

LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY



**Ministry of Public Works and Transport (MPWT)**  
**The Department of Road (DoR) and**  
**The Public Works and Transport Research Institute (PTRI)**

## **Environmental and Social Management Framework (ESMF)**

### **Lao Road Sector Project 2 Additional Financing (LRSP2-AF)**

Project No. (P170951)

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## ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank	Km	Kilometers
AF	Additional Financing	LFNC	Lao Front for National Construction
ARAP	Abbreviated Resettlement Action Plan	LRSP	Lao Road Sector Project
ASEAN	Association of South East Asian Nations	LRSP-2	Lao Road Sector Project 2
AWPB	Annual Work Plan and Budget	LWU	Lao Women Union
BKX	Borikhamxay Province	MAF	Ministry of Agriculture and Forestry
CoC	Code of conduct on gender-based violence and violence against children	MCIT	Ministry of Cultural, Information and Tourism
DCCM	Department of Climate Change Management	MEM	Minsitry of Energy and Mine
DNEP	Department of Natural Resources and Environment Policy	MoH	Ministry of Health
DOF	Department of Forest	MoF	Ministry of Finance
DONRE	District Office of Natural Resources and Environment	MoNRE	Ministry of Natural Resources and Environment
DoR	Department of Roads	MPI	Ministry of Public Investment
DoT	Department of Transport	MPWT	Ministry of Public Works and Transport
DPI	Department of Planning and Investment	NBCA	National Biodiversity Conservation Areas
DPWT	Provincial Department of Public Works and Transport	NDF	Nordic Development Fund
DRC	District Resettlement Committee	NGOs	None Government Organizations
EA	Environmental Assessment	NPA	National Protected Areas
ECC	Environmental Compliance Certificate	NPFA	National Protection Forest Area
ECoP	Environmental Code of Practice	NR	National Road
EDPD/PT RI	Environmental Research and Disaster Provention Division of PTRI	NTFP	None Timber Forest Products
EG	Ethic Groups	OP/BP	Operation Policy/Bank Procedure
EGEF	Ethnic Groups Engagment Framework	OLFNC	District Office of Lao Front for National Construction
EGEP	Ethic Groups Engagement Plan	OPWT	District Office of Public Works and Transport
ESHS	Environmental and Social Health and Safety	ODX	Oudomxay Province
EHSG	Environmental Health and Safety Guideline	PBC	Performance-based contract
EIB	European Investment Bank	PCR	Physical Culture Resources
ESMF	Environmental and Social Management Framework	PONRE	Provincial Office of Natural Resources and Environment
ESMP	Environmental and Social Management Plan	PRC	Provincial Resettlement Committee
ESIA	Environment and Social Impact Assessment	PROMMS	Provincial Road Asset Management Systems
ESOM	Environmental and Social Operations Manual	PPP	Public-Private-Participation
ESU	Environmental and Social Unit	PSL	Phongsali Province
GOL	Government of Lao People’s Democratic Republic	PTRI	Public Works and Transport Research Institute
GRC	Grievance Redress Committee	RAP	Resettlement Action Plan
GRM	Grievance Redress Mechanism	RMF	Road Maintenance Fund
GRMS	Grievance Redress Mechanism Services	RMS	Road Management System
IDA	International Development Association (or the WB)	RoW	Right of ways
IEE	Initial Environmental Examination	RPF	Resettlement Policy Framework
INDC	Intended Nationally Determined Contribution	SA	Social Assessment

IUCN	International Union for Conservation of Nature and Natural Resources	SCWG	Safeguard Coordination Work Group
JBIC	Japan Bank for International Cooperation	SMMP	Social Management and Monitoring Plan
SIA	Social Impact Assessment	VRC	Village Resettlement Committee
SOP	Standard operating procedures	WB	World Bank
TA	Technical assistance	WBG	World Bank Group
ToR	Terms of Reference	XBL	Xayabouly province
UNCBD	United Nations Convention on Biological Diversity	XK	Xieng Khouang province
UXO	Unexploded Ordnance		

## 1 INTRODUCTION

### 1.1 The Project (LRSP2-AF)

1. The proposed second Lao Road Sector Project Additional Financing (LRSP2-AF, AF, or Project) builds on the implementation experience and achievements of the second Lao Road Sector Project (LRSP2)<sup>1</sup> which is being implemented to support the Government of Lao PDR (GoL) in the management of the Lao road network. The AF Project will finance civil works in the form of routine and periodic maintenance to preserve the road network as well as spot improvements to strengthen vulnerable sections and thereby enhance climate resilience. In addition to the six provinces and Attapeu supported under the parent project, the AF will also finance the improvement works along the National Road 13 South (NR13S) from Borikhamxay (BKK) to Khammouane (KM). The AF may have complementary funding for civil works provided by other donors such as the Nordic Development Fund (NDF)<sup>2</sup>, the European Investment Bank (EIB), and the European Union (EU).
2. This ESMF will apply to all activities/subprojects regardless of financing source. All other financiers/donors supported activities/subprojects will be “in compliance” with the ESMF. Similar to the parent project, the AF will also support technical assistance activities—focusing on strengthening the medium and long term capacity of the Ministry of Public Works and Transport (MPWT) on the planning and contract management and supervision of the Output- and Performance-Based Road Contract (OPBRC), supervision, capacity building and training, road safety, gender integration, and safeguards monitoring and capacity building. The AF will not support any technical assistance that may result in follow-up investments that can be identified as EA category A according to the World Bank (WB) safeguard policy.
3. The Project Development Objective (PDO) of the AF is similar to that of the parent project i.e. “to strengthen maintenance systems to improve reliable road connectivity in Lao PDR and, to provide immediate and effective response in the case of an Eligible Crisis or Emergency”. The AF is the sector-wide project, with details on locations and type of investments both for periodic and routine maintenance to be identified during implementation. *Annex C (Sector Background)* presents locations map and key features of the parent project provinces and the NR13S between BKK and KM.

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<sup>1</sup>The first phase of LRSP2 focusing on the following 6 provinces: Phongsaly (PSL), Oudomxay (ODX), Xayabouli (XBL) Houaphan (HP), Xiengkhouang (XK), and Borikhamxay (BKK) while Attapeu was added in late 2018 as part of the first LRSP2 restructuring.

<sup>2</sup> NDF provided TA support on capacity building and development of tools necessary to address climate resilience aspects of road network as well as on preparation and supervision of priority subproject being implemented under the parent project.

## 1.2 Project Component

4. The Project components will be similar to those of the parent project with additional scope under Components 1 and 2 to cover the proposed NR13S subproject and additional TA. These components can be summarized in the table below:

<b>LRSP2 (P158504) Current Components</b>	<b>LRSP2- AF (P170951) Proposed Changes</b>
<b>Component 1: Climate Resilient Road Maintenance</b>	<b>C1: Climate Resilient Road Improvement and Maintenance</b>
<i>Component 1.1 Periodic Maintenance and Spot Improvements</i>	<i>Component 1.1 Periodic Maintenance and Spot Improvements</i>
Carrying out climate-resilient periodic maintenance and spot improvements of provincial and district roads in the Target Provinces.	No changes proposed.
<i>Component 1.2 Routine Maintenance</i>	<i>Component 1.2: Routine Maintenance</i>
Carrying out routine maintenance of provincial and district roads in the Target Provinces.	This component will be revised to drop the DLI, which has been designed for the routine maintenance component under the parent project. PBC has instead been introduced for this component.
<i>Component 1.3 Design and Supervision</i>	<i>Component 1.3 Design and Supervision</i>
Provision of technical and operational assistance for the design and supervision, procurement, quality assurance, contract management, and other technical management of the works carried out under components 1.1 and 1.2 of the project.	The sub-component will be revised to add more resources to support MPWT to design and supervise the improvement and maintenance of NR13 S works through financing the consultancy for supervision of road improvement works during the construction period and supervision of the initial post-construction maintenance and operation until project closure. As part of activities included under this sub-component, the supervision consultant will develop quality assurance mechanisms, as well as provide on-the-job coaching and technical training for MPWT and DPWT on contract management and quality control related to the improvement and maintenance of NR13 S.
<i>Component 1.4: Tropical Storm Son-Tinh Emergency Repair and Disaster Recovery</i>	<i>Component 1.4: Tropical Storm Son-Tinh Emergency Repair and Disaster Recovery</i>
This sub-component was added under the first project restructuring which became effective on November 2, 2018.	No changes proposed.
	<b>Component 1.5: Climate resilient improvement and maintenance of the National Road 13 South (New Sub-component).</b>
	The new subcomponent will finance the improvement, enhanced climate resilience and maintenance of NR13 S sections in Borikhamsay and Khammouane with a total length of approximately 58 kilometers. OPBRC will apply for road improvement and maintenance.
<b>Component 2: Institutional Strengthening</b>	<b>Component 2: Institutional Strengthening</b>
<i>Component 2.1 Strategic Planning and Financing</i>	<i>Component 2.1 Strategic Planning and Financing</i>
Carrying out of a program of activities to: (a) strengthen the capacity to update and operationalize MPWT's national sector strategy and action plan; (b) strengthen the capacity to improve transport sector policy and financing frameworks; and (c) strengthen the capacity for strategic management at both MPWT and DPWT.	This sub-component will be revised to add more resources to support MPWT to further develop and roll out the strategic planning into provincial level.
<i>Component 2.2 Sector Governance</i>	<i>Component 2.2 Sector Governance</i>
Carrying out of a program of activities to: (a) improve the integrated road asset management system	This sub-component will be revised to add more resources to further support internal control and

<p>(IRAM); (b) upgrade and roll out the road sector information and communication technology system including (i) e-archive, (ii) e-procurement, and (iii) information disclosure and citizen engagement; (c) upgrade the accounting system and expenditure tracking tools in the road sector; (d) strengthen the internal control systems of provincial road authorities; and (e) strengthen overloading control through the provision of a weighting station on national road NR13 in Borikhamxay province.</p>	<p>financial management of MPWT and roll out into provincial level.</p>
<p><i>Component 2.3 Climate Resilient Road Asset Management</i></p>	<p><i>Component 2.3 Climate Resilient Road Asset Management</i></p>
<p>Carrying of a program of activities: (a) for financing by NDF to (i) develop MPWT's climate change action plan; (ii) operationalize hazard maps into practical vulnerability maps for planning of road infrastructure maintenance or investments; (iii) review and update current tools for road management and maintenance planning; (iv) prepare a medium-term climate resilient national road preservation plan; (v) review and update road sector designs, standards and guidelines to incorporate climate-resilience aspects; and (vi) design mechanisms to strengthen emergency road repair management; and (b) for financing by IDA to carry out annual field surveys to include necessary data in the road management information systems for risk-based planning.</p>	<p>This sub-component will be revised to add more resource to further support MPWT in data collection and supervision of climate resilient road works in provinces as well as NR13 S improvement and maintenance. The sub-component will also add provision of boats to villages located in flood-prone areas for emergency usage during flooding.</p>
<p><i>Component 2.4 Capacity Building</i></p>	<p><i>Component 2.4: Capacity building</i></p>
<p>Carrying out of a program of activities to: (a) strengthen the operating, fiduciary and human resource systems of MPWT and provincial and district road authorities; (b) strengthen the capacity of MPWT and other relevant government agencies to assess and manage the technical, environmental and social aspects of potential future public private partnerships (PPP) and PBC modalities in the road sector; (c) develop or update environmental and social management manuals and procedures in the road sector; and, (d) develop and implement traffic safety action plans, audit manuals, training programs and public awareness raising campaigns.</p>	<p>This sub-component will be revised to add more resources to the carry out of a program of activities to: (a) strengthen the operating, fiduciary and human resource systems of MPWT and provincial and district road authorities; (b) strengthen the capacity of MPWT and other relevant government agencies to manage the technical, environmental and social aspects of OPBRC contract implementation; and, (c) enhance environmental and social monitoring.</p> <p>The technical assistance activity regarding the PPP has been completed and no resources will be allocated under the Additional Finance to prepare a PPP.</p>
<p><b>Component 3: Project Management</b></p>	<p><b>Component 3: Project Management</b></p>
<p>Provision of technical and operational assistance for the day-to-day management, monitoring and evaluation of the project, and the carrying out of technical and financial audits.</p>	<p>This sub-component will be revised to add more resources for technical and operational assistance for the day-to-day management (including but not limited to financial management, procurement and safeguards training and advisory support), monitoring and evaluation of the project, and for carrying out of technical and financial audits. Contingency has been reserved under this sub-component.</p>
<p><b>Component 4: Contingent Emergency Response:</b></p>	<p><b>Component 4: Contingent Emergency Response:</b></p>
<p>A CERC with a provisional allocation of zero dollars is included under the project in accordance with OP10.00, Paragraphs 12 and 13, for projects in situations of urgent need of assistance or capacity constraints. This will allow for the rapid allocation of project proceeds in the event of the Government declaring that a crisis or emergency has occurred and the World Bank agreeing with such determination. This component would finance public and private</p>	<p>No changes proposed.</p>

sector expenditures on a positive list of goods and/or specific works, goods, services and emergency operation costs required for emergency recovery. An Emergency Response Operations Manual will apply to this component, detailing financial management, procurement, safeguards and any other necessary implementation arrangements.	
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5. **Implementation Arrangement:** The safeguard monitoring and other related activities to be implemented under Subcomponent 2.4 will include, but not limited to, providing technical assistance and on-the-job training to MPWT, DPWT, OPWT and relevant government agencies and local communities along the proposed subprojects for (a) the preparation of safeguard documents as required by WB and GoL; (b) monitoring and reporting of compliance for the subprojects; (c) undertaking research activities on climate resilience and safeguard issues for road sector including updating the Environment and Social Operation Manual (ESOM) as planned under the parent project; (d) additional training and capacity building on unexploded ordnance (UXO) risk and the environmental and social health, and safety (ESHS) aspects through development of curriculum and providing training; and (e) building local capacity to take actions on road safety with strong gender integration.

