured, distributed and used shall be carried out in compliance with the following requirements:

1. The driver shall have the experience and basic knowledge on protection and maintenance of safety relating to the pesticide;
2. A safety manual and safety protecting equipment shall be available;
3. The transportation should use the specifically permitted road;
4. The copy of import permit and other relevant documents of the import and sale business operator shall accompany the transport of the pesticide;
5. The pesticide carrier should be tightly closed and have appropriate danger warning signs;
6. Complying with other requirements as provided in the laws and regulations.

In case of the occurrence of accident or leakage during the transport of pesticide, the transport service provider and the owner of the pesticide must immediately inform the nearest pesticide management authority in order to seek emergency resolving measures for pesticide accident as prescribed in the chemical management Law and shall be responsible for the expenses for the treatment and disposal of the pesticide waste.

Article 33. Storage and Possession

Any individual, legal entity and organization which store and possess pesticides shall separate them from other objects and shall comply with the storage instructions written on the label of the pesticide.

In addition, for manufacturers, importers and distributors of the pesticides, they are also required to meet the following conditions:

1. Having a specific store room which is located far from children, crowds, schools, hospitals, markets, water sources and complies with the technical standards, and has a safe storage system including measures of maintenance, protection, rehabilitation, elimination of toxicity and fire prevention;
2. Recording the information on the storage of the pesticides and reporting to the pesticide management authority on a regular basis;
3. Comply with other requirements as set out by the Ministry of Agriculture and Forestry.

In case of the occurrence of accident or leakage during the storage or possession of a pesticide, the keeper or the owner of the pesticide must immediately report to the nearest pesticide management authority in order to coordinate with public health sector and other relevant authorities to seek resolving measures for pesticide accident as prescribed in the chemical management Law and shall be responsible for the expenses for the treatment and disposal of the pesticide waste

Article 34. Use

Individuals, legal entities and organizations using pesticides shall comply with the following requirement:

1. The pesticide must be registered with the Department of Agriculture, Ministry of Agriculture and Forestry;
2. Only using the pesticide when necessary in order to reduce the risks of pesticide and comply with the principles of integrated pest management;
3. Selecting the pesticide which is suitable for a specific pest and target plants as prescribed on the label;
4. Follow the instructions for use and the pre-harvest interval as prescribed on the label;
5. Using appropriate and correct application techniques to ensure safety for the health of humans, animals and the environment;
6. Having prescribed protective equipment and clothes during application of the pesticide to ensure safety of human, animal and surrounding environment and set up warning sign prior and after using;

7. Keeping the pesticide in a safe storage and dispose waste after use in accordance with the instruction as prescribed on the label;
8. Having a medical health check annually for pesticide applicator.

Article 35. Monitoring and Reporting on Pesticides

The agriculture and forestry sector shall coordinate with other sectors and relevant local authorities to develop a plan for implementation of pesticides risk survey in order to monitor and collect information relating to the manufacture, import, sale, use, efficacy, impacts and residue of the pesticides, including distribution and use of banned pesticides.

Individuals, legal entities and organizations shall responsibly report to the nearest pesticide management authority when they find banned pesticides, occurrence of adverse impacts caused by pesticides as well as use and activities related to the pesticides which are not consistent with the regulations.

Article 36. Treatment and Disposal of Pesticides

Pesticides which are counterfeit, deteriorated, unstandardized, obsolete and pesticide waste shall be treated or disposed according to prescribed methods. In case the treatment or disposal cannot be carried out, it is required to keep them at a safe place and inform the agriculture and forestry sector and other relevant sectors.

The treatment and disposal of the pesticides shall be carried out in accordance with the procedure and with the use of technology determined by the natural resources and environment sector. The expenses incurred for the treatment or disposal of the pesticides shall be charged to the owner of the pesticides.

Article 37. Development of Pesticides Activities

The Ministry of Agriculture and Forestry shall coordinate with the Ministry of Education and Sports and other concerned parties to establish the curriculum on pesticide risk and best practices for reduction thereof, innovations in development of biological pesticides and suitable application techniques for gradually substituting the chemical pesticides with eco-friendly alternatives.

