

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)**

Draft Environmental and Social Management Framework (ESMF)

Lao Road Sector Project 2 (LRSP-2)

Project No. (P158504)

Vientiane, July 21, 2016

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ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank	MoH	Ministry of Health
ARAP	Abbreviated Resettlement Action Plan	MoF	Ministry of Finance
ASEAN	Association of South East Asian Nations	MoNRE	Ministry of Natural Resources and Environment
AWPB	Annual Work Plan and Budget	MPI	Ministry of Public Investment
BKX	Bolikhamxay Province	MPWT	Ministry of Public Works and Transport
DDMCC	Department of Disaster Management and Climate Change	NBCA	National Biodiversity Conservation Areas
DESIA	Department of Environmental and Social Impact Assessment	NDF	Nordic Development Fund
DFRM	Department of Forest Resources Management	NGOs	None Government Organizations
DoR	Department of Roads	NPA	National Protected Areas
DONRE	District Office of Natural Resources and Environment	NPFA	National Protection Forest Area
DoT	Department of Transport	NR	National Road
DRC	District Resettlement Committee	NSEDP	National Socioeconomic Development Plan
DPI	Department of Planning and Investment	NTFP	None Timber Forest Products
DPWT	Provincial Department of Public Works and Transport	OP/BP	Operation Policy/Bank Procedure
EA	Environmental Assessment	OLFNC	District Office of Lao Front for National Construction
ECC	Environmental Compliance Certificate	OPWT	District Office of Public Works and Transport
ECoP	Environmental Code of Practice	OUX	Oudomxay Province
EIA	Environmental Impact Assessment	PBC	Performance-based contract
EIB	European Investment Bank	PCR	Physical Culture Resources
EG	Ethnic Groups	PONRE	Provincial Office of Natural Resources and Environment
EGPF	Ethnic Groups Policy Framework	PRC	Provincial Resettlement Committee
EGDP	Ethnic Groups Development Plan	PROMMS	Provincial Road Asset Management Systems
EHS	Environmental Health and Safety	PPP	Public-Private-Participation
EHSG	Environmental Health and Safety Guideline	PSL	Phongsali Province
ESD/PTRI I	Environmental and Social Division of PTRI	PTRI	Public Works and Transport Research Institute
ESMF	Environmental and Social Management Framework	RAP	Resettlement Action Plan
ESIA	Environment and Social Impact Assessment	RMF	Road Maintenance Fund
ESMP	Environmental and Social Management Plan	RMS	Road Management System
ESOM	Environmental and Social Operations Manual	RoW	Right of ways
ESU	Environmental and Social Unit	SBD	Standard Bidding Document
EU	European Union	RPF	Resettlement Policy Framework
EUR	Euro Rate	SA	Social Assessment
GFDRR	Global Facility for Disaster Reduction and Recovery	SCWG	Safeguard Coordination Work Group
GOL	Government of the Lao People's Democratic Republic	SMMP	Social Management and Monitoring Plan
GRC	Grievance Redress Committee	SIA	Social Impact Assessment
GRM	Grievance Redress Mechanism	SIDA	Swedish International Development Agency
GRMS	Grievance Redress Mechanism Services	SOP	Standard operating procedures
IDA	International Development Association (or the WB)	TA	Technical assistance
IEE	Initial Environmental Examination	ToR	Terms of Reference
IUCN	International Union for Conservation of Nature and Natural Resources	UNCBD	United Nations Convention on Biological Diversity
JBIC	Japan Bank for International Cooperation	VRC	Village Resettlement Committee
Km	Kilometers	WBVRC	World Bank Village Resettlement Committee

INDC	Intended Nationally Determined Contribution	WBGWB	World Bank GroupWorld Bank
LRSP-2	Lao Road Sector Project 2	XBLWBG	Xayabouly provinceWorld Bank Group
LFNC	Lao Front for National Construction	XKXBL	Xiengkhouang provinceXayabouly province
INDC		XK	Xiengkhouang province
LRSP	Lao Road Sector Project		
LWU	Lao Women Union		
MAF	Ministry of Agriculture and Forestry		
MCIT	Ministry of Cultural, Information and Tourism		
MEM	Minsitry of Energy and Mine		