### 1.3 Need for Environmental and Social Management Framework (ESMF)

6. This Environmental and Social Management Framework (ESMF) is a high-level program document for the AF safeguards. It was prepared in accordance with the requirements of WB safeguards policies and is closely connected to the Resettlement Policy Framework (RPF) and the Ethnic Group Engagement Framework (EGEF) which have also been prepared according to the WB safeguards policies. The purpose of this ESMF is to identify the safeguard issues affecting the AF project, direct the formulation of more detailed, specific safeguard documents such as the subproject Environmental and Social Management Plan (ESMP) in the form of an Alignment Sheet including the application of the Environmental Code of Practice (ECoP) and the Code of Conduct on gender-based violence and violence against children (CoC). The ECoP and CoC identify environment and social mitigation measures to be carried out by contractors during construction. If minor land acquisition and/or compensation of assets is required, an Abbreviated Resettlement Action Plans (ARAPs)/Resettlement Action Plans (RAPs) will be prepared and implemented in line with the RPF. If the sub-project involves ethnic groups identified as indigenous peoples according to the WB policy, an Ethnic Group Engagement Plan (EGEP) will be prepared and implemented according to the EGEF. The ESMF covers all aspects of the AF project including investments and technical assistance to be financed during the AF implementation.
7. These subproject level safeguard documents - irrespective of which donor they are developed for—are expected to be in compliance with this ESMF. Specifically, when the locations and nature of works are identified, the following safeguard documents will be prepared: (a) the subproject Alignment Sheet including ARAPs and/or EGEPs (as needed)

in compliance with the ESMF, RPF, and/or EGEF and (b) an Initial Environmental Examination (IEE) and/or other specific requirements as agreed with the provincial Office of Natural Resources and Environment (PONRE) in compliance with GoL regulations. These safeguard instruments will provide the necessary detail to address the safeguard issues appropriate for each investment activity.

8. **Objective, scope, and methodology.** This ESMF was prepared in line with the WB safeguard policies taken into account the GoL related regulations and the implementation experience on safeguard implementation of the parent and other related projects by MPWT agencies/staff and current issues related to road projects in Lao PDR. This document is considered a living document and can be modified in close consultation with the WB, and the WB clearance of any revised ESMF will be necessary.
9. Similar to the ESMF of the parent project, the safeguard screening was conducted during field visit to the NR13S in June 2019 and it was confirmed that the proposed periodical maintenance and climate resilient improvement works is also considered category B and an Alignment Sheet will be prepared for the NR13S subproject. The proposed section of NR13S does not go through any protected areas however run parallel to the nearby provincial protected area (name PhouNgou) along the Mekong River in Pak Kading district. All works will be carried out within existing right of ways (RoW), no resettlement and major land acquisition will be required. However minor land acquisition and compensation may be needed to improve road safety in some areas. Rapid assessment and data collection during June-July suggested that some ethnic group communities are present along NR13S between BKK and KM, thus preparation of an EGEP may be required for the NR13S subproject.
10. The ESMF was prepared by the staff of the Environment Research and Disaster Prevention Division (EDPD)<sup>3</sup> of the Public Works and Transport Institute (EDPD/PTRI) with assistance from a national consultant and under guidance of the WB safeguard specialists. The preparation was made by updating the ESMF of the parent project given due attention to strengthen environmental and social health and safety as well as addressing WB concerns on prevention of gender-based violation and violation against children. The draft updated ESMF, RPF, and EGEF were also consulted with local authorities and communities along the proposed section of NR13S in BKK and KM. The consultation confirms the general support of the local authorities and community for the maintenance and improvement of road safety and climate resilient of NR13S and the proposed mitigation measures.

## **2 NATIONAL LEGAL AND INSTITUTIONS AND WORLD BANK SAFEGUARD POLICIES**

### **2.1 National Laws and Regulations Related to Safeguards**

11. In Lao PDR, there are many laws and regulations govern the utilization and management of natural resources management (land, forest, water, aquatic and wildlife, etc.) established

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<sup>3</sup> Name and mandate of the Environment and Social Division of PTRI has been adjusted to focus on research activities related to environment and social safeguard as well as natural disaster prevention.

in late 1990's and many have been updated and/or revised. The Environmental Protection Law (EPL) established in 1999 and revised in 2012, describes the principles, regulations and measures for managing, monitoring, restoring, and protecting the environment including the pollution control and the impact assessment processes. In late 2013, two regulations on the Environment and Social Impact Assessment (ESIA) and an Initial Environmental Examination (IEE) were established. However, they have been upgraded to a decree level and the decree has been approved by the Prime Minister (EIA decree No 21, date January 31, 2019) in early 2019. Similarly, the compensation and resettlement decree established in 2005 (Decree 192/PM) was also revised and approved in 2016 (Decree 84/PM) and it being reviewed in light of the WB's comment and the promulgation of several related laws during 2017-2018. A number of decrees, regulations, and guidelines established and applied during 2000's is being reviewed and revised. In late 2016, GoL also issued an order requiring all investment projects to take actions to reduce UXO risk before commencing the project activities. The Ministry of Natural Resources and Environment (MoNRE) is the lead ministry responsible for implementation of the EPL and its regulations and/or guidelines. MoNRE is also responsible for management of water, land, and environmental management while the Ministry of Agriculture and Forest (MAF) is responsible for management of protected area (PA) and protection forest area (PFA)<sup>4</sup>. In late 2017, as part of MoNRE internal organization, the Department of Environment and Social Impact Assessment (DESIA) has been separated into the Department of Natural Resources and Environment (DNEP) responsible for ESIA review and the Natural Resources and Environmental Inspection Office (NEIO) responsible for technical inspection of compliance. The Department of Forest Resources Management (DFRM) which was part of MoNRE during 2012-2016 has also been integrated into the Department of Forestry (DOF) of MAF. *Annex A (Policy, Legal, and Institutional Setting)* contains a detailed summary of the laws and regulations relevant to the AF project.

## 2.2 World Bank's Safeguard Policies Triggered and Instruments

12. The original project was assigned category "A" status but the AF project has been assigned category "B". Main reasons is that the TA of the original project has been completed and the safeguard risks related to the follow-up investment is being addressed under a separate project (NR13N) while works to be conducted under the AF project will be limited to routine maintenance, periodical maintenance, and improvement for road safety and climate resilient within the existing roads and ROW. Key measures to mitigate potential negative impacts during road maintenance and works activities will include the application of the ECoP which incorporate chance finds procedures and measures to address environmental and social health and safety as well as the application of the CoC to address gender-based violence and violence against children issue. The TA activities will not support any follow-up investments that is classified as category A according to WB safeguard policy. The AF project has been assigned category B status.

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<sup>4</sup>In mid2016 the department of Forest Resources Management (DFRM) was moved to from MoNRE to MAF.

13. Table 2.1 summarizes WB safeguard policy triggered and safeguard instrument to be used while explanation and justification for the policies are highlighted in paragraphs below.

**Table 2-1 List of WB safeguard policies triggered for the Project**

	<b>WB Safeguard Policies</b>	<b>Triggered?</b>	<b>Safeguard instruments</b>
1	Environmental Assessment OP/BP 4.01	Yes	ESMP/ECOP/CoC
2	Natural Habitats OP/BP 4.04	Yes	ESMP/ECOP/CoC
3	Forests OP/BP 4.36	Yes	ESMP/ECOP/CoC
4	Pest Management OP/BP 4.09	No	-
5	Physical Cultural Resources OP/BP 4.11	Yes	ESMP/ECOP/CoC
6	Indigenous Peoples OP/BP 4.10	Yes	EGEF/EGEP
7	Involuntary Resettlement OP/BP 4.12	Yes	RPF/ARAP/RAP
8	Safety of Dams OP/BP 4.37	No	-
9	Projects on International Waterways OP/BP 7.50	No	-
10	Projects in Disputed Areas OP/BP 7.60	No	-

14. Six WB safeguard policies triggered are as follows:

- ***Environmental Assessment (EA) OP/BP 4.01:*** The AF will provide TA supports to strengthen the MPWT environment and social management capacity including training and capacity building on UXO risks and EHS aspects during construction. The AF subprojects will not involve any major civil works (e.g. category A type) and/or involve TA activities that may lead to follow-up investments of category A subproject that can generate any significant adverse impacts on the local environment and people. This will be ensured through the application of the “negative list” which has been identified in the ESMF. The civil works activities will focus on routine and periodic road maintenance, including spot improvement in order to improve climate resilience and road safety of national, provincial and district road networks.
- It is envisaged that all activities would be carried on the existing carriageway within the existing RoW. However, there is a possibility of minor re-alignments and/or widening of road shoulder to improve road safety and/or strengthening road climate resilience. Investment activities may include elevating flood prone road sections, paving road sections with steep slope and the sections passing through big communities, drainage improvement/ construction, slope improvement/ stabilization etc. The environmental impacts from these activities will be minor, localized, temporary, and can be mitigated. Potential impacts include dust dispersion, noise, traffic obstruction and access, construction and road safety, etc.
- Work plan for road maintenance and spot improvements will be prepared during the AF implementation including the proposed NR13S subproject. To mitigate social and environmental impacts, the ESMF including a generic ECoP (*Annex F*) and CoC (*Annex G*), and an outline of a provincial ESMP and a subproject Alignment Sheet have been prepared. The ESMF also provide guidance for: (i) the screening, identifying and addressing environmental and social impacts of the subproject activities and (ii) the actions related to TA activities to be in line with WB safeguards policies.

- **Natural Habitats (NH) (OP/BP 4.04):** The AF activities will be carried out within the existing roads and large clearance of natural habitats will not be required. However, given that this is a sector wide programmatic project, subproject locations will be known during implementation and some of the existing national, provincial and district roads may be located in a Protected Area (PA), Protection Forest Area (PFA), or other critical habitats. Consequently, this policy is triggered. The ESMF screening annex includes safeguard screening procedures which have been designed to detect and avoid potential negative impacts on natural habitats.
- **Forestry (OP/BP 4.36):** The AF activities including the proposed NR13S section, will be carried out within the existing road alignments and large clearance of forests will not be required. However, given that subproject locations will be known during implementation and candidate national, provincial and district roads may be located in PA or PFA, this policy is triggered. The ESMF includes safeguard screening procedures which have been designed to detect and avoid potential negative impacts on health and quality of forests.
- **Physical Cultural Resources (PCR) (OP/BP 4.11):** The AF activities will be carried out within the existing roads. However, since subproject locations will be known during implementation and it is possible that the Project activities may create negative impacts on local temples and other local cultural sites this policy is triggered. During the preparation of ESMP potential negative impacts will be identified and mitigation measures undertaken. The generic ECoP including a “chance find” procedures will also be included in the contract specification.
- **Involuntary Resettlement OP/BP 4.12:** The AF activities will not involve physical relocation. The work will be conducted in existing roads and may involve minor realignments without significant expansion. The work may affect trees and other roadside private assets, but no major loss of private assets including land would occur. The policy is triggered because the AF may involve minor and temporary land acquisition for maintenance and adjustments in some areas to improve road safety and/or road stability and climate resilience. The existing RPF has been updated to be applied under LRSP2 AF. The framework describes policies and procedures to avoid, minimize or mitigate negative impacts that may result from the AF investments including scope of an RAP and ARAP which will be required when involuntary land acquisition occurs. The need for preparation of RAP or ARAP will be identified during the safeguard screening to be conducted after the technical survey and design has been conducted. WB approval of RAP or ARAP will be required.
- **Indigenous Peoples OP/BP 4.10:** Many AF beneficiaries are expected to be ethnic minorities who are known in Lao PDR as ethnic groups and meet eligibility criteria under OP/BP 4.10. For example, Hmong, Khmu, Mien, Makong, Bru and others are living in and around the PAs of the target provinces. These are considered to be vulnerable ethnic groups in Lao PDR as their livelihood is heavily based on subsistence agriculture and forest. The presence and involvement of these ethnic groups triggers this safeguard policy. The impact of the road maintenance works on these communities,

including those of the proposed NR13S, is generally positive. However, any negative impacts that may occur are addressed under the EGEF which has been prepared for the AF including scope of the EGEP. The need for preparation of EGEP will be identified during the safeguard screening to be conducted as part of the road maintenance investment plan which will be prepared annually. WB approval of EGEP will be required.

15. The AF project will not involve procurement and/or use of pesticides therefore Pest Management (OP/BP 4.09) is not triggered. The AF will also not involve any dam, international waterway, and/or disputed area therefore the Safety of Dams (OP/BP 4.37), the Projects on International Waterways (OP/BP 7.50), and the Projects in Disputed Areas (OP/BP 7.60) will not be triggered.

## 2.3 Key Differences in Lao PDR Environmental and Social Safeguards Laws and World Bank Safeguard Policies

### 2.3.1 Environmental Safeguard Policies of the World Bank and National Laws

16. A comparative analysis was conducted during the preparation of the ESMF of the parent project on the GOL's laws and regulations corresponding to the World Bank's safeguards on environmental impacts assessment, natural habitat, and physical cultural resources as per the WB's OP 4.00 and it was reviewed during the updated ESMF for the AF. Many laws and regulations govern the utilization and management of natural resources and environmental safeguards have been updated and/or revised. However, the key differences between WB safeguard policies requirements and Lao's PDR requirements are still relevant to LRSP2-AF and those to be applied to the AF project are listed in Table 2.2 below.

**Table 2-2 Differences between Relevant Lao and World Bank Environmental Safeguard Policies**

The World Bank Policies Requirements	Government of Lao PDR's requirements/ Analysis Summary	Key Different between WB Policies Requirements and Lao's PDR relevant to LRSP2-AF	Measures included in the ESMF and LRSP2-AF Design
<p><b>Environmental Assessment (OP 4.01)</b></p> <ul style="list-style-type: none"> <li>- Provide for assessment of feasible investment, technical, and sitting alternatives, including the "no action" alternative, potential impacts, feasibility of mitigating these impacts, their capital and</li> </ul>	<ul style="list-style-type: none"> <li>- Lao PDR's policies, legislation and regulations pertaining to the EIA process and EIA documentation is relatively recent and reflects good practices to a significant extent, with the consequence that there is a substantial degree of equivalence between Lao PDR EA systems and the required elements of OP 4.01.</li> <li>- The ESIA and Initial Environmental</li> </ul>	<ul style="list-style-type: none"> <li>- The EIA must assess the capacity of the project owner to implement and monitor the EMP.</li> <li>- There is no provision for the "no project" option.</li> <li>- No reference to institutional capacity development and training measures.</li> <li>- Use of independent advisory panels.</li> </ul>	<ul style="list-style-type: none"> <li>- Capacity of the MPWT, DPWTs of seven project pilot provinces to implement and monitor the EMP/ECOPs/CoC were strengthened as part of the ESMF implementation of the parent project (LRSP2).</li> <li>- Additional capacity development and training programs on safety and mitigation of social impacts</li> </ul>