Section 5

Pesticides Businesses

Article 38. Operations of Pesticide Business

Any individual, legal entity and organization intending to undertake pesticide business must apply for an enterprise registration with the industry and commerce sector in accordance with the Law on Enterprise and, after receiving the enterprise registration certificate, must apply for pesticide business operation licence from the agriculture and forestry sector.

Article 39. Types of Businesses Relating to Pesticides

The types of businesses relating to the pesticides are as follows:

1. Pesticide consultancy;
2. Manufacturing of pesticides;
3. Import and sale of pesticides;
4. Pesticide application services;
5. Treatment and disposal of pesticides;
6. Analysis and test of pesticides;
7. Other businesses related to pesticides as determined by the Ministry of Agriculture and Forestry.

Article 40. Pesticide Consultancy Business

Pesticide consultancy business is the service, which provides advice on the production, sale, use, disposal, treatment, analysis, test and other activities relating to pesticides.

A person who intends to undertake a pesticide consultancy business shall have graduated in specific technical field including Chemistry, Agronomy or Plant Protection and shall have been trained, and obtained practical work experiences concerning pesticides for at least five years.

Article 41. Pesticide Manufacturing Business

Pesticide manufacturing business is the mixing of various ingredients or raw materials in order to produce pesticide products, including the processing of pesticides.

A person who intend to undertake a pesticide manufacturing business must have the location, laboratory, staff, appropriate equipment, storeroom, transport vehicle, quality control system, safety protecting system, pesticide waste treatment system, LAPge site which shall be far from community areas, animals and water sources in conformance with the technical standards set out by relevant authority and shall have been subject to environment impact assessment

Article 42. Pesticide Import and Sale Business

A person who intends to undertake a pesticide import and sale business must have technical staff with competency or certificate on sale pesticide accredited by Ministry of Agriculture and Forestry, storeroom, specific sale place, transport vehicle, special cabinet of sepcific pesticide, facility and safety protecting system in conformance with the technical standards set out by the relevant authority.

Article 43. Pesticide Application Services Business

The pesticide application service business is involved in operations for fumigation, spraying or other treatment methods using pesticide for controlling of the pests in the agricultural production sites or in other places.

A person who intends to operate a pesticide application service business shall have technical staff who have been trained and certified by Ministry of Agriculture and Forestry and who has practical experiences of at least three years, have sufficient materials and equipment, have the protection and welfare system for persons working with pesticide, have the system of recording the pesticides being used and must comply with the regulations set out by the Ministry of Agriculture and Forestry.

Article 44. Pesticide Treatment and Disposal Business

A person who intends to undertake a pesticide treatment and disposal business shall have designed location, staff, equipment, materials, safety protecting system in consistence with the technical standards set out by the relevant sector. The business shall have been subject to environmental impact assessment.

Article 45. Pesticide Analysis and Test Business

A person who intends to undertake a pesticide treatment and disposal business shall have desgined location, staff, equipment, materials, safety protecting system in consistence with the technical standards set out by the relevant sector. The business shall have been subject to environmental impact assessment.

Article 46. Rights and Obligations of the Pesticide Business Operators

Pesticide business operators shall have the following rights and obligations:

1. To undertake their business in strict compliance with the authorization, technical standards, laws and regulations;
2. To visually show the list of banned pesticides and business pesticide certificate as prescribed in article 14 and 38 of this Decree, at the premises of pesticide importation, sale and service, in particuLAP in

- the store, warehouse and place giving service where people can easily see;
3. To receive information on pesticide activities;
 4. To responsibly ensure safety measures, use all methods to prevent and remediate any leakage, spreading or impacts of pesticides to humans, animals and environment as well as to be accountable for the damages arising from their business operations;
 5. To make the appeal to the relevant authority in case of violation of laws and regulations by the official and officer in charge of pesticide inspection;
 6. To make contribution, in cash or labour, for the development of pesticide- related activities;
 7. To pay the fees, service charges and other obligations as stipulated in the law and regulations;
 8. To cooperate and provide information and facilities to the operation of officer and pesticide inspector;
 9. To notify and report the incidences of distribution and use of banned pesticides, adverse impact from pesticide, illegal use and any activities relating to pesticides.