INTRODUCTION

1. The proposed Lao Road Sector Project 2 (LRSP2) builds on the achievements of the Lao Road Sector Project (LRSP) and is being prepared to support the Government of Lao PDR (GoL) in the management of the Lao road network. The 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. The Project will undertake a programmatic approach towards physical investments, with the identification and prioritization of candidate projects based on technical and social criteria. The Project may have complementary funding for civil works provided by other donors such as the Nordic Development Fund (NDF)¹, the European Investment Bank (EIB) and the European Union (EU). 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. The Project will also undertake technical assistance activities—including strengthening the capacity of the Ministry of Public Works and Transport (MPWT) to prepare and implement public-private partnerships²—with a particular focus on addressing the climate change challenges that the road network is facing.

PDO: The Project Development Objective (PDO) is to strengthen maintenance systems to improve reliable road connectivity in Lao PDR and, in the event of an Eligible Crisis or Emergency, to provide immediate and effective response to said Eligible Crisis or Emergency.

2. The Project is envisaged to potentially be sector wide, with investments—particularly in routine maintenance—being expanded to all of the Lao PDR in the future. Annex C presents locations map and key features of Lao PDR and road network map. During the first phase, six provinces have been identified as candidates for piloting: Phongsaly (PSL), Oudomxay (ODX), Xayabouli (XBL) Houaphan (HP), Xiengkhouang (XK), and Bolikhamxay (BKX).

3. **Component 1: Climate Resilient Road Maintenance:** (US\$46.3 million including contingencies). This component will pilot test maintenance approaches and contracting modalities in six provinces to increase the overall climate resilience of the road network.

1.1: Climate Resilient Periodic Maintenance and Spot Improvements: Many existing roads—especially gravel—are in too poor a condition for routine maintenance to be effective. The project will undertake periodic maintenance and spot improvements to bring the condition up to a point where the roads will be maintainable going forward with routine maintenance.³ Where required, climate resilience interventions may include elevating flood prone road sections, paving road sections with steep slopes

¹ NDF has expressed interest in supporting TA on capacity building and development of tools necessary to address Climate resilience aspects of road network as well as some pilot testing of civil works to test solutions.

² In accordance with the “Interim Guidelines on the Application of Safeguard Policies to Technical Assistance (TA) Activities in Bank-Financed Projects and Trust Funds Administered by the Bank” the project has been classified as Category A for environment and safeguards since the PPP-related activities arising from this TA support may lead to major environment and/or social impacts downstream when these activities are implemented. The PPP road investment itself is outside the scope of the project. Also preparation of Feasibility Study (FS) and safeguards instruments that meet Category A requirements for the NR13 PPP project are already underway under the on-going Lao Road Sector Project (LRSP).

³ Many of these roads require heavy periodic maintenance to reconstruction, and the outcome would be an ‘excellent’ road. Since there is insufficient budget to achieve this across the network, the objective would be to improve the road to ‘fair’ and then undertake regular routine maintenance to keep the road in that condition.

and sections passing through large communities, drainage improvement or construction, and slope improvement and stabilization. Under this component road safety issues would be considered, such as improvements in road furniture.

1.2: Routine Maintenance: The project will implement routine maintenance contracts for national roads and introduce area wide contracts for provincial and district roads. The latter would entail grouping all maintainable non-national roads in an area, e.g., district or province, into one contract to undertake routine maintenance activities. The contract design, modalities, etc. will be confirmed at the onset of implementation, but it is envisaged that some form of performance based contracting would be carried out on a pilot basis. Activities will build on lessons from local experience with community-based road maintenance groups and micro-enterprises.

1.3: Design and supervision of civil works: The component will cover technical assistance and operating costs for design and supervision of investment activities, as well as quality assurance for maintenance and spot improvement works in the selected Provinces under 1.1 and 1.2.