<p>recurrent costs, their suitability under local conditions, and their institutional, training and monitoring requirements associated with them.</p>	<p>Examination (IEE) Instructions have been upgraded to a decree level in early 2019 and a number of follow-up regulations and guidelines are being reviewed and revised.</p>		<p>during construction for MPWT, DPWTs, OPWTs are included in LRSP2-AF project design and ESMF mitigation measures.</p> <ul style="list-style-type: none"> <li>- Provide adequate budget supports to build MPWT E&amp;S capacity and facilitate effective ESMF implementation</li> </ul>
<p><b>Natural Habitats (NR) (OP 4.04)</b></p> <ul style="list-style-type: none"> <li>- Whenever feasible, give preference to siting projects on lands already converted.</li> </ul>	<ul style="list-style-type: none"> <li>- EIA process provides for analysis of all potential alternatives. There is no explicit rule providing for use of land already converted and to avoid land located within protected area, water catchment and area containing high forest.</li> <li>- However, since 2016 with WB supports, MoNRE and MAF capacity as well as the PONREs and PAFOs of BKX and KM to protect and manage protected area and protection forest area including enforcement of wildlife trade has been strengthened.</li> </ul>	<ul style="list-style-type: none"> <li>- Lack of clear reference to siting project on lands already converted.</li> <li>- In the hypothesis that no feasible alternative exists as demonstrated by an EIA, there is no legal obligation to provide for compensation for conversion of non-critical habitats.</li> <li>- There is no mention of “critical natural habitats” or prohibition on investing in projects that would degrade or convert them.</li> </ul>	<ul style="list-style-type: none"> <li>- The ESMF include activities that may cause “significant conversion or degradation of natural habitat or where the conservation and/or environmental gains do not clearly outweigh any potential losses” in the negative list.</li> <li>- LRSP2-AF activities will be confined almost exclusively to the existing alignment and Right of Way and will not include construction of new roads. Measures and process to avoid and/or mitigate impacts on natural habitats has been included in the ESMF.</li> </ul>
<p><b>Physical Cultural Resources (PCR) OP 4.11</b></p> <ul style="list-style-type: none"> <li>- Provide for the use of “chance find” procedures that include a preapproved management and conservation approach for materials that may</li> </ul>	<ul style="list-style-type: none"> <li>- Mandatory reporting to authorities (Ministry of Culture and Information and MPWT). The project owner and contractor must interrupt all construction activities and measures must be adopted to preserve the vestiges uncovered by chance until the classification of those assets or until conclusion</li> </ul>	<ul style="list-style-type: none"> <li>- No significant gap. Reference to “chance finds” is formally lacking in applicable laws and regulations.</li> </ul>	<ul style="list-style-type: none"> <li>- All the environmental requirements for road construction, including “chance finds” procedure will be incorporated in an environmental annex (Environmental Specifications for Road Construction) which will be part of bidding documents.</li> </ul>

be discovered during project implementation.	of the archaeological research shall be prescribed by the Ministry of Culture and Information. The area of archaeological patrimony accidentally revealed must be delimited, as suitable and protected under the responsibility of the project owner and contractor.		
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### 2.3.2 Social Safeguards Related Laws

17. Promulgation of GoL's compensation and resettlement Decree 192/PM and its replacement in 2016 (Decree 84) represents GoL commitment to protect rights of citizens when their livelihoods, possessions and society are affected by development projects. The 2018 Law on Resettlement and Occupation further details the principles and procedures when land allocation and livelihood restoration is involved, and specific details are being developed by responsible agencies. Both the compensation and resettlement decree and the WB's policy on involuntary resettlement entitle the Project Affected Persons (PAPs) to compensation for affected land and non-land assets at replacement cost. However, there are some differences between World Bank (OP/BP 4.12) and the Decree 84/PM (see Table 2.3 below). The first difference is on the definition of severely affected PAPs in which OP/BP 4.12 defines at 10% of affected value while Decree 84/PM does not specify this value and does not clearly calculates the replacement cost. The second difference is on entitlement description for non-titled PAPs in which WB policy requires that compensation to be provided while Decree 84/PM relies on legal status. Other differences include Decree 84/PM encourages PAPs for voluntary land donations while OP/BP 4.12 discourages land donation. Different names are used for resettlement action plan when minor land acquisition and resettlement of less than 100 people is required. Under Decree 84, Land Acquisition and Compensation Report (LACR) is used. Any gaps and discrepancies identified between the World Bank Policy (OP/BP 4.12) and the national legislation in this policy framework will be governed by the former.

**Table 2-3 Differences between Relevant Lao and World Bank Social Safeguard Policies**

Subjects	OP 4.12	Compensation and Resettlement Decree No. 84/GoL (2016)	Gap/Project Measures
<b><i>1. Land Property</i></b>			
<i>1.1. Policy objectives</i>	<i>PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them,</i>	PAPs are compensated and assisted to improve or maintain their pre-project incomes and living standards and are not made worse off than they would have been without the project.	OP 4.12 Policy Procedures will be applied - cash compensation at replacement cost for land and structures will be paid without

Subjects	OP 4.12	Compensation and Resettlement Decree No. 84/GoL (2016)	Gap/Project Measures
	<i>in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i>		deduction for depreciation or salvageable materials. Also – income additional payments will be made to restore incomes, crops, trees as well as moving costs.
1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying	<i>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</i>	PAP who do not have legal land title, land use certificate or other acceptable documentation indicating their land use right, including customary and traditional land use right, only provides the right to claim compensation for their lost assets such as house/structures, trees and/or crops, and not land.	PAPs who do not have legal title, land use certificates or other acceptable documentation indicating their land use right will still be entitled to Financial assistance to achieve the objective of the involuntary resettlement policy (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)  Vulnerable PAPs will receive special assistance.  OP 4.12 Policy Procedures will be applied.
1.3. Compensation for illegal structures	<i>Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.</i>	PAP who do not have legal land title, land use certificate or other acceptable documentation indicating their land use right, including customary and traditional land use right, only provides the right to claim compensation for their lost assets such as house/structures, trees and/or crops, and not land.	Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure.  Provide moving allowance based on structure types.  OP 4.12 Policy Procedures will be applied.
<b>2. Compensation</b>			
2.1. Methods for determining compensation rates	<i>Compensation for lost land and other assets should be paid at full replacement costs,</i>	- Article 2: The compensation shall be in the form of land, material or money for the land, agricultural products, livestock and incomes that are affect by development	Independent appraiser conducts replacement cost study for all types of assets affected in order to establish compensation, which are

Subjects	OP 4.12	Compensation and Resettlement Decree No. 84/GoL (2016)	Gap/Project Measures
		<p>projects based on compensation value.</p> <ul style="list-style-type: none"> <li>- Article 4: Compensation value means the value calculated in the form of material, money or land, constructed facilities, agricultural products, livestock and incomes which have been affected by development projects.</li> <li>- Article 9: Project owners, in collaboration with the committee for compensation and resettlement at the local level, must estimate the value for compensation for land, constructed facilities, crop products, livestock and potential incomes and organize consultations with affected people by selecting the right and appropriate options based on prices applied by the state, market prices or average prices applicable for period of compensation and based on the types of properties and locations.</li> <li>- The prices applied by the state (middle prices) are the prices specified in a separate regulation which are identified and regulated by the Ministry of Natural Resources and Environment from time to time.</li> </ul>	<p>appraised by IRC/GDR to ensure full replacement costs.</p> <p>OP 4.12 Policy Procedures will be applied</p>
<p>2.2. <i>Compensation for loss of income sources or means of livelihood</i></p>	<p><i>Loss of income sources should be compensated (whether or not the affected persons must move to another location)</i></p>	<p>Article 9 : Provision of agriculture land in appropriate ways including the creation of new livelihood options and stable income generation activities and promotion of local crafts/ industry in addition to agricultural production activities for the affected people.</p>	<p>OP 4.12 Policy Procedures will be applied – loss of income will be restored to pre-displacement rates regardless of the legal status of the affected person</p>
<p>2.3. <i>Livelihood restoration and assistance</i></p>	<p><i>Provision of livelihood restoration and assistance to achieve the policy objectives.</i></p>	<p>Article 13: In parallel with the establishment of resettlement plan as prescribed in article 10 of this decree, the project owner must coordinate with the compensation and settlement committee at the local level to collect information on</p>	<p>Because the impacts are expected to be minor, income restoration will be addressed on a case by case basis, with additional payments being made to restore incomes and livelihoods to pre-displacement rates.</p>

Subjects	OP 4.12	Compensation and Resettlement Decree No. 84/GoL (2016)	Gap/Project Measures
		livelihood and income generation matters of the affected people in details to establish the livelihood rehabilitation plan to contribute to the management and monitoring social and environmental impacts within the project development framework.	
2.4. Consultation and disclosure	<i>Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms</i>	Article 5: The compensation and resettlement shall be carried out in compliance with the following principles: <ol style="list-style-type: none"> <li>1. Protection of the rights and legitimate benefits of affected people;</li> <li>2. Ensure equality, correctness, transparency, disclosure and fairness;</li> </ol> <p>Ensure coordination, consultation and participation between the project owner, affected people, state agencies and other relevant stakeholders.</p>	Extensive consultation and participation will be conducted at every stage of RAP planning and implementation.  OP 4.12 Policy Procedures will be applied.
<b>3. Grievance Redress Mechanism</b>			
<i>Procedures for recording and processing grievances</i>	<i>Grievance redress mechanism should be under Government Officials Responsibilities for handling grievances with clear procedures for recording and processing grievances</i>	Article 23: In case the affected view that the project owner does not comply with the plan for compensation, resettlement and rehabilitation of people's livelihood in accordance with this decree or other related plans that affect their interests, they are entitled to request to related authorities to solve the request(s) according to the procedures stipulated in paragraph 1, article 24 of this decree.	Grievances from PAP and PAHs in connection with the implementation of the RP will be handled through negotiation with the aim of achieving consensus. Complaints will go through three stages before they may be elevated to a court of law as a last resort.
<b>4. Monitoring &amp; Evaluation</b>			
	<i>Internal and external independent monitoring are required</i>	Article 27: The project owner must set up a management unit of compensation and resettlement to take charge of monitoring and examination by himself other than other parties. The unit is obliged to make reports to the state audit-inspection organizations concerning the monitoring and examination of the implementation of the plan for	The PMU in close coordination with GDR-IRC will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the RP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance

Subjects	OP 4.12	Compensation and Resettlement Decree No. 84/GoL (2016)	Gap/Project Measures
		compensation, allocation and relocation, and rehabilitation of people's livelihood of the development project as stipulated in the overall plan, at each period.	provided to PAHs. The report of monitoring results will be prepared by MRD and submitted to IRC and WB on a quarterly basis.

### 2.3.3 Safeguard instruments

18. To comply with the country regulatory requirements and the WB's safeguard policies triggered by the AF, the following safeguard instruments have been prepared:

- The Environmental and Social Management Framework (ESMF, this document), including a generic ECoP and CoC and an outline of the provincial ESMP and the subproject Alignment Sheet;
- The Resettlement Policy Framework (RPF); and,
- The Ethic Groups Engagement Framework (EGEF).

19. In addition to the above safeguard documents, if required, the AF will prepare some specific guidelines to further mitigate environmental issues which will later be incorporated into the updated ESOM. Specific measures are being identified by local authorities and key stakeholders as part of the pilot research activities in BKKX and ODX. Due attention will be given to address the following aspects:

- ***PAs, PFAs, slope stability, and drainage:*** Given the important of biodiversity and cultural values and high natural disaster risks in Lao PDR, it is necessary to develop specific guidelines and/or measures to minimize the potential negative impacts (direct and indirect) during works execution and road operations located within and/or nearby national, provincial, and district protected areas (PA) and/or the protection forest areas (PFA) and in other priority areas considered to be highly sensitive to natural disaster. EDPD/PTRI in consultation with key agencies of the MoNRE, especially DNEP, NEIO, the Department of Climate Change Management (DCCM), DOF of MAF, and the provinces, will establish specific guidelines for road works within and nearby PA and PFA and apply them as case studies so that the results could be clearly incorporated in the ESOM. Given the objective of the PA and PFA, due attention will be given to avoid development of new roads and/or limited widening of existing roads in the PA, to limit the potential negative impacts and soil erosion in the PFA. Field visit in June 2019 suggested that NR13S is running through a flat land along the Mekong River therefore many areas are prone to floods which will be addressed through road maintenance and improvement works. The AF will be designed to ensure that drainage is adequate to avoid potential land/slope collapse and/or causing additional flooding and to ensure that public health risks will be minimized.

- **Emergency Road Works:** These types of works will be carried out after an emergency such as landslide or flooding has cut off the road and posed danger to traffic and aiming to restore the pass ability and safety of the emergency affected road. The emergency works usually involve removing the landslide, removing the sizable fallen rocks, opening temporary bypass, filling collapsed embankment, removing large fallen trees (with diameter over 30 centimetres), repairing culverts, and small bridges. The priority of emergency road works is to take quick action to restore the pass ability and safety of the disaster affected roads. The DPWTs or DoR are responsible for the environmental management of emergency works. In case that emergency works cause negative environmental impacts, the DPWTs or DoR will be responsible for actions after the emergency to mitigate the impacts, either through force account or contracting to private contractors. To minimize the potential impacts of such activities, EDPD/PTRI will prepare a specific guideline on safeguard and incorporate it into the Emergency Road Operation Manual. EDPD/PTRI will monitor and report on implementation status of safeguard measures.

#### **2.3.4 Environment and Social Operation Manual (ESOM) implementation experience**

20. An Environment and Social Operation Manual (ESOM) was developed for the Lao Road Sector Project (LRSP) in 2009 and it has been applied to many road activities of MPWT during the past 10 years. A review of the updated ESOM (2015) and the training evaluation report during the preparation of the ESMF suggested that application of the ESOM is not quite effective given a complex nature of ESOM and limited budget and capacity of DPWT and the normal turnover of MPWT staff both at national and local levels. In early 2019, the new EIA decree was approved by the Prime Minister and a number of laws and regulations related to natural resources management and environmental and social safeguard have been revised and many are expected to be completed in 2020. Under the on-going LRSP2, two action research activities are being carried out in two pilot provinces (BKK and ODX) and it is expected that the outputs will lead to some specific agreements among local agencies on ways to prevent and/or mitigate impacts when roads going through and/or located in nearby PA/PFA and also ways to address other issues related to road sector such as RoW, climate resilient, etc. It is necessary for MPWT to work closely with MoNRE agencies and agreed on sector guidelines and procedures to be used for road sector. The LRSP2-AF will also (a) deepen the mainstreaming of safeguard by initiating gender integration into the ESMF process, (b) build medium and long term capacity of MPWT and DPWTs to address the safety risks related to UXO and ESHS, and (c) facilitate effective coordination and cooperation among key agencies at central and local levels. LRSP2-AF will support the parent project effort to update the ESOM.