Article 47. Suspension and Withdrawal of Pesticide Business Operation Licence

The agriculture and forestry sector is entitled to suspend any pesticide business operation when it is found that the business operator violates the law and regulations relating to pesticide or has performed other acts that cause adverse impacts to humans, animals and environment.

In case of severe violation or failure to comply with its guidelines, the agriculture and forestry sector is entitled to withdraw the pesticide business operation licence and propose to the relevant sector to consider the termination of such business operation.

Section 6
Prohibitions

Article 48. General Prohibitions

It is prohibited for individuals, legal entities and organizations to perform the following acts:

1. Import, manufacture, possess or use the pesticides which are not registered in Lao PDR;

2. Throw away, wash or pour pesticide waste in water sources in or nearby community areas;
3. Employ persons for pesticide application service without required licence;
4. Carry out the treatment, disposal of pesticide and pesticide waste in inconsistency with Article 36 of this Decree;
5. Reuse pesticide containers or package for containing food, drinks or for other purposes;
6. Perform other acts which violate the laws and regulations.

Article 49. Prohibitions for Pesticide Business Operators

It is prohibited for pesticide business operators to perform the following acts:

1. Undertake pesticide business operations without obtaining a licence;
2. Manufacture, import, export, use or sell unregistered pesticides, counterfeit pesticides, deteriorated pesticides and unstandardized pesticides, including pesticide wastes.
3. Change the container or divide the pesticide from the original container for selling and using without receiving the approval from the pesticide management authority;
4. Modify the package, content or component of the label of the pesticide without receiving the approval from the pesticide management authority;
5. Give rewards or gifts for the purpose of promoting the purchase or use of their pesticides, except for the provision of personal protective equipment relating to the use of the pesticide;
6. Advertise against or defame other business operators;
7. Sell the pesticides to retail sellers or other sellers who do not have any pesticide business operation licence;
8. Give bribe to officials and pesticide inspector, falsify the documents related to pesticide activities;
9. Perform other acts which violate the laws and regulations.

Article 50. Prohibitions for Users

It is prohibited for users of the pesticides to perform the following acts:

1. Use unregistered pesticides;
2. Use pesticides in inconsistency with the technical rules as prescribed in Article 34 of this Decree;
3. Allow children below fifteen years old and pregnant women to use pesticides;
4. Perform other acts which violate the laws and regulations.

Article 51. Prohibitions for Officials and Pesticide Inspectors

It is prohibited for officials and pesticide inspectors to perform the following acts:

1. Abuse the rights, functions and position; force or threaten for personal benefit or for the benefit of friends;
2. Disclose state secrets or confidential information of the business operator without receiving the authorization;
3. Receive bribes or cause delay in the processing of documents;
4. Falsify documents or issue documents in an improperly manner;
5. Increase or decrease the fee, service charge or use the revenue from pesticide activities in inconsistency with the regulations;
6. Lack responsibility or perform duties carelessly that causes damages;
7. Perform other acts which violate the laws and regulations.

Section 7

Management of Pesticide Activities

Article 52. Pesticide Management Authorities

The Government manages pesticide activities in a centralized and uniform manner throughout the country by assigning the Ministry of Agriculture and Forestry to be directly responsible and coordinate with other relevant Ministries, agencies and local administrative organizations.

The organizations in charge of the management of pesticide activities consist of the following:

1. Ministry of Agriculture and Forestry;
2. Agriculture and Forestry offices of the Province, Capital City;
3. Agriculture and Forestry office of the District, Municipality and City;
4. Village Economic & Financial Unit.