4. **Component 2: Institutional Strengthening:** (US\$7.9 million including contingencies) to provide technical assistance, goods, training, and operating costs for:

2.1. Sector Strategic Planning: (a) provide high-level policy advice for updating and operationalizing the Sector Strategy to 2025 and Action Plan to 2020; and (b) develop the strategic planning framework for provinces, including assessment and optimization of the road sector financing and integration of climate change adaptation.

2.2. Climate Resilient Road Asset Management: (a) support MPWT to (i) develop its climate change action plan as described in the Intended Nationally Determined Contribution (INDC), (ii) participate in the cross-ministerial National Disaster Management Committee, and (iii) implement the INDC; (b) operationalize the hazard maps into practical vulnerability maps for planning of infrastructure maintenance or investments; (c) review current planning tools (including RMS, PROMMS) to (i) include risk-based planning by identifying sections vulnerable to extreme weather, and (ii) operationalize the ICT platform to include hazard risks and links to provincial levels; (d) support annual field surveys for data collection and inputs in RMS and PROMMS for risk-based planning; (e) review current design, standards and guidelines in cooperation with other development partners in the sector to incorporate climate resilience aspects; and (f) further develop standards of operation for emergency repair.

2.3. Sector Governance: (a) improve the ICT platform (IRAM) to (i) support procurement, management, monitoring, and information disclosure and e-archive, (ii) cover local roads, and (iii) support roll out of the ICT platform to DPWTs; (b) upgrade the RMF and DPWTs' accounting system and development of expenditure tracking tools; and (c) strengthen internal controls through: (i) the rolling out of the road sector technical audit guidelines to provincial level, (ii) the strengthening of technical capacities of provincial level internal control units, and (iii) supporting the inspection tasks in six pilot provinces.

2.4. Sector Capacity Building: (a) provide technical training for MPWT, DWT, and OPWT on climate resilient design, repair and maintenance, improved road asset

management systems and tools including data collection, PBC contract management, and PBC implementation training for contractors in collaboration with local institutions, regional twinning arrangements, and curricula development for tertiary education institutions in country; (b) provide technical assistance and training to MPWT, DPWT, OPWT and relevant government agencies for the future implementation of investment projects in the road sector through development of environmental and social safeguards management and monitoring capacities ; and (c) support the preparation of environmental social aspects of the improvement of selected sections of national highway 13 North and South, (d) update environmental documents including the Environmental and Social Operation Manual (ESOM).

2.5. Road traffic safety: Provide technical Assistance to the National Traffic Safety Council and Department of Transport (DoT), including update and implementation of the traffic safety action plan, and roll out of public awareness raising campaigns.

5. **Component 3: Project Management:** (US\$2.9 million including contingencies) to finance consulting services, goods, and IOC, for: (i) Project management and coordination for day-to-day implementation, and coordination among the implementing departments; (ii) Monitoring and Evaluation of activities including impact evaluation, and beneficiary satisfaction assessments; (iii) financial and technical audit; and (iv) procurement advisory support.
6. **Component 4: Contingency Emergency Response:** This ‘zero component’ (initially without any allocations of funding) will allow for the rapid reallocation of funds 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.
7. This Environmental and Social Management Framework (ESMF) is a high-level program document for the LRSP2. It meets the requirements of WB safeguards policies. The purpose of this ESMF is to identify the safeguard issues affecting the LRSP2 program, direct the formulation of more detailed, specific safeguard documents such as the Environmental and Social Management Plans (ESMPs), Abbreviated Resettlement Action Plans (ARAPs)/Resettlement Action Plans (RAPs), Ethnic Group Development Plans (EGDPs) etc., as appropriate for the specific civil work activities which are identified. The ESMF covers all aspects of the project including investments and technical assistance, including those related to provision of TA to prepare and implement road projects through PPP modalities.
8. These project level safeguard documents—irrespective of which donor they are developed for—are expected to be in compliance with this ESMF and provide the necessary detail to address the safeguard issues appropriate for each investment activity.
9. **Objective, scope, and methodology.** This ESMF was prepared in line with the WB safeguard policies taken into account the GoL related regulations including the MPWT Environmental and Social Operations Manual (ESOM) and the implementation experience on safeguard implementation 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.