### **3 PROJECT AND SAFEGUARD IMPLEMENTATION ARRANGEMENTS AND CAPACITY ASSESSMENT**

#### **3.1 Implementation Arrangements**

21. The AF will be implemented using existing government structure. Table 3.1 presents responsible agencies and key functions for ESMF implementation. While the MPWT will be assuming the overall responsibility for implementing the project, the Department of Planning and Cooperation (DPC) under the ministry will be responsible for overall coordination and ensuring that the implementation report of the Project comprises a section on safeguards implementation. The Department of Roads (DoR) will be responsible for planning and implementation of road related activities under Component 1 of the project. DoR will work in close coordination with and provide technical support to the provincial DPWTs who will be actually planning and implementing the project on the ground, including environmental and social safeguards. EDPD/PTRI will be tasked with overall supervision and monitoring of the environmental and social safeguards implementation.
22. The DoR will be responsible for ensuring that safeguard requirements are mainstreamed in road maintenance planning, design and pre-construction works including tendering and contracting process. At subproject level, DPWT is responsible for planning and implementation of safeguard activities including undertaking day-to-day monitoring of safeguard measures to be carried out by contractors. The DPWT of the Project provinces will establish the Environmental and Social Unit (ESU) specifically for the road sector to be responsible for safeguards. ESU/DPWT will be responsible to carry out subproject safeguard impact screening, the required safeguard planning activities and develop the necessary safeguard action plans. The safeguard plans will be submitted to EDPD/PTRI, who will review and approve all the safeguard documents (ESMP/Alignment Sheet, EGEP, RAPs) of the subprojects. All the documents will be kept in the project files for possible WB review. For subprojects require IEE, DPWT assisted by qualified consultant of the EDPD/PTRI will prepare an IEE report. ESU/DPWT will take the lead in the consultation of local authorities and community during the IEE report preparation and securing approval. If an IEE report is not required, ESU/DPWT will take the lead in the implementation of the activities in close consultation with PONRE/DONRE.
23. Subproject DPWTs will be responsible for implementation of the subproject ESMP, EGEP, and/or RAPs including the day-to-day supervision of contractors through the Construction Supervision Consultant (CSC) and/or filed engineers.
24. The EDPD/PTRI will lead safeguard supervision and monitoring at the project level, including six month and annual monitoring and preparation of the six month and annual safeguard monitoring report to be submitted to WB for review.
25. ESU/DPWT will be responsible for carrying out monthly monitoring of contractors and implementation of other safeguard measures including preparation of safeguard monthly monitoring report to be submitted to EDPD/PTRI. The EDPD/PTRI will be responsible for providing safeguard training to DPWT staff, ensuring effective mainstreaming of safeguard requirements into the road development project cycle, and undertaking research

activities including updating the ESOM in close consultation with MoNRE and other agencies. The EDPD/PTRI, and ESU/DPWTs will be responsible for keeping proper documentations for possible review by the WB. More details of Roles and Responsibilities on Safeguards are described in *Annex B*.

26. Independent technical audit of the implementation performance of both environmental and social measures will be conducted by an independent consultant or as part of the safeguard monitoring effort by EDPD/PTRI in close coordination with PONRE/DONRE and when appropriate with technical assistance from the faculty of social science of the national university of Laos (NUOL-FSS)<sup>5</sup>. The audit will assess subproject compliance of the ESMF, specifically whether (i) the ESMF process, including RPF and EGPF (if relevant), is being correctly adhered to (ii) relevant mitigation measures have been identified and implemented effectively and (iii) the extent to which all stakeholder groups are involved in subproject implementation. The technical audit reports will be presented to the WB.

### 3.2 Safeguard Coordination Working Group (SCWG)

27. Given that road development will remain to be priority for the country development and that implementation of PPP modality in road sector is relatively new in Lao PDR, it is necessary to build capacity of MPWT, EDPD/PTRI and DoR to work closely with the provinces and key agencies of MoNRE (DNEP, NEIO, DCCM), DOF of MAF, and the Ministry of Planning and Investment (MPI) so that investment and safeguard activity could be coordinated timely and effectively. EDPD/PTRI will establish a SCWG on road works to facilitate effective coordination and cooperation among key agencies (at national and local levels) on environment and social safeguard for medium and large-scale road projects (road rehabilitation, improvement, and upgrading). The SCWG will also be responsible for overseeing the planning and implementation of the case studies as well as other capacity building activities aiming to ensure effective integration of safeguard measures into road development project cycles including those to be implemented by the private sector.

**Table 3-1 Key responsibilities for ESMF implementation**

Subproject cycle	EDPD/PTRI or DoR	DPWT(as subproject owner)
Program activity screening and selection; and safeguards screening	<p><i>EDPD/PTRI and DoR</i></p> <ul style="list-style-type: none"> <li>• Prepare an annual work plan for the subproject to be approved by MPWT.</li> </ul> <p><i>EDPD/PTRI:</i></p> <ul style="list-style-type: none"> <li>• Advice applicants and other stakeholders of environmental and social safeguard procedures.</li> <li>• Review and approve the concept note/idea and screening forms and advise applicants regarding the nature</li> </ul>	<ul style="list-style-type: none"> <li>• Screen subproject for eligibility against negative list provided in the ESMF.</li> <li>• For eligible subproject, screen subproject for key safeguard issues and actions, including screening for the presence of ethnic groups, as part of the annual work plan during the subproject selection stage. Results of the screening form will be attached to the proposed subprojects to be included in the annual work plan.</li> </ul>

<sup>5</sup> In July 2019, PTRI has signed a MOU with the NUOL-FSS to cooperate on social safeguard capacity building for MPWT projects under EDPD/PTRI responsibility.

Subproject cycle	EDPD/PTRI or DoR	DPWT(as subproject owner)
	and content of the safeguard documents and measures to be prepared.	<ul style="list-style-type: none"> <li>•</li> </ul>
Safeguard preparation	<i>EDPD/PTRI:</i> Advise DPWTs on safeguard issues, as needed, and provide required training and assistance	<ul style="list-style-type: none"> <li>• Undertake safeguard preparation actions as required, such as consultations with local communities and/or collection of data.</li> <li>• Design safeguard measures and prepare documents, such as an ESMP, EGEP, RAP, etc. as agreed with EDPD/PTRI. If applicable, disclose draft safeguard documents with the subproject proposal to affected communities prior to final review of proposal by the EDPD/PTRI.</li> </ul>
Safeguard review and approval	<p><i>EDPD/PTRI:</i></p> <ul style="list-style-type: none"> <li>• Review and approve all safeguard documents (ESMP, EGEP, RAP/ARAP) of subproject) for compliance with EMSF, RPF and EGPF.</li> <li>• Assess the adequacy and feasibility of the safeguard assessment and consultation process. If needed, request further steps.</li> <li>• Assess the adequacy and feasibility of the safeguard measures and documents. If needed, request appropriate changes to these and reassess prior to final approval.</li> <li>• If applicable, publicly disclose safeguard related information on the website after subproject approval.</li> <li>• For subprojects require IEE, review and comment on the IEE report prepared by the consultant before the final report is submitted to PONRE for review and approval.</li> </ul>	<ul style="list-style-type: none"> <li>• Submit subproject proposal with safeguard measures and documents as agreed. If requested by the EDPD/PTRI takes additional steps to meet ESMF and safeguard policy provisions. Re-submit proposal with revised safeguard measures and documents, as needed. All national and local legislation and regulations will be complied with.</li> <li>• Prepare an action plan as needed if the subproject is likely to have some impacts on PA and/or PFA.</li> <li>• For subprojects require IEE, DPWT assisted by qualified consultant will prepare an IEE report.</li> <li>• Disclose final safeguard documents, if any, to affected communities.</li> </ul>
Implementation	<p><i>EDPD/PTRI:</i></p> <ul style="list-style-type: none"> <li>• Supervise and review safeguard documents and issues during subproject implementation. If needed, request changes to safeguard measures.</li> </ul> <p><i>DoR:</i></p> <ul style="list-style-type: none"> <li>• Ensure that appropriate ECoP and CoC have been incorporated into the bidding and contract documents and</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure effective implementation of safeguard activities of the subproject.</li> <li>• Monitor and document the implementation of safeguard measures.</li> <li>• When the ethnic groups (equivalent to WB OP/BP4.10) are affected, include them in participatory monitoring and evaluation exercises.</li> </ul>

Subproject cycle	EDPD/PTRI or DoR	DPWT(as subproject owner)
	that the contractors are aware of this obligations and agreed that it is part of the subproject cost.	<ul style="list-style-type: none"> <li>• Conduct safeguard implementation completion review and prepare safeguard implementation completion reports.</li> </ul>
Monitoring and Evaluation	<p><i>EDPD/PTRI:</i></p> <ul style="list-style-type: none"> <li>• Ensure inclusion and review of environmental and social safeguard issues and outcomes in mid-term and final subproject evaluation and reporting, including concerning any lessons learned on the sustainability of each subproject.</li> <li>• Conduct review of the subproject safeguard implementation completion reports and confirm compliance of the agreed ESMF</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluate the implementation and outcomes of safeguard measures.</li> <li>• When the ethnic groups (equivalent to WB OP/BP4.11) are affected, include them in participatory evaluation exercises.</li> </ul>
An Independent Annual Technical Audit	<p><i>EDPD/PTRI:</i></p> <ul style="list-style-type: none"> <li>• Conduct an independent technical audit of the implementation performance of both environmental and social measures in close coordination with PONRE/DONRE. The technical audit report will be presented to the WB.</li> </ul>	

28. *External Monitoring.* An independent annual technical audit of the implementation performance of both environmental and social measures will be conducted by EDPD/PTRI in close coordination with PONRE/DONRE. Efforts will be made to invite representatives from local communities and mass organizations to participate in the process. The annual audit will assess subproject compliance with ESMF, specifically whether (i) the ESMF process, including RPF and EGPF (if relevant), is being correctly adhered to (ii) relevant mitigation measures have been identified and implemented effectively and (iii) the extent to which all stakeholder groups are involved in subproject implementation. The technical audit will also indicate whether any amendments are required in the ESMF approach to improve its effectiveness and ensure that the project investment ESMPs are developed/cleared and effectively implemented. The technical audit report will be presented to the WB.

29. *Safeguard clearance.* EDPD/PTRI will review and approve all the safeguard documents (provincial ESMP, Alignment Sheet, EGEP, ARAPs) of the subprojects and will also prepare an annual work plan for safeguard activities to be approved by MPWT. To be in line with WB safeguard policies, all the safeguard documents will be submitted to WB for prior review before implementation, particularly for involuntary resettlement. For subprojects require IEE, DPWT assisted by qualified consultant will prepare an IEE report

and conduct consultation as required by GoL. ESU/DPWT and EDPD/PTRI will review and comment on the IEE report prepared by the consultant before the final report is submitted to PONRE for review and approval.

30. Safeguard implementation, monitoring, and reporting: DPWTs responsible for execution of the road maintenance subprojects will be responsible for implementation and day-to-day supervision and monthly monitoring of ESMP, EGEP, RAPs and/or ARAPs. Periodic supervision, monitoring, and reporting (Bi-annually and annually) will be conducted by EDPD/PTRI in close cooperation with DoR and/or other agencies as needed. The WB will conduct safeguard supervision and monitoring during project implementation.

### 3.3 Safeguard Capacity Assessment

31. At central level: Among the key agencies involved in ESMF implementation, EDPD/PTRI is the only agency with enough safeguards capacity and staffing to oversee the implementation of safeguards instrument for the project. Given the restructuring of MPWT since 2016, roles and responsibility of MPWT agencies and DPWT have been modified over time and EDPD/PTRI is now the lead agency responsible for environment and social safeguard as well as prevention of natural disaster risk for MPWT. Currently, EDPD/PTRI has seven staff fully responsible for safeguards and natural disaster prevention related tasks. Of these seven staff, there are 3 senior members who are highly knowledgeable, experienced and committed to the implementation of the ESOM – they also have solid experience using WB safeguards instruments. During the implementation of on-going LRSP2, EDPD/PTRI provided training on the implementation of the ESMF to DPWTs and key divisions of DoR and started the process of engaging local authorities through the research actions in the 2 pilot provinces (BKK and ODX). Key conclusions are:

- The number of EDPD/PTRI staff is adequate to fulfil its current mandate but would need more resources for LRSP2 and LRSP2-AF as the EDPD/PTRI safeguards supervision roles is being increased to cover ADB road projects as well as the NR13N and the disaster reduction management (DRM) project and its AF being financed by WB. It is expected that capacity of EDPD/PTRI needs to be further strengthened to address increasing concerns on safety risks related to UXO and ESHS and contract management including other specific issues like cultural sites, World Heritages in Louang Phabang (LPB), roads within and nearby PA/PFA, urban wastes, and involvement of public sector in road/waterways works and natural disaster prevention.
- In terms of budget, the EDPD/PTRI lacks fund to effectively monitor all road and public work subprojects. Nonetheless, under LRSP2, EDPD/PTRI has received adequate budget to (a) conduct monthly monitoring of contractor safeguard compliance for ESU/DPWTs and local authorities/communities; (b) conduct training (on-the-job) and safeguard monitoring and reporting (six month and annual reports); (c) conduct research activities as identified in the LRSP2; and (d) acquire technical assistant from consultants (senior and juniors) to assist in the preparation and/or supervision of safeguard documents and facilitate the research activities.

- Active involvement of MPWT training center. However, under LRSP2-AF, it is necessary to ensure that DPWTs staff and MPWT managers have adequate knowledge on safety risk related to UXO clearance and contractor performance regarding ESHS and ECOP, CoC, etc. and contract management related to safeguard related issues, it is necessary for the MPWT Training Center team to develop two safeguard training curriculum (env and social) and provide training for MPWT and DPWT staff (one for key staff and one for managers). Training will also be provided to ensure that staff/managers understand the principles and process, and methodology while on-the-job training (by EDPD/PTRI) will also be necessary.
  - Cooperation between EDPD/PTRI and NUOL-FSS. In mid-June 2019, EDPD/PTRI signed an agreement (MOA) with the Faculty of Social Sciences of the National University of Laos (NUOL-FSS) to provide additional assistance on undertaking social assessment, consultation, and key capacity building related to social and environmental safeguards. If possible, this cooperation arrangement will be expanded to cover training of DPWT and environment and social safeguards for other WB-funded projects for roads, waterways, and other projects.
32. The DoR has limited number of staff responsible for environmental safeguards, but many staff were trained and have experience on safeguard planning and supervision. However, this should be sufficient as EDPD/PTRI will be the lead agency for LRSP2-AF ESMF implementations. Nevertheless, more DoR staff will be included in the safeguard capacity building programs to be conducted by the MPWT Training Center. On road safety, under LRSP2, while DoR is responsible for addressing the design and construction of works to mitigate the risk related to road safety, the Department of Transport (DOT) of MPWT is responsible for road safety planning and audit and some staff are being trained on this aspect. Under LRSP2-AF, road safety operations will be implemented at local level, especially during the planning and implementation of the NR13S.
33. At provincial level, site supervision done by DPWT mostly focuses on the technical aspect. The road engineers of DPWT office at district level takes are responsible for day-to-day site supervision for the road maintenance, but they have limited knowledge on the implementation of E&S. Under LRSP2, starting year 1 supervision (in mid-2019), all DPWTs has assigned one engineer for safeguards implementation (as ESU/DPWT). These staff begin to play an active role in preparation of safeguard measures for the year 2 subprojects, and received training on monitoring and reporting. The design and supervision consultant (SweRoad) was hired using NDF TA support to assist DPWTs in preparation of safeguard documents and supervision of contractor compliance. The scope of works of the design and supervision consultant also includes safeguards implementation and supervision aspects. With budget support from the project for implementation of ESMF, EDPD/PTRI provided training to the ESU/DPWTs and other key staff including contractor selected. To ensure that safeguard monitoring and supervision is systematically conducted by ESU/DPWT, EDPD/PTRI developed specific guidelines on roles and responsibility of key agencies/entities in monitoring including a set of templates for

monitoring and reporting and a standard procedures and form for accident reporting. Nonetheless, due to the limited budget and high staff turn-over rate both at DPWTs and DoR have caused some delay and reduced effectiveness of training, monitoring, reporting, and filing of safeguard documents.