Article 53. Rights and Duties of the Ministry of Agriculture and Forestry

In the management of pesticide activities, the Ministry of Agriculture and Forestry shall have the following rights and duties:

1. To research and formulate policies, strategic plans, laws and regulations relating to pesticide activities and submit these for the consideration of the Government;
2. To elaborate policies, strategic plans, laws and regulations relating to pesticide activities into plans, programs, projects and regulations and take charge of their implementation;
3. To advertise and disseminate policies, strategic plans, laws, regulations, plans, programs and projects related to pesticide activities;

4. To carry out the registration of pesticides, prepare and review the lists of pesticides which are permitted and banned for use and prepare plans to survey the pesticide risks;
5. To evaluate, issue, suspend or withdraw pesticide business operation licences regarding the consultancy, manufacture, treatment and disposal, analysis and testing of pesticides;
6. To evaluate and issue import permit of pesticides which is imported for the purpose of study, research, testing, exhibition, development of technology, assistance or import in emergency case for serving a specific project of the Government.
7. To develop and upgrade the knowledge and capacity of the staff in pesticide and risk reduction activities;
8. To appoint the pesticide registration board;
9. To conduct monitoring and evaluation of the implementation of the pesticide activities countrywide;
10. To accept and process appeal or complaints concerning pesticide activities;
11. To collaborate with foreign countries and international organizations regarding pesticide and risk reduction activities;
12. To coordinate with relevant Ministries, agencies and local authorities to implement pesticide activities;
13. To summarize and report the implementation of pesticide activities to the Government on a regular basis;
14. To exercise other rights and perform other duties as provided in the laws and regulations.

Article 54. Rights and Duties of the Agriculture and Forestry Offices of the Province and Capital City

In the management of pesticide activities, the Agriculture and Forestry Offices of the Province, Capital City shall have the rights and duties related to the area of their responsibilities as follows:

1. To implement and elaborate policies, strategic plans, laws and regulations relating to the pesticide activities;
2. To advertise and disseminate policies, strategic plans, laws and regulations, data and information relating to pesticide activities to the people and all parties in order to enable them to understand and participate in the implementation in a strict manner;
3. To research and submit the proposals to the Provincial Governor, Capital City Mayor for considering the issuance of Instructions, Guidances and Notifications concerning pesticide activities;
4. To evaluate and consider the issuance, suspension or withdrawal of pesticide business operation licences regarding the pesticide import, sale and application services;

5. To provide training and upgrade the capacity for district staff on management, inspection and use of pesticides;
6. To appoint or transfer the pesticide inspector of provincial and district levels;
7. To accept and process appeals or complaints regarding pesticide activities;
8. To monitor and evaluate the implementation of pesticide activities of the Office of Agriculture and Forestry of the District, Municipality, City;
9. To coordinate with other provincial offices, Local district administration and other relevant parties for the implementation of pesticide related activities;
10. To summarize and report the implementation of pesticide activities to the Ministry of Agriculture and Forestry and to the Administrative Authority of the Province, Capital City on a reguLAP basis;
11. To exercise other rights and perform other duties as provided in the laws and regulations.

Article 55. Rights and Duties of Agriculture and Forestry Offices of the District, Municipality, City

In the management of pesticide activities, the Agriculture and Forestry Offices of the District, Municipality, City shall have the rights and duties related to the area of their responsibilities as follows:

1. To implement policies, strategic plans, laws and regulations relating to pesticide activities;
2. To advertise and disseminate policies, strategic plans, laws and regulations, data and information relating to pesticide activities to the people and all parties in order to enable them to understand and participate in the implementation in a strict manner;
3. To research and propose the District Chief, Municipality Mayor, City Mayor for considering the issuance of Instructions, Guidances and Notifications concerning the pesticide activities in line with the assignment of the Ministry of Agriculture and Forestry and elaborate the ordinance of the Minister;
4. To provide training for farmers on the management, use and storage of pesticides;
5. To propose to the Agriculture and Forestry office of Province, Capital City, to consider and appoint or transfer the pesticide inspector of the district level;
6. To provide training for pesticide business operators to be competent on pesticide activities;
7. To accept and process appeal or complaints relating to the pesticide activities;

8. To coordinate with other parties for the implementation of pesticide activities;
9. To summarize and report the implementation of pesticide activities to the Agriculture and Forestry offices of the Province, Capital City and to the District Chief, Municipality Mayor, City Mayor on a reguLAP basis;
10. To exercise other rights and perform other duties as provided in the laws and regulations.