10. The ESMF requires safeguard screening and categorization as well as preparation of an Environmental and Social Management Plan (ESMP), a Resettlement Action Plan (RAP) or abbreviated RAP (ARAP) if major land acquisition and/or involuntary resettlement is involved, and an Ethnic Groups Development Plan (EGDP) if ethnic group communities are present in the Project area⁴.

11. The ESMF was prepared by the professional staff of the Environment and Social Division of the Public Works and Transport Institute (ESD/PTRI). The preparation was made in close consultation with the safeguard officials from the DoR, the DPWTs of the six potential project pilot provinces. Key activities include reviewed of relevant documents and reports and meetings with key agencies of the Ministry of Natural Resources and Environment (MoNRE) responsible for national protected areas and protection forest (NPA and NPFA), natural disaster and climate change, and environmental and social impact assessment to identify key issues/concerns related to climate resilient as well as those related to implementation of road projects through PPP modalities. The ESD/PTRI and DoR in cooperation with DPWTs of the Project provinces conducted public consultations of (a) the TORs for the ESMF including EGPF and RPF in February-March 2016 and (b) the first draft ESMF during April 2016.

⁴ Safeguard screening for the two first potential subprojects in Bolikhamxay and Xayabouly suggested that these two subprojects will not involve any land acquisition and/or compensation and no ethnic groups communities are present in the subproject areas therefore preparation of ARAP and EGDP is not required.

RELEVANT NATIONAL POLICIES AND WORLD BANK SAFEGUARD POLICIES TRIGGERED AND INSTRUMENTS

12. **National Laws and Regulations Related to Safeguards:** 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 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, especially the Environment and Social Impact Assessment (ESIA) and an Initial Environmental Examination (IEE) regulations which are established in late 2013. A number of decrees, regulations, and guidelines have also been established and applied during 2000's. MoNRE is the lead ministry responsible for implementation of the EPL and its regulations and/or guidelines. Annex A contains a detailed summary of the laws and regulations relevant to the project.

13. **World Bank Safeguard Policies Triggered and Instruments:** The Project has been assigned Category "A" status due to the fact that under Component 2, the Project may provide technical support to build safeguard capacity of MPWT to effectively address road sector investments, including PPP projects, which may involve upgrading and rehabilitation of existing roads. The TA component would include environment and social safeguard related capacity development activities which would be up to the level required for Category A investment.

14. Table 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 1 List of WB safeguard policies triggered for the Project

	WB Safeguard Policies	Triggered?	Safeguard instruments
1	Environmental Assessment OP/BP 4.01	Yes	ESMP/ECOP
2	Natural Habitats OP/BP 4.04	Yes	ESMP/ECOP
3	Forests OP/BP 4.36	Yes	ESMP/ECOP
4	Pest Management OP/BP 4.09	No	-
5	Physical Cultural Resources OP/BP 4.11	Yes	ESMP/ECOP
6	Indigenous Peoples OP/BP 4.10	Yes	EGPF/EGDP
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	

15. Six WB safeguard polices triggered are as follows:

- *Environmental Assessment (EA) OP/BP 4.01:* The project will provide TA supports to strengthen the MPWT environment and social management and technical capacity to identify, prepare and implement road improvements using PPP modalities. This may lead to implementation of PPP project in the future that may have substantial environmental and social impacts downstream, when implemented. However, the project will not finance a Feasibility Study or any engineering assessment, or the safeguard preparation of prospective PPP project.

The preparation of safeguards instruments that meet Category A requirements for the potential NR13 PPP project is being prepared under the on-going Lao Road Sector Project (LRSP) to address downstream impacts if the potential PPP project is implemented.