34. For LRSP2-AF, more efforts will be made to ensure that road safety aspects will be addressed at local level while development of training curriculum and training-of-trainers (TOT) program will be developed through active participation of MPWT Training Center to strengthen staff capacity to address safety aspects (especially due to UXO, EHS, community safety, GRM reporting etc.). Efforts will be made to allocate adequate budget to EDPD/PTRI and DPWTs to ensure that PONREs and other related local authorities and local communities can actively participate in monitoring contractor performance, especially for BKK and KM for monitoring of the NR13S.

### **3.4 Training and capacity building**

35. In this context the following training and capacity building programs will be carried out during the implementation of the LRSP2-AF to strengthen safeguards capacity of the EDPD/PTRI, DoR, DPWTs and strengthen coordination among the MPWT agencies and relevant ministries.

36. *Safeguard training:* To facilitate effective understanding of provincial staff regarding the implementation and supervision of the ESMF, RPF, and EGPF including the preparation of subproject ESMP/Alignment Sheet, EGEP, and RAPs, EDPD/PTRI (in consultation with WB safeguard specialists) will conduct safeguard training to concerned staff of DoR and DPWT of the project province at least 1 time/year. Due attention will be given to ensure that the ESU/DPWT can conduct supervision and monitoring and reporting on a monthly basis. Effort will be made to engage local authority (PONRE/DONRE), local mass organization, and/or local community to assist in monitoring performance of the contractor especially in areas that are sensitive and likely to be affected by the subproject activities and workers. Under LRSP2-AF, based on results of the research activities in the two pilot provinces (BKK and ODX), EDPD/PTRI will also (a) review effectiveness of the screening and reporting forms to be applied during preparation, supervision, and monitoring, and reporting and modify them as needed and (b) develop a safeguard training courses and mainstream them into MPWT training program that can provide systematic training and application of safeguard requirements on road works. Given that the new EIA decree has been approved by GoL, it is expected that in late 2019, EDPD/PTRI will establish the Safeguard Coordination Working Group (SCWG) with MONRE agencies (DNEP, NEIO, and DCCM) and other agencies and the provinces to be responsible for updating ESOM and/or developing the sector guideline for ensuring effective implementation of EIA/IEE process for land/water transportation sector. By the end of the AF project, the ESOM will be updated and/or the sector guidelines will be completed and accepted by GoL agencies while safeguard training will be fully integrated into MPWT training program.

37. *Safeguard capacity building:* The following capacity building program will be carried out:

- For road maintenance, EDPD/PTRI will (a) prepare a clear process to integrate safeguard measures into all type of road maintenance either under the responsibility of DPWTs or other divisions of DoR (i.e. National roads, rural road regions, 1, 2, 3, 4) and (b) develop a specific guideline for road maintenance in PA, PFA, and other sensitive receptors. This will be made as part of ESOM update.
  - As the outputs of the research activities conducted in the two pilot provinces (BKX and ODX) and during the update of ESOM and/or development of the sector guideline, EDPD/PTRI in close consultation with MoNRE agencies and PONRE including development of specific guidelines for road works (road improvement, road upgrading, road rehabilitation, and new road) focusing on the following key areas (i) works in PA, PFA, and other sensitive receptors, (ii) development of good quality of construction material sources (quarries and borrow pits) as suggested by WB, (iii) community actions on road safety measures, (iv) RoW management including registration of encroachment activities, and (v) compensation procedures for road sector. In the process EDPD/PTRI will conduct case studies to carry out specific action research in close consultation with DPWT and key agencies. The Safeguard Coordination Working Group (SCWG) on road sector will be established to ensure effective coordination among agencies during the updated of ESOM and development of these technical guidelines.
  - In consultation with WB safeguard specialists, EDPD/PTRI will make more effort to engage local authority (PONRE/DONRE), local mass organization, and/or local community to assist in monitoring performance of the contractor especially in areas that are sensitive and likely to be affected by the subproject activities and workers. To enhance effectiveness of safeguard training and sustainability of monitoring efforts, MPWT training center in coordination with EDPD/PTRI will develop and implement the TOT on the application of safeguard for road works. Qualified national and/or regional consultant will be hired to establish and facilitate the implementation of the TOT program.
38. *Consultants:* It is expected that an international and a qualified national/regional consultant will be mobilized to assist EDPD/PTRI undertaking the capacity building activities including updating ESOM in close consultation with MoNRE agencies and the provinces. Design and supervision consultant and implementation support consultant will mobilize using NDF funding support to assist each project pilot province to implement and supervise subproject activities including ESMF implementation.
39. *Consultation and information disclosure.* Consultation on and disclosure of safeguard issues and mitigation measures are required during the preparation of the ESMP and EGEP and the activities will be conducted by ESU/DWPT in close consultation with EDPD/PTRI. The approved Alignment Sheet and monitoring results will be made available for public access through the responsible DWPT and the EDPD/PTRI websites.
40. *Specific Actions for TA Activities and Emergency Road Works.* To mitigate the potential negative impacts and/or enhancement of potential positive impacts of TAs to be implemented under Component 2, the following actions will be carried out:

- EDPD/PTRI will take the lead in safeguard training and ensuring that clear safeguard requirements for road maintenance will be integrated into the policy and planning process to be conducted under the activities 2.1, 2.2, and 2.3.
- EDPD/PTRI will take the lead to build capacity of MPWT and key agencies in managing the PPP project including establishing coordination and cooperation mechanism with key agencies of MoNRE that are responsible for ESIA/IEE, PA/PFA, and disaster management and climate change.
- EDPD/PTRI will also establish a SCWG to be responsible for revision of the ESOM including the development of specific guidelines for (i) mitigation measures for road works in PA/PFA and sensitive areas, (ii) community actions on road safety, (iii) development of good quality construction materials (quarries, borrow pits, etc.), (iv) development of compensation procedure for road sector, and (v) RoW management including registration of encroachment activities. The guidelines will be developed through cases studies and the results will be incorporated in the revised ESOM.

41. For emergency road works, EDPD/PTRI will prepare a section on safeguard requirement to be included in the emergency operation manual.

42. It will be necessary to undertake a capacity building program to ensure proper oversight and support for safeguards. Section “Training and Capacity Building” contains a summary of the proposed capacity building program.

### **3.5 Safeguard implementation experiences from the on-going LRSP2 and NR13N**

43. Implementation of environment and social (E&S) safeguard measures of the parent project and preparation of NR13N suggested that effective coordination and cooperation among key agencies within MPWT, between MPWT, MoNRE, and other sector ministries, and local agencies are critical for ensuring effective mainstreaming of E&S safeguard as well as integration of gender. Implementation of E&S safeguard through EDPD/PTRI appears effective, however, assistance from qualified national consultants will be necessary to help in the training and scaling up E&S efforts and research activities, especially during the planning, coordination, and reporting in English. Discussion on the possibility to integrate gender into the ESMF implementation by assigning 2-3 staff of the Lao Women Union (LWU) of MPWT team to work as part of the LRSP2 team is possible. Setting up a safeguard coordination working group (SCWG) could help strengthening institutional capacity to address E&S issues related to road and transport sector, especially in ensuring effective implementation of the new EIA decree and engaging local authorities and communities to improve road safety. Nonetheless, it is necessary to provide training and adequate budget for monitoring and reporting activities. Early engagement with PONRE and local authorities is also necessary to ensure timely approval of government before construction. Increase knowledge on UXO risks and management will also be necessary.

### 3.6 Safeguard Budget

44. Under the parent project, a budget \$0.97 million has been allocated for the implementation of ESMF while additional budget of \$0.3 million has been allocated for NR13S therefore the total ESMF budget for the AF is about \$1.27M (see Table 3.2). This budget will cover the monitoring and training cost, preparation of safeguard documents (ESMP, Alignment Sheet, EGEP, consultation, etc.) for the subprojects of the 7 project provinces and the research activities and updating of ESOM as planned under the parent project as well as those to be carried out for the proposed NR13S including a TA for TOT on safeguards for MPWT and DPWT staff. MPWT Training Center will be responsible for development of the training curriculum and TOT. If possible, with assistance from NUOL-FSS. EDPD/PTRI will submit safeguard monitoring report (6 month and annual report starting October 2019).
45. EDPD/PTRI and MPWT training center will also (a) facilitate training related to UXO risks and actions in cooperation with the responsible agency for UXO clearance (NRA), (b) initiate the mainstreaming of safeguard and gender integration into road maintenance investments, and (c) deepening the preparation of sector specific guidelines for road activities likely to be applied for all road works (an update ESOM) in close consultation with MONRE and MAF agencies. This is to ensure that the revised ESOM will be accepted as a national guideline for road sector.

Table 3-2 Estimated budget for ESMF implementation

No.	Activities	ESMF Original Cost US\$	ESMF-AF Cost US\$	Total
<b>(a) Supervision, monitoring, training on ESMF</b>				
1	EDPD/PTRI to provide training on supervision and monitoring of contractors including preparation of the safeguard monitoring report (monthly, quarterly) for the BKX and KM subprojects for 3 years (\$5,000/year)	100,000	15,000	115,000
2	EDPD/PTRI to conduct supervision and preparation of 6-month safeguard monitoring reports for the BKX and KM subprojects for 3 years (2 time/year) (\$5,000/year)	90,000	15,000	105,000
3	ESU/DPWTs of BKX and KM, PONREs, and local communities conduct supervision of contractor performance every month and submit monthly report for 3 years (\$15,000 for each province)	260,000	30,000	290,000
4	Consultation with local communities and EG in BKX and KM (preparation and implementation of ESMP and EGEP) including activities to management RoW and road safety (\$10,000 each)	60,000	20,000	80,000

No.	Activities	ESMF Original Cost US\$	ESMF-AF Cost US\$	Total
5	Preparation of safeguard documents as required by WB (ESMP/Alignment Sheet, ARAP, EGEP) and GoL (IEEs if needed) including cost for consultation and issuance of ECCs for each)	-	40,000	40,000
6	Monitoring and reporting by PONREs and local authorities during construction including activities for local communities to address road safety issues (\$10,000 each)	-	20,000	20,000
	<b>Subtotal (a)</b>	<b>510,000</b>	<b>140,000</b>	<b>650,000</b>
<b>(b) Research and specific training on environmental and social issues related to natural disaster (details to be identified during implementation)</b>				
1	Development of safeguard training curriculum for managers and technical staff (MPWT and DPWTs) including those related to UXO and provide training at least 2 times/yr for 4 years (\$15,000 for development and \$15,000 for training)	-	30,000	30,000
2	Mainstreaming gender into road maintenance and road safety at local levels in BKX and KM	-	30,000	30,000
3	Case studies and research activities including workshops to develop specific guidelines on the following key areas (i) works in PA, PFA, and other sensitive receptors, (ii) development of good quality of construction material sources (quarries and borrow pits) as suggested by WB, (iii) community actions on road safety measures, (iv) RoW management including registration of encroachment activities, and (v) compensation procedures for road sector.	220,000	-	220,000
4	Update ESOM to include guideline for road construction, upgrading, and rehabilitation in PA and PFA areas including workshops and field visits in coordination with MONRE agencies (DNEP, DOF, DCCM); Application of ESOM in the PPP process will be necessary.	130,000	-	130,000
5	The action research will be made by the agencies in cooperation with NUOL-FSS/FES (cost NUOL) may be paid by LENS2 project. An international consultant may be hired later to help during the update of ESOM and finalize documents (English first –translated to Laos)	30,000		30,000
6	Hiring of national consultant/s (part time) to assist EDPD/PTRI to mainstream gender and implement the research activities related to	65,000	60,000	125,000

No.	Activities	ESMF Original Cost US\$	ESMF-AF Cost US\$	Total
	gender integration into road maintenance in BKX and KM.			
7	Hiring of junior staff (2-3)	15,000	40,000	55,000
	<b>Subtotal (b)</b>	<b>460,000</b>	<b>160,000</b>	<b>620,000</b>
	<b>Total (a) and (b)</b>	<b>970,000</b>	<b>300,000</b>	<b>1,270,000</b>

## 4 APPLICATION OF SAFEGUARDS

### 4.1 Screening and Approval

46. *Annex D (Safeguard Screening)* contains details of the screening process. To ensure that the AF will not finance the activities/subprojects without adequate mitigation measures, the following activities will not be eligible for AF financing:

- Likely to create adverse impacts on ethnic groups within the village and/or in neighbouring villages or unacceptable to ethnic groups communities living in a village of mixed ethnic composition.
- Loss or damage to cultural property, including sites having archaeological (prehistoric), paleontological, historical, religious, cultural and unique natural values.
- Purchase of gasoline or diesel generators and pumps; guns; chain saws; large amount of pesticides, insecticides, herbicides and other dangerous chemicals; asbestos and other investments detrimental to the environment;
- Significant conversion or degradation of natural habitat or where the conservation and/or environmental gains do not clearly outweigh any potential losses.
- Construction of new roads and major road upgrading, improvement, and/or rehabilitation that is classified as EA category A according to OP/BP 4.01.

47. In line with ESOM, the proposed road maintenance subproject will follow the general project cycle comprising: (i) reconnaissance; (ii) planning; (iii) project preparation; (iv) road maintenance; (v) mitigation monitoring; and (vi) impact evaluation. Annex D contains a sample of forms that will be used on the project for screening.

48. For all road maintenance activities to be implemented under the project, the ESMF screening process comprises the following key steps (see Figure 1):

- **Step 1-Safeguard screening:** All the activities will be screened by the ESU/DPWT for key safeguard issues and actions as part of the annual work plan during the selection stage. Results of the screening form will be attached to the proposed subprojects to be included in the annual work plan. The screening form will be reviewed and endorsed by the DoR and/or the EDPD/PTRI.
- **Step 2: Preparation of safeguard documents:** If the subproject is selected, EDPD/PTRI will advise on the scope and nature of the safeguard documents to be

prepared by ESU/DPWT for the subproject as appropriate. All works related activities will be mitigated through the application of ECoP and CoC which will be included in bidding and contract documents and close supervision and monitoring. When the road maintenance subproject involves ethnic groups and/or minor land acquisition, the EGPF and/or the RPF will be applied and a RAP or ARAP and/or an EGEP will be prepared as needed. Specific measures for mitigation of potential negative impacts within and nearby protected area and/or protection forest areas (PA and PFA) as well as gender mainstreaming will be considered during the development of these safeguard documents. For subprojects requiring an Initial Environmental Examination (IEE) according to the Government regulation, DPWT will consult the Provincial Office of Natural Resources and Environment (PONRE) and prepare the IEE report as required.