Article 56. Rights and Duties of the Village Economic & Financial Unit

In the management of pesticide activities, the Village Economic & Financial Unit shall have the rights and duties as follows:

1. To give advices on the infomation and techniques concerning the use of pesticides to allow the peoples to understand and implement them in a strict manner;
2. To participate in the monitoring and inspection of the use of pesticide, pesticide waste and impacts that occur;
3. To combat and prevent, report information on accidents, smuggling, sale, transport and use of pesticides that are not in consistence with the laws and regulations;
4. To participate in the resolution of conflict on pesticide related issues in the village;
5. To attend seminar, training in order to upgrade the knowledge on pesticides;
6. To report the implementation of the pesticide activities to the Office of Agriculture and Forestry of the District and to the village Administrative authority;
7. To exercise other rights and perform other duties as provided in the laws and regulations.

Article 57. Rights and Duties of Other Sectors

In the management of pesticide activities, other sectors, in particuLAP the Ministry of Natural Resources and Environment, Ministry of Public Health, Ministry of Industry and Commerce, Ministry of Public Security, Ministry of National Defence, Ministry of Science and Technology, other Ministries, Ministry-equivalent agencies and local administrative authorities shall have the rights and duties to supervise, monitor, inspect pesticide activities and to collaborate with the pesticide management authorities according to their respective roles.

Section 8

Inspection of Pesticides Activities

Article 58. Pesticide Inspection Authorities

The organizations in charge of inspection of pesticide activities are comprised of:

1. Internal Inspection Organizations which are the same as the organizations in charge of the management of pesticide activities as specified in Article 52 of this Decree;
2. External Inspection Organizations include the National Assembly, Provincial People's Assembly, State Audit Authority, State Inspection Authority, Lao Front for National Construction, Mass Organizations, mass media and the peoples.

Article 59. Context of Inspection

The inspection of pesticide activities shall cover the following matters:

1. The implementation of laws and regulations relating to pesticides;
2. The activities of the pesticide inspectors and officers;
3. The use of pesticide and operation of pesticide businesses;
4. The development and implementation of pesticide activities plan.

Article 60. Forms of Inspection

The inspection consists of three forms as follows:

1. ReguLAP inspection;
2. Inspection with prior notice;
3. Sudden inspection.

ReguLAP inspection shall be carried out in accordance with an inspection plan, and on a reguLAP basis and on a specified date.

Inspection with prior notice, shall not be scheduled in a plan and shall be carried out subject to providing prior notification.

Sudden inspection, shall be carried out rapidly without any advance notice.

The processes and methods of the inspection are determined in a specific regulation.

Article 61. Pesticide inspector

The pesticide inspector is the agriculture technical staff who is officially appointed by the Agriculture and Forestry office of the Province, Capital City to carry out the inspection of pesticides at provincial level or district level.

The criteria and requirements for the pesticide inspector are determined in a specific regulation.

Article 62. Rights and Duties of the Pesticide Inspector

The pesticide inspector shall have the following rights and duties:

1. To disseminate, give advices on laws and regulations relating to the pesticide activities;
2. To conduct inspections of the manufacturing place, pesticide retailer, warehouse, advertisement of pesticides, import, transportation, export and place where uses pesticide;
3. To seize banned pesticides and its application equipment including other evidence document on violation against the Law and regulations on pesticide and report to pesticide management authority to find the measure for disposal or re-export such banned pesticide depending on the case;
4. To issue fine for any person who violates the Law and regulation on pesticide and warning to violator;
5. To coordinate with relevant officers in order to use various necessary measures, such as: ordering the vehicle to stop for inspection or access to any suspected or target place to investigate violation against the Law and regulation on pesticide and also seize any suspected article and banned pesticide;
6. To receive, record the report, ask for and inspect the documents, interrogate persons who are found to be in violation of regulations on pesticide activities;
7. To collect samples of pesticides for analyzing the quality or for using as evidence;
8. To educate the offenders of laws and regulations relating to the pesticide activities;
9. To summarize the result of inspection and prepare the documents for sending to the pesticide management authority at first level or submit to the officer in charge of investigation-interrogation for resolving or prosecution according to Laws;
10. To exercise other rights and perform other duties as per assignment.

Section 9

Budget, Uniform, Insignia and Card of the Pesticide inspector

Article 63. Budget

The implementation of pesticide activities shall use the budget of the State that the pesticide management authority has to specifically prepare its budget plan for submitting to the line authority for approval in accordance with the Law on State Budget.