The Project investment activities will not involve any major civil works (e.g. category A type) and/or generate any significant adverse impacts on the local environment and people and this will be ensured through the application of “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 right of ways (RoW). However, there is a possibility of minor re-alignments 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 annually during the project implementation. To mitigate social and environmental impacts, the Environmental and Social Management Framework (ESMF) including a generic Environmental Codes of Practice (ECoP) (*Annex F*) and an outline Environmental and Social Management Plan (ESMP), has been prepared to provide: (i) guidance for screening, identifying and addressing environmental and social impacts from the project activities; and (ii) guidance to ensure that TA activities, particularly PPP capacity building activities, are conducted in line with WB safeguards policies and up to level expected for Category A investment.

- *Natural Habitats (NR) (OP/BP 4.04)*: The Project 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 are 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 Project activities 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 Project 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. A “chance find” procedures will also be included in the contract specification.
- *Involuntary Resettlement OP/BP 4.12*: The Project will not involve physical relocation. The work will be conducted in existing roads and may involve minor realignments without expansion and affect trees and other roadside private assets, but no major loss of private assets including land would occur. The policy is triggered because the Project may involve minor land acquisition for road maintenance in some areas where road safety and/or road stability is necessary. A Resettlement Policy Framework (RPF) has been prepared describing policies and procedures to avoid, minimize or mitigate negative impacts that may result from the Project 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 as part of the road maintenance investment plan which will be prepared annually. WB approval of RAP and ARAP will be required.
- *Indigenous Peoples OP/BP 4.10*: Many Project 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 is generally positive, however, any negative impacts that may occur are addressed under the EGPF which has been prepared including scope of the EGDP. The need for preparation of EGDP 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 EGDP will be required.

16. The Project will not involve procurement and/or use of pesticides therefore Pest Management (OP/BP 4.09) is not triggered. The Project 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.

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

Environmental Safeguard Laws

17. A comparative analysis was conducted on the GOL's laws and regulations corresponding to the World Bank's safeguards on EA, NH, and PCR as per the Operational Principles of OP 4.00 for the LRSP. Many laws and regulations govern the utilization and management of natural resources and environmental safeguards have been updated and/or revised. However, many of the findings are still relevant for LRSP2. The key differences between WB safeguard policies requirements and Lao's PDR requirements relevant to LRSP2 are listed below.

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	Measures included in the ESMF and LRSP2 Design
<p>Environmental Assessment (OP 4.01)</p> <ul style="list-style-type: none"> - Provide for assessment of feasible investment, technical, and siting alternatives, including the “no action” alternative, potential impacts, feasibility of mitigating these impacts, their capital and recurrent costs, their suitability under local conditions, and their institutional, training and monitoring requirements associated with them. 	<p>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.</p>	<ul style="list-style-type: none"> - The EIA must assess the capacity of the project owner to implement and monitor the EMP. - There is no provision for the “no project” option. - No reference to institutional capacity development and training measures. - Use of independent advisory panels. 	<ul style="list-style-type: none"> - Capacity of the MPWT, DPWTs of six project pilot provinces to implement and monitor the EMP/ECOPs were assessed as part of the ESMF preparation. - Capacity development and training programs for MPWT, DPWTs, OPWTs are included in LRSP2 project design and ESMF mitigation measures. - Technical supports to build MPWT E&S capacity on PPP will be up to level required for Category A project.
<p>Natural Habitats (NR) (OP 4.04)</p> <ul style="list-style-type: none"> - Whenever feasible, give preference to siting projects on lands already converted. 	<p>EIA process provide 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. However, WREA and MPWT mentioned that these areas must be surveyed at planning stage and avoided as much as</p>	<ul style="list-style-type: none"> - Lack of clear reference to siting project on lands already converted. - 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. - There is no mention of 	<ul style="list-style-type: none"> - 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. - LRSP2 activities

	possible during the consideration of alternative options to the subproject.	“critical natural habitats” or prohibition on investing in projects that would degrade or convert them.	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.
Physical Cultural Resources (PCR) <i>OP 4.11</i> - Provide for the use of “chance find” procedures that include a preapproved management and conservation approach for materials that may be discovered during project implementation.	- 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 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.	- No significant gap. Reference to “chance finds” is formally lacking in applicable laws and regulations.	- 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.