- **Step 3: Safeguard documents approval and clearance.** The EDPD/PTRI will prepare an annual work plan for the subproject to be approved by MPWT. Before the subproject is approved for Project financing, the IEE/ESMP, EGEP, and/or RAPs/ARAPs of the subproject must be submitted and approved by EDPD/PTRI for compliance with ESMF, RPF and EGPF. All the safeguard documents and clearance will be properly kept in the subproject files for possible review by WB. If an IEE is required, an issuance of an Environmental Compliance Certificate (ECC) will be kept in the subproject file. All safeguard documents will be disclosed at MPWT website and DPWT offices of the Project provinces as appropriate.
- **Step 4: Implementation, monitoring, and reporting.** DPWT (as the subproject owner) and its consultants will be responsible for effective implementation of safeguard activities under LRSP2. Close consultation with local communities will be maintained throughout the project. DoR and EDPD/PTRI will also ensure that appropriate ECoP and CoC have been incorporated into the bidding and contract documents and periodically monitor the contractor performance. Independent technical audit of the implementation performance of both environmental and social measures will be conducted by EDPD/PTRI in close coordination with PONRE/DONRE. The audit will assess subproject compliance of the ESMF, specifically whether (i) the ESMF process, including RPF and EGPF (if relevant), is being correctly adhered to (ii) relevant mitigation measures have been identified and implemented effectively and (iii) the extent to which all stakeholder groups are involved in subproject implementation. The technical audit reports will be presented to the WB.

49. As noted earlier, the potential negative impacts of the proposed road maintenance is expected to be minor, localized, and temporary. In this context, the scope and content of the ESMP has been simplified using a set of safeguard screening forms including a list of ineligible activities/sub-project and a ESMP template and guidelines on the content and scope of ESMPs using the Alignment Sheet approach are set out in the ESMP. During the screening, due attention will be given to ensure the following:

- **Locations:** Special attention will be given to the roads located in or near PA, PFAs, and/or other sensitive receptors such as schools, hospitals, temples, and other historical/cultural sites.
- **Civil works.** The generic ECoP and CoC will be applied.
- **Land acquisition.** Land acquisition will be avoided or minimized to the greatest extent possible through exploring alternate project design. If necessary, small land acquisition will be made in line with the principles and procedures described in.
- **Ethnic Groups (EG):** If EG (i.e. Mon-Khmer, Hmong-Mien, Sino-Tibetan and Tai-upland ethno-linguistic groups, who are culturally distinct from the lowland Lao majority population) are present in the subproject area, a “*free, prior and informed consultation*” will be made to ensure broad community support.

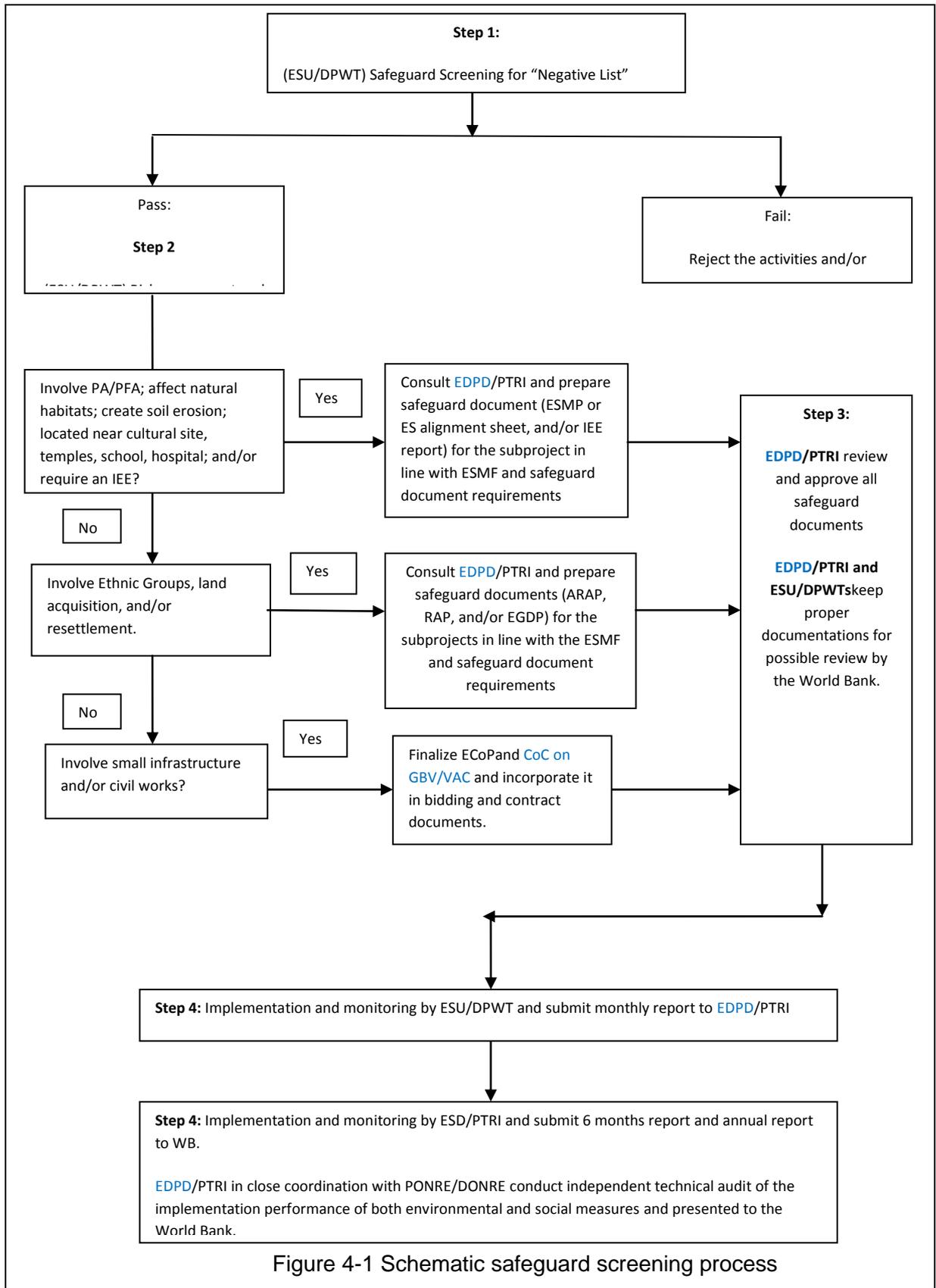


Figure 4-1 Schematic safeguard screening process

## 4.2 Land Acquisition

50. The project is planning on undertaking road maintenance on existing alignments within the current right of way. Land acquisition and resettlement is therefore not envisaged, but may arise in certain specific circumstances, for example to address a road safety issue.
51. In the event that land acquisition or resettlement is involved, an ARAP or a RAP will be prepared in accordance with the RPF. The RPF describes a process whereby communities are consulted on, and can meaningfully participate in, the planning and decision-making activities when land acquisition and/or relocation of assets will be necessary. Issues that are likely to be identified include the loss of land, assets, and/or income due to minor adjustment of road alignments to improve road safety and/or stability. In the subproject areas having ethnic groups, an EGEP (or IPP in WB context as required by OP/BP 4.10) will be prepared following the EGEF prepared for the AF.
52. The core principles are highlighted as follows:
- All communities will be approached in the spirit of honest and constructive collaboration, and clearly explained about the rationale for road safety, and of the subproject's purpose, activities, potential benefits and potential losses.
  - Where broad community support is not established based on "*free, prior and informed consultations*", such communities have the right to file a complaint on the Project. In order to minimize the risk that a broad community support is not established, all efforts will be made through active participation of local communities especially women and vulnerable groups.
  - All communities, regardless of their ethnic group or social status, will be engaged in an inclusive and culturally relevant manner on the basis of a free, prior and informed consultation aimed at establishing broad-based and sustainable community support for the subproject.
  - All communities will be informed by the responsible DPWT throughout the subproject implementation through appropriate means of information, education and communication. If needed, communication throughout the project cycle will use appropriate information, education, and communication materials to respond to issues of language and ethnicity, literacy/illiteracy, gender, and social vulnerability.
  - All communities will have the opportunity to participate in and benefit from the subproject as well as take on the responsibility to adhere to road safety rules and sustainable road maintenance.
  - Subprojects will give sufficient attention to encourage women to play an active role in the consultation process. During implementation, the women will be: (a) consulted and their concerns addressed; (b) given the opportunity to participate in community group meetings, focus group discussions, planning and implementation; and (c) represented equally in the Grievance and Redress Committees (GRCs).

### 4.3 Environmental Management

53. For small maintenance activities such as routine and periodic maintenance, the generic ECoP in *Annex F* and CoC in *Annex G* will be updated to reflect the specific activities and location.
54. For larger impact activities, such as rehabilitation, realignments, large scale climate resilience work:
- When government systems do not require an IEE, the ESMP guideline in *Annex E* will be used to prepare an Alignment Sheet while the bidding and contract documents will include an ECoP and CoC which reflects the specific activities and location of the works;
  - When an IEE is required, in addition to the above ESMP and ECoP and CoC, an IEE will be prepared according to the GoL guideline.

### 4.4 Ethnic Groups

55. In accordance with the screening procedure of this ESMF, for each location where investments are proposed, data will be collected to identify whether or not ethnic groups are present. If ethnic groups are found, the procedure outlined in the EGPF will be followed and the appropriate instrument (e.g. EGEP) will be prepared and implemented.

### 4.5 Technical Assistance Activities

56. There is a number of technical assistance (TA) to be implemented under Component 2. It is expected that these TAs will involve development of policy, plan, and procedures to facilitate effective implementation of the climate resilient road asset management. During the design and implementation of the TAs, the following principles will be applied, based on the Interim Guidelines on Application of Safeguard Policies to Technical Assistance (TA) Activities in Bank-Financed Projects and Trust Funds Administered by the Bank<sup>6</sup> (*Annex H*):
- The TAs will be designed to *integrate environmental and social objectives into the TA process*. This will be applied when the TA involves planning, capacity building, and institutionalized process which could provide a significant opportunity to integrate environmental and social objectives as an integral part of the planning and capacity building process. TA on E&S capacity building are described earlier in the *Safeguards Training and Capacity Building Section*,
  - Efforts will also be made to promote *transparency through stakeholder participation and public information disclosure during the planning process*. All the TORs for TAs under Component 2 will comply with the WB safeguard policies

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<sup>6</sup> The guideline will be applied to the following types of TA: *Type 1: Strengthening client capacity; Type 2: Assisting in formulation of policies, programs, plans, strategies or legal frameworks etc.; Type 3: Land use planning or natural resources management (NRM); Type 4: Preparing feasibility studies, technical designs or other activities directly in support of the preparation of a future investment project (whether or not funded by the Bank).*

triggered for the Project (OP/BP 4.01, OP/BP 4.04, OP/BP 4.36, OP/BP 4.10, OP/BP 4.11, and OP/BP 4.12) and submit to WB for review.

- *Gender mainstreaming:* To be in line with OP/BP 4.20<sup>7</sup> (gender mainstreaming) all the TAs will be designed to incorporate gender consideration during the design, and implementation of road development projects and the following key gender issues will be considered and addressed as appropriate: (i) the local circumstances that may affect the different participation of females and males in road project; (ii) the contribution that females and males each could make to achieving development objective of road projects; (iii) the ways in which road project might be disadvantageous to one gender relative to the other; and (iv) the project's proposed mechanisms for monitoring the different impacts of road project on females and males.

#### **4.6 Emergency Works**

57. To ensure that emergency works are conducted in accordance with good safeguard practices, the EDPD/PTRI will again review the Emergency Operation Manual considering the implementation experience of the activities being implemented under the parent project.

### **5 POTENTIAL PROJECT IMPACTS AND MITIGATION MEASURES**

58. The environmental and social effects and impacts of a road project differ markedly depending on the types and/scope of project works/activities and locations of the project. For maintenance of provincial and district roads it is likely that the potential negative impacts will be minor, localized, and temporary while construction of a new road and/or major widening/upgrading will create a wide range of adverse impacts on the local environment and communities.
59. The project environmental and social risk is considered “moderate” since all subproject activities will be limited to road maintenance on existing road in general. Below assess the safeguard risks of the proposed activities to be implemented under the AF Project.

#### **5.1 Impacts of Civil Works Activities**

60. The overall impacts will be positive in improving road accessibility, road safety, and well-being of local people. Spot improvement of critical sections aims to improve the roads climate resilience and may include elevating flood prone road sections, paving road sections with steep slope and sections passing through large communities, drainage improvement/construction, and slope improvement/stabilization. The subproject activities will be carried out on the existing carriageway, within the existing RoW and may involve minor re-alignments to improve road safety and strengthening road climate resilience.

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<sup>7</sup>WB also recognizes that gender issues are important dimensions of its poverty reduction, economic growth, human well-being and development effectiveness agenda and that gender issue is associated with disparities between men and women in access to resources, in economic opportunities, and in voice.

- Periodic maintenance would include re-gravelling and re-sealing of existing roads, and routine maintenance would include drainage cleaning, patching of potholes, clearing of roadside vegetation, light grading, etc. Potential negative impacts of these activities on local communities and local environment will be limited to road safety, temporary disruptions of local traffic, and limited impacts on air quality, noise, and vibration. These impacts will be short-term, localized, and can be mitigated through the application of specific requirements which will be included in the ESMP/Alignment Sheet and/or ECoP/CoC and close supervision of subproject owner (DPWT).
- Consultation with local authorities and people suggested that main concern is road safety and dust during construction and road safety during operation. To address these concerns the Project has been designed to provide the opportunity for road surfacing in village areas and (as part of ECoP and GBV/VAC) requires contractor to pay attention to mitigate these impacts and maintain close relations with local authorities during construction phase. As part of the ESMP measures will be undertaken to mitigate road safety aspects by local authorities and road users.

## **5.2 Impacts of Emergency Response Contingency**

61. As with the regular civil works, potential impacts will be positive especially in areas important for road transportation. Potential negative impacts will be mitigated through inclusion of safeguard requirement into the Emergency Response Operations Manual and training of DPWT staff and contractors. Post environmental audit will be made by EDPD/PTRI for all the emergencies activities.