Article 64. Uniform, Insignia and Indentify Card of the Pesticide inspector

Pesticide inspector shall have a specific uniform, insignias and identification card, which are determined by the Ministry of Agriculture and Forestry, for conducting official functions.

The pesticide inspectors shall always wear their uniform with insignias and carry identification card during their duty execution.

Section 10

Rewards and Penalties

Article 65. Rewards for persons with outstanding achievement

Individuals, legal entities or organizations that perform outstandingly in implementing this decree shall receive an award or other form of recognition in accordance with the Law and regulations.

Article 66. Penalty measures for violator

Individuals, legal entities or organizations that violate this Decree will be warned, subject to disciplinary measures, be fined, subject to civil responsibilities or criminal sanction depending on the severity of the offence.

Article 67. Warning Measure

Individuals, legal entities or organizations that commit minor violations of this Decree that do not constitute a criminal offense or do not cause serious damage to society, the economy and the environment, shall be warned and educated in writing, provided that the offender submits an honest report recognizing their wrong-doing.

Article 68. Disciplinary Measure

A pesticide inspector who violates this Decree in a manner that is not considered a criminal offense shall be subject to disciplinary measure according to regulations, such as: warning of the offence, suspension of promotion or removing from civil service without receiving any honorarium.

Article 69. Fine Measure

Individuals, legal entities or organizations who violate this Decree shall be subject to pay a fine as follows:

1. Manufacture, import, export, transit and transport of a pesticide without receiving authorization shall be subject to a seizure of the pesticides and a fine equal to fifty percent of the pesticide value;
2. Import of a pesticide which has expired or is deteriorated shall be subject to a fine equal to fifty percent of the pesticide value and shall send the pesticide back to the country of origin;
3. Sale, use or possession of a pesticide which is not registered or falls in the list of banned pesticides in Lao PDR shall be subject to a a fine equal to one hundred percent of the pesticide value and seizure of the pesticide;
4. Mixing, transfer or division of a pesticide from the original container, change of the package or the content of the label of the pesticide without obtaining the authorization from the pesticide management authority, shall be subject to a fine equal to one hundred percent of the pesticide value and seizure of the pesticide;
5. Sell pesticide to retailer or other seller without pesticide business operation licence, shall be subject to a fine equal to one hundred percent of the pesticide amount and seizure of the pesticide;
6. Providing pesticide services without licence:
 - First-time violation shall be subject to education and record in the follow-upbook;
 - Second-time violation shall be subject to confiscation of equipment, pesticide and to a fine equal to one hundred percent of the service amount;
7. Employing a person without training on pesticides for performing pesticide application shall be subject to a fine equal to one hundred percent of the pesticide amount and shall be liable for damages that occur;
8. Carrying out treatment and disposal of pesticide and pesticide waste in inconsistency with regulations shall be subject to a fine equal to one hundred percent of the damage amount;

9. Transport of pesticides in inconsistency with the provisions of Paragraphs 1 and 2 of Article 32 of this Decree shall be subject to a fine equal to fifty percent of the pesticide amount, and to education and be recorded in the follow-up book.

Article 70. Criminal sanctions

Any individual who commits a violation of this Decree that constitutes a criminal offence shall be subject to the punishment as provided in the Criminal Law, depending on the seriousness of the case.

Article 71. Additional Penalties Measures

In addition to the measures against the violators stipulated in Article 70 of this Decree, the violators will also be subject to additional punishment, such as: suspension or withdrawal of pesticide business operation licence and enterprise registration certificate, as the case may be.

Section 11 Final Provisions

Article 72. Implementation

The Ministry of Agriculture and Forestry shall be responsible for coordinating with concerned parties to implement this Decree in an effectively manner.

All Ministries, Ministry-Equivalent Agencies, Local Authorities and relevant parties shall acknowledge and strictly implement this Decree.

Article 73. Effectiveness

This Decree is effective from the date of signature and fifteen days after it is published in the Official Gazette.

Any provision that contradict this Decree shall be repealed.

Government of Lao PDR Prime Minister

Signature and seal

Thongloun SISOULITH