## **5.3 Impacts of Institutional Strengthening**

62. These activities cover technical assistance, goods, training, and operating cost to enhance institutional sector capacities for planning, integration of climate change adaptation in sector strategies and plans, governance and internal controls, financial management, performance-based maintenance contracts, development of micro-enterprise for road maintenance, traffic safety awareness campaigns and training and capacity building on safeguards in the road sector.

63. These TAs will enhance MWPT capacity to work closely with other key agencies to address sector policy and strategy issues including integration of climate change adaptation, improving governance and internal controls, and strengthening environmental and social safeguards. These activities will have positive impacts on policy and planning, improved standards and specifications on road maintenance, and enhancing capacity of MPWT and DPWT on climate resilience, improve safety in selected urban sites with high incidence of traffic accidents and in selected provinces where road maintenance work is undertaken.

## **5.4 Validation of potential impacts**

64. Supervision of the ongoing subprojects of year 1 confirms that the negative impacts are localized and can be mitigated. For the proposed NR13S subproject, to confirm the

anticipated impacts, consultations were conducted with local communities located along the road section in Borikhamxay. The result of the consultations confirmed that land acquisition or resettlement will not be involved and there are a few ethnic group communities live along the NR13S alignment. However, there were some individual ethnic people observed as a family or married with members of majority community and they were interviewed during the consultation process. In such circumstance, an EGEP may not be required for individual IPs who are assimilated into the mainstream community. They may be covered by inclusive and meaningful consultation to ensure that their concerns and view are heard and reflected in the project design and safeguard instruments. An ESMP/Alignment Sheet would need to be prepared for each of the subproject identifying mitigation measures to be carried out during maintenance works. Discussion with the local authorities confirmed that according to the IEE regulation, preparation of an IEE report for these two subprojects would not be required. However, the ESMPs/Alignment Sheet would need to be submitted to PONREs for review. Consultation with the Lao Front for National Development (LFND)<sup>8</sup> confirmed that the proposed AF will create positive impacts on ethnic groups as well as other local population.

## 5.5 Safeguard actions

65. To mitigate the potential impacts of the proposed AF, the safeguard actions identified in Table 5.1 will be carried out. Paragraphs below however present the safeguard screening, clearance, and implementation, monitoring, and reporting process for road maintenance subprojects to be implemented under Component 1.

Table 5-1 ESMF Approach for Component activities under the Project (LRSP2-AF)

Components	Activities to be financed by the AF	Safeguards Actions	Timing for Preparation and Implementation	ESMF Reference Annexes
Component 1: Climate Resilient Road Maintenance	1.1: Periodic Maintenance and Spot Improvement 1.2: Routine Maintenance  1.4: Tropical Storm Son-Tinh Emergency Repair and Disaster Recovery	Apply ESMF, EGEF, and RPF during the preparation and implementation of the subproject specific ESMP, EGEP, and/or RAP/ ARAP.  Conduct safeguard training, monitoring, and reporting.	Subprojects ESMPs, EGEPs, RAPs/ ARAPs and EGEPs will be prepared by ESD/DPWT and cleared by EDPD/PTRI during implementation. An independent technical audit will be conducted by EDPD/PTRI in close coordination with PONRE/ DONRE to assess	Annexes D, E, F, G, H
	Sub-component 1.3: Design and			Annex I

<sup>8</sup> LFNC is responsible for all matter related to ethnic groups in Lao PDR

Components	Activities to be financed by the AF	Safeguards Actions	Timing for Preparation and Implementation	ESMF Reference Annexes
	<p>Supervision: (Total US\$4.65 million; of which IDA US\$ 4.65 million).</p> <p>Under original project NDF fund has been used for supervision of periodic and routine maintenance. This component will be revised to add IDA fund to support MPWT to design and supervise the improvement and maintenance of NR13 S through financing the consultancy for the supervision of road improvement works during the construction period, as well as the supervision of the initial post-construction maintenance and operation until project closure. As part of activities included under this Sub-component, the supervision consultant will develop quality assurance mechanisms, as well as provide on-the-job coaching and technical training for MPWT and DPWT on contract management and quality control related to the improvement and maintenance of NR13 S</p>		subproject compliance of the ESMF and presented to the World Bank.	
	Sub-component 1.5: Improvement and Maintenance of	Same as above	Same as above	Additional activity

Components	Activities to be financed by the AF	Safeguards Actions	Timing for Preparation and Implementation	ESMF Reference Annexes
	National Road 13 South:(Total US\$102.00 million; of which IDA US\$17.00 million; EIB US\$ 35 million; AIIB US\$30.00 million; and GoL US\$20.00 million) (New sub-component). As scale up of LRSP2 investment, the component will finance the improvement, enhanced climate resilience and maintenance of NR13S sections in BKX to KM (275 km).			
<p>Component 2: Institutional Strengthening.</p> <p>(TA/consultant, goods, training, and IOC) -To enhance institutional sector capacities for planning and analysis of MPWT.</p>	<p>2.1: Strategic Planning and Financing: This Sub-component will be revised to add more resources to support MPWT to further develop and roll out the strategic planning into provincial level.</p> <p>2.3: Climate Resilient Road Asset Management: This Sub-component will be revised to add more resource to further support MPWT in data collection and supervision of road works in provinces as well as NR13 S improvement and maintenance. This Sub-component will also add provision of boats to villages located in flood-prone</p>	<p>Revise ESOM in close consultation with the provinces and MONRE agencies by undertaking a number of cases studies on the following priority areas:</p> <p>(a) Integrate safeguard requirements into the policy and planning process for road development (public and private) for (i) road maintenance, (ii) road upgrade/rehabilitation, and (iii) new road.</p>	<p>During implementation.</p> <p>EDPD/PTRI will set up a safeguard coordination working group during the planning and implementation of the cases studies and revision of the ESOM to ensure that the revised ESOM will be acknowledge and recognized by PONRE and DNEP</p>	TBC

Components	Activities to be financed by the AF	Safeguards Actions	Timing for Preparation and Implementation	ESMF Reference Annexes
	areas for emergency usage during flooding.	(b) Develop specific guidelines for (i) mitigation measures for road works in PA/PFA and sensitive areas, (ii) community actions on road safety, (iii) development of good quality construction materials (quarries, borrow pits, etc.), (iv) development of compensation procedure for road sector, and (v) RoW management including registration of activities conducted within RoW, and (vi) capacity development of MPWT staff to adequately manage E&S aspects of the improvement of selected sections of national highway 13 North and South.		
	2.4 Sector Capacity Building: This Sub-component will be revised to add more resources to the carry out of a program of activities to (a) strengthen the operating, fiduciary and human resource systems of MPWT and provincial and district road authorities; (b) strengthen the capacity of MPWT and other relevant government agencies to assess and manage the technical, environmental and social aspects of OPBRC contract implementation; (c) enhance environmental and social monitoring.			
	2.2 Sector Governance: This Sub-component will be revised to add more resources to further support	None		TBC

Components	Activities to be financed by the AF	Safeguards Actions	Timing for Preparation and Implementation	ESMF Reference Annexes
	internal control and financial management of MPWT and roll out into provincial level.			
Component 3 Project Management	TA, goods, IOC, etc.	Incorporate ESMF implementation in project progress report.	During implementation	TBC
Component 4: Contingency Emergency Response	An Emergency Response Operations Manual will apply to this component, detailing financial management, procurement, safeguards and any other necessary implementation arrangements. [works]	Include safeguard measures in the Operation Manual and conduct post audit.  Conduct safeguard training	During implementation	TBC

## 6 MONITORING AND REPORTING

66. To ensure effective implementation of the ESMF requirements, the DPWT will put in place the following monitoring and reporting system which includes both internal monitoring and reporting and external monitoring and reporting.

67. At subproject level, ESU/DPWT staff, together with local authorities and local communities will be responsible for monitoring the implementation of mitigation measures as approved in the ESMP. Monitoring information together with other information collected from various stakeholders together with observations of project activities will be reported monthly to the DPWT using standard reporting forms 9. Monthly monitoring reports from ESU/DPWT will include:

- List of consultations held, including locations and dates, name of participants and occupations.
- Main points arising from consultations including any agreements reached.  
Performance on GRM implementation including record of grievance applications and status of grievance addressed and pending.
- Monitoring data on environmental and social measures detailed in ESMPs.

<sup>9</sup> The project will investigate the option of using ICT based reporting for safeguards compliance.

- Number of construction supervision reports that include assessment of contractor's compliance with safeguards in accordance with ECoP and CoC.
  - Number of trainings of community groups in environmental and social issues (if any).
68. EDPD/PTRI in coordination with DoR will prepare a consolidated six-month monitoring reports from the provinces for DoR which in addition to the above data will include:
- Number of national, regional, and/or provincial staff and counterparts trained on ESMF compliance.
  - Number of ESMPs prepared and number of ESMPs cleared by WB.
  - Number of technical recommendations provided during supervision and monitoring that have been implemented.
69. These reports will be filed to permit easy retrieval and indicators will be incorporated into the Project M&E system.
70. Table 7.1 presents the ESMF monitoring requirements covering at least the following aspects of the Project and subprojects:
- Budget and time frame of implementation.
  - Delivery of project activities (project inputs).
  - Project achievements in developing alternative natural resource use and livelihoods (project outputs and outcome).
  - Consultation, grievance and special Issues.
  - Monitoring of benefits from project activities.

Table 6-1 ESMF monitoring requirements

Objectives	Actions	Responsibility	Schedule
Ensure compliance with ESMF and ESMPs	Monitor the ESMPs preparation and implementation of subproject	EDPD/PTRI	Annually
Maintain an up to date ESMF	Review and update ESMF, and submit revisions to the World Bank for approval	EDPD/PTRI	Annually
Communication structures between Project and local agencies in place	Develop procedures and schedule for coordination and reporting	DPWT	Prior to implementation
Meet reporting requirements	Prepare monthly report	DPWT	For the subprojects
	Prepare six-month report	EDPD/PTRI and DoR	For the 7 Project provinces
	Prepare annual report	EDPD/PTRI and DoR	For the 7 Project provinces
	Prepare ad-hoc reports	DPWT, DoR, or EDPD/PTRI	As required

## 7 GRIEVANCE REDRESS MECHANISM (GRM)

### 7.1 GRM Process for AF

71. A ‘Grievance Redress Mechanism’ (GRM) that helps record, assess, and resolve grievances and complaints during the implementation of a project in as efficient, effective, and transparent manner as possible is essential to the success of the project. A GRM will also inform the Government and donors of design and implementation changes that can be used to improve the systems, as well as helping to meet the ‘Citizen Engagement’ requirements of IDA financed projects<sup>10</sup>.
72. The GRM is based on key principles that will protect the rights and interest of project participants; ensure that their concerns are addressed in a prompt and timely manner, and that entitlements are provided in accordance with GoL and Bank environmental safeguard policies. The GRM will be clearly documented in the Project Operations Manual. The safeguards unit of DPWT (ESU/DPWT) will ensure that communities directly affected by the Project have a full understanding of the GRM and ways to access it especially on: (i) the concept of compensation for any involuntary acquisition of land and/or assets; and (ii) ensuring environmental and social mitigation measures in the ESMP’s are implemented as planned.
73. The GRM procedures to be followed for all subprojects have been translated into Lao language and/or local language as needed so that they are easily accessible to all stakeholders and made available by the DPWT. Information on the steps to be followed in handling grievances has been incorporated into the process of providing local communities with information about the proposed subprojects.
74. The AF will use the ‘Grievance and Complaints Logging System’ (GCLS) which has been used on multiple World Bank projects to help ensure that projects are implemented in accordance with appropriate environmental and social practices. The GCLS will be used to record grievances and complaints on a central database, and then to monitor the progress until eventual resolution. It will provide the necessary data to meet the 'grievance redress' indicators. Specifically, it reports on:
- Grievances registered related to delivery of project benefits that are addressed (%)
  - Grievances responded and/or resolved within the stipulated service standards (%)
  - Project-supported organization(s) publishing periodic reports on GRM and how issues were resolved [including resolution rates] (Yes/No)
  - The figure below shows the business flow process for the GCLS as part of the GRM.

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<sup>10</sup> See the November 2014 ‘Results Framework and M&E Guidance Note’ Annex C.

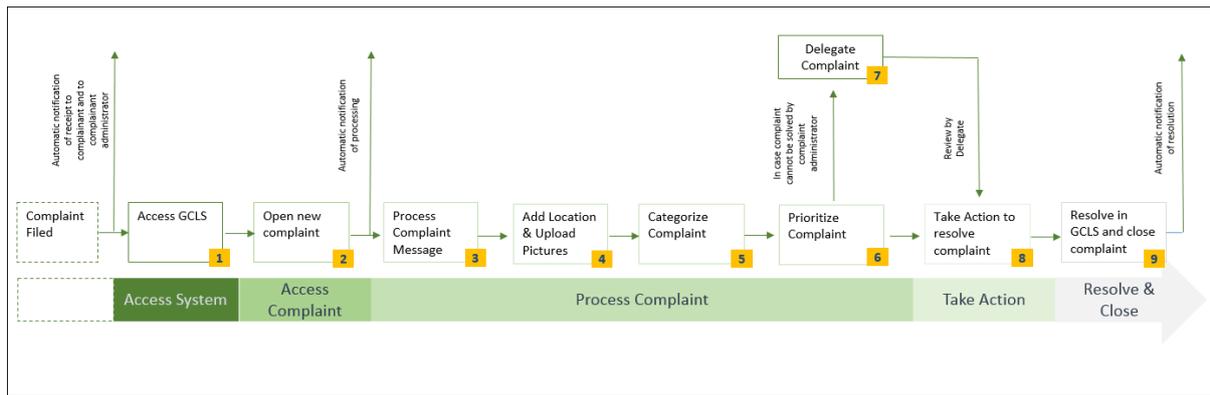
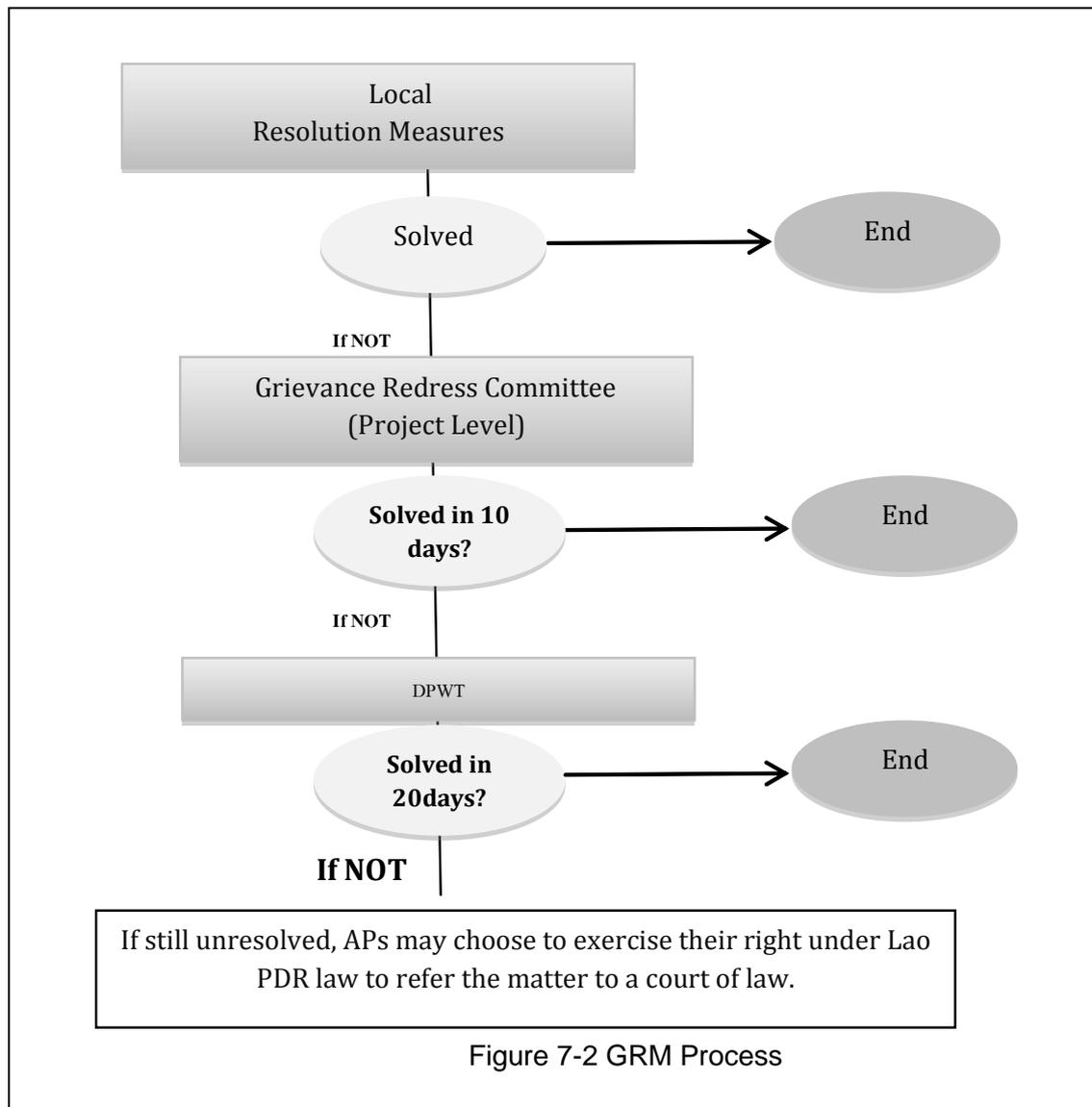


Figure 7-1 the business flow process for the GCLS as part of the GRM.

75. The GRM process will operate as follows:

- The EDPD/PTRI at the MPWT in Vientiane will host the GCLS.
- In each province, the Environment and Social Unit (ESU) under the DPWT—who are responsible for monitoring contractors—shall assemble records of all complaints, and supply them to the EDPD/PTRI either directly, or by entering into the GCLS.
- For each province, a ‘Grievance Redress Committee’ (GRC) will be established. The GRC will nominate a secretary who is responsible to monitor and facilitate resolution of complaints.
- The affected peoples (AP) (or his/her representative) may submit his/her complaint in a number of ways e.g. by written letter, phone, SMS messages and email to the GRC or, alternatively, raise his/her voice in a public or individual meeting with project staff.
- Grievances will be addressed at the village, district, province, and national level. A complainant also retains the right to bypass this procedure and can address a grievance directly to the EDPD/PTRI Office or the National and Provincial Assembly, as provided for by law in Lao PDR. At each level grievance details, discussions, and outcomes will be recorded in a grievance logbook, and the data provided to the GRC for recording in the GCLS. The status of grievances submitted, and grievance redress will be reported to DPWT management through the monthly reporting as generated by the GCLS.

76. The GRC will meet to try and resolve the matter at community level and make a recommendation within 7-10 working days from receipt of complaint. If there is no decision after 10 days, the AP can refer the complaint to the Director of DPWT in the province who will then address the complaint and respond to the complainant within 20 days.



77. All submitted complaints and grievances will be entered into the GCLS within two working days of being received by the ESU/DPWT. Each complaint and grievance will be ranked, analyzed and monitored according to type, accessibility and degree of priority. The status of grievances submitted, and grievance redress will be reported by ESU/DPWT. The GCLS web site will display data on resolution rates which will enable the communities to be kept informed of progress of resolution of grievances. Individuals will be notified within 5 working days of the status of their grievance once it has been addressed by the appropriate parties.

78. If not satisfied with the resolution, the APs may elevate the complaint to the EDPD/PTRI at the MPWT in Vientiane.

## 7.2 Grievance Redress Service (GRS)

79. Communities and individuals who believe that they are adversely affected by a WB supported project may submit complaints to this project-level grievance redress mechanism

or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaints to the WB's independent Inspection Panel which determines whether harms occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at anytime after concerns have been brought directly to the WB's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit [www.worldbank.org/grs](http://www.worldbank.org/grs). For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

## 8 CONSULTATION AND INFORMATION DISCLOSURE

### 8.1 Consultation

80. The consultation on the draft ESMF, RPF, and EGEF were conducted in BKX during 15-19 August 2019 and in KM during 20-21 August 2019. This is to inform the public, key agencies, and local civil society organizations about the objective and scope of the AF Project as well as the proposed mitigation measures to be incorporated into the ESMPs and the Alignment Sheets for the subprojects to be carried out along the NR13S. Information provided and discussed included project objective, description, and components, potential impacts (positive and negative), and the draft ESMF, RPF, and EGEF while the presentation was made in Lao language. Results suggest that most of the local agencies and local people located along NR13S in BKX and KM fully support the AF Project and consider that the proposed ESMF is appropriate and can be applied on the ground.
81. In BKX province, the AF passes through three districts namely Thapabath, Pakksan and Pakkading and 54 villages from 10-village groups were officially invited into the consultation meetings. There were 224 participants and 58 females. In KM province, the AF passes through two districts namely Thakhek and Hinboun and 37 villages from 8-village groups were officially invited into the consultation meetings. There were 118 participants and 30 females. The detail of the village group and number of participants are presented in Table 8-1.

Table 8-1 Number of Participants

No	District	Village group	Participated villages	Participants	Females
<b>BKX Province</b>			<b>54 villages</b>	<b>224</b>	<b>58</b>
1	Thapabad	Thapabad Phonsan	5 villages: Naxai, Xaixavang, Laoka, Nakaen and Pabadphonsun	23	10
		Paktuay	6 villages: Seesomxai, Namlo, Yoyhai, Nongkern, Parktuay and Vernthat	34	12
		Thabok	4 villages: Palai, Thabok, Phonsavanh and Samakkeexay	27	6

No	District	Village group	Participated villages	Participants	Females
2	Paksan	Ssenoudom	6 villages: Hangxing, Kuayoudom, Namngieb and Huaysied	21	6
		Urban 2	2 villages: Anousonxai and Phonxaineau	11	2
		Urban 1	6 villages: Symungkhoun, Syvilay, Myxay, Nachik, Sysaath and Phonsaath	14	2
		Phonxaithai	8 villages: Phonsavang, Phonengarm, Thana, Hardxaikhoon, Parkkadun, Kengsdok and Phonxaitai	29	5
3	Parkading	Thongnamee	4 villages: Nadeua, Nakeuanok, Namkhou and Thongnamee	19	4
		Pakkading	7 villages: Seansamlane, Paksa, PakkadingNeua, Donexay, Hadsaykham, Phonxay and Phonchalern	22	5
		Viengkham	6 villages: Namsang, Viengkham, Namthon, Khonsong, Na In and Nalieng	24	6
<b>KM Province</b>			<b>37 Villages</b>	<b>118</b>	<b>30</b>
4	Hinboun	Khamkeo	8 villages: Phonthong, Khamkeo, Sysomsuen, Phonsavang, Songhong, Khamkeo, Nonghoi, Vanghaopa	25	7
	Hinboun	NaPho and Hinboun	Napho, 3 villages: MaiNampakan, Nongbouanoy, Xaysomboun and Hinboun 1 village: Phokham	11	1
		Laukra and Paktuk	4 Paktuk villages: Phonsung, Huayhue, Danhy, Lurlung. 4 Laukra villages: Viengthong, Phonsay, Laukra, Phonsaart	31	8
5	Thakhek	Thakuang-NaNgeo	8 Jomthong villages: Phonkhoun, Nonsavang, NaNgeo, Nakok, Namdon, Phonsoung, Maiphonsy and NaYavay	21	6
		Jomthong and Nadon	7 Jomthong villages: Phonsytha, Syvilay, Phonsaart, Viengvilay, Suksavanh, Phonphim, Donmuang 2 Nadon villages: Nabuam, Nadon.	30	8
Total Two Provinces			91 villages	342	88

## 8.2 Positive impacts

82. During the consultation, all the participants agreed that having the road upgrading and expanding is their dream. They all support this project with many positive reasons such as the new and standard road will be a signature of modernity, which shows a good image of the community as well as the country, having larger road equals to having better transportation, possibly reduce the issues of road accident and better road safety conditions.
83. Some villagers pointed out that the upgrading road project will significantly contribute to social and economic development. One of frequent reasons mentioned is that both villagers and local traders will be able to deliver goods (agriculture and handicraft products) to the neighbor districts, in the province or even in the Vientiane capital. Apart from the discussion of commercial activities, opinions about visiting relatives in other places were also mentioned. A lady village group, in district said “with current road conditions, I rarely visit my relatives in other places because it takes time”. When we have good road, I can spend shorter time to visit other relatives/friends in other places, she added. Other villagers explained that local communities will have better and standardized road and this will contribute to not only having better and quicker transportation, which will reach destinations more quickly, but also having safety road conditions and this may help to reduce the number of road accident.

## 8.3 Potential risks and negative impacts

84. Common negative impacts discussed during the consultation meetings were: dust, rubbish, road accident and compensation/relocation issues as a result from road construction. In terms of the dust impact, the participants were aware that it is a common issue during road construction and many of the road construction projects did not have effective solutions to address this issue based on their experiences. The rubbish issues were also experienced by local communities. They explained that many of the road construction projects likely to leave their unused materials in local communities during and/or after the completion of the construction and those materials become rubbish in the communities. Additionally, many female participants claimed that apart from leaving unused materials, rubbish also come from workers during the construction. Sometimes construction workers do not manage their rubbish and throw it in public.
85. Regarding the road accident, based on experiences of the local communities, accidents were frequently happened during the road construction period because of inconvenient transportation. Villagers elaborated this point by arguing that many road construction projects were likely not paying attention to the road accident and the accident issue is like to happen as usual. Sometimes, there were no signal signs that road users need to be aware and be careful if there is construction in front or there are some holes on the road, some villagers added.
86. Regarding the noise and dust issues, the participants explained that sometimes the construction was happened during the days and nights so villagers’ free time or relax time were disturbed and taken. The villagers hope that the project will have some mitigation strategies to deal with these issues.
87. The compensation issue was popular topic. Concerns were related to the question whether or not those villagers having house/s, restaurants or/and other business activities next to the NR13S will be compensated when project happens and how will be implemented? For

example, land compensation, whether villagers will be compensated the same price as they bought or higher or lower? some villagers added. Some others further raised a concern of house broken during the construction because of heavy trucks and/or pressing road with heaving machines/trucks. This can be issue of compensation and how it will be compensated.

88. Despite the fact that all of the participants are aware that 25 meters of both side of the NR13S has been issued by the Lao government as conservative area since 1996, some villagers argued that many villagers established their house/s before the 1996 so they should be compensated with acceptable conditions. Villagers claimed that those who expanded their restaurants or houses close to road after the 1996, they should not claim for compensation. This view was supported by many participants.

#### **8.4 Proposed mitigation measures and actions**

89. All concerned issues were considered during the preparation of the ESMF, RPF and EGEF and they will be included during the subproject design, the ESMP/ECOP/CoC as relevant. Discussion with the representative of ethnic peoples and women's groups also confirmed their full support. A summary of the consultation minutes is on file. It has been agreed that during the preparation of specific subprojects to be proposed by the province and the preparation of the environmental management plan or other plans as required by the ESMF, additional consultations will be carried out in close consultation with the local authorities and people likely to benefit and/or be affected by the subproject.
90. Overall, both females and males shared similar mitigation measures. Regarding the dust and noise, regular spraying water during the construction is suggested in order to minimize the dust issue. In terms of compensation matters, the participants suggested that the project committees should come and closely consult with local authorities and affected households and agreement between parties should be made at the local level, villagers claimed. Both project and local communities should be able to reach an agreement of what and how both parties can contribute to the project development, participants added. Once an agreement is established, the parties must stick to it. Some other village interviewees claimed that livelihood restoration is also essential mitigation, particularly those affected families.
91. Mitigation measures were discussed. In terms of road accident, having signal signs/banners posted on the road with wordings saying 'there is constructing in 100 m or more, please reducing speed to 30 km/h) during the construction is needed. Some villagers using their old experiences to explain the fact that sometimes the signal signs were already existing but they were removed or destroyed by road users, so the project needs to pay more attention to check regularly in order to avoid or minimize the road accident issue. Stick on action plans and timeframe were further recommended. The participants claimed that it is important to stick on the schedule and villagers should be regularly informed if any changing occurred during the construction.
92. Looking at specific gender perception, the suggested mitigation measures by males are more related to creating a temporary road during the construction of the main road (if it is possible). Males also proposed to have signal signs close to the construction areas, specific posters with road conditions should be posted before and on the construction area. Additionally, signal lights or posters in curve areas and drainage ways are also suggested.

For females, frequent recommended mitigation is to create pedestrian in the school areas or even building a small bridge across the road.

93. An effective collaboration with different stakeholders (villagers/affected households, local and government authorities, project owners and donors) was strongly suggested by the discussion groups. The participants believe that the project owner is someone who has power to control budget plans and activities. Therefore, a project coordinator should be assigned to be the key contact person working along these diverse beneficiary actors.

## **8.5 Information disclosure**

94. The draft ESMF, RPF and EGEF were disclosed (in English) in the MPWT website on 12 August 2019 while a brief and reader friendly information leaflet was prepared in Lao language and distributed to PAHs/PAPs and other concerned stakeholders in hard copy before the consultation held during August 19-21, 2019. The information leaflet provides information on the project, potential impacts, mitigation measures, safeguard policy frameworks, implementation arrangements and GRM. After the consultation, the final draft ESMF, RPF and EGEF were re-disclosed in the country (in both local language and in English) on September 02, 2019 and they were re-disclosed again after clearance from the World Bank and before appraisal.