Social Safeguards Laws

18. Promulgation of GoL’s compensation and resettlement Decree 192/PM represents a significant improvement in the rights of citizens when their livelihoods, possessions and society are affected by development projects. Both the compensation and resettlement decree and World Bank 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 192/PM (see Table 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 192/PM defines at 20% of

affected values. The second difference is on entitlement description for non-titled PAPs in which Decree 192/PM provides more specific details. Other differences include Decree 192/PM encourages PAPs for voluntary land donations while OP/BP 4.12 discourages land donation while different names are used for preparation of resettlement action plan when minor land acquisition is required. The project will follow World Bank OP 4.12 to bridge over these differences.

Differences between Relevant Lao and World Bank Social Safeguard Policies

Different Aspect	Government Decree 192/PM	WB OP/BP 4.12	Measures included in the ESMF and LRSP2 Design
Definition of severely affected PAPs	Those PAPs who are affected at value equal to or more than 20% of income generating assets (Article 6).	Those PAPs who are affected at value equal to or more than 10% of income generating assets (Article 8)	The project will use 10% for the definition of the severely affected PAPs and for preparation of future mitigation plans.
Entitlement of non-titled PAPs	PAPs living in rural or remote areas or PAPs in urban areas who do not have proof of land-use rights and who have no other land in other places will be compensated for loss of land-use rights at market replacement cost, in addition to compensation for their other assets and other assistance. Should PAPs be found to be non-titled and required to relocate, the development project will ensure they are provided market replacement land at no cost to the PAPs, or cash sufficient to purchase market replacement land.	Non-titled PAPs will be compensated for affected assets at market replacement cost and other assistance so that they are not made worse off due to the development project.	All project affected persons regardless of their status of title holding will be compensated for their affected assets at replacement cost in line with the World Bank OP.
Voluntary land donation	Implicitly and explicitly encourages voluntary donation of land (Article 11).	Discourages land donation	The project will accept the practice of genuine voluntary land donation. The project will adopt a set of criteria and a process to verify and ensure the genuine voluntary nature

			of such donations, and document fully the transaction process of such donations.
If small land acquisition is involved	Require preparation of a Land Acquisition and Compensation Report (LACR)	Require preparation of abbreviated RAP (ARAP)	The project will prepare land acquisition plan as required under World Bank OP. This plan will also serve as the LACR in line with Government Decree 192

19. **Safeguard Instruments:** To comply with the country regulatory requirements and the World Bank Safeguard Policies triggered by the project, the following instruments have been prepared:

- Environmental and Social Management Framework (this document), including a generic ECoP and also an outline Environmental and Social Management Plan (ESMP);
- Resettlement Policy Framework (RPF); and,
- Ethic Groups Policy Framework (EGPF).

20. In addition to the above safeguard documents, if required the project will prepare some specific guidelines to further mitigate environmental issues:

- **NPA, NPFA, 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 the national protected area (NPA) and/or the national protection forest areas (NPFA) and in priority areas considered to be highly sensitive to natural disaster. ESD/PTRI in consultation with key agencies of the Ministry of Natural Resources and Environment (MoNRE), especially the Department of Forest Resources Management (DFRM), the Department of Environmental and Social Impacts Assessment (DESIA), and the Department of Natural Disaster Management and Climate Change (DDMCC), will establish specific guidelines for road works within and nearby NPA and NPFA and apply them in the Project provinces as case studies so that the results could be clearly incorporated in the ESOM. Given the objective of the NPA and NPFA, due attention will be given to avoid development of new roads and/or limited widening of existing roads in the NPA, to limit the potential negative impacts and soil erosion in the NPFA, and to ensure that in high slope areas the slope is stable

and drainage is adequate potential land/slope collapse and/or 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 passability 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 passability 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, ESD/PTRI will prepare a specific guideline on safeguard and incorporate it into the Emergency Road Operation Manual. ESD/PTRI will conduct post review of safeguard measures as part of the annual review of safeguard measures for the Project.

21. ***ESOM implementation experience:*** An Environment and Social Operation Manual (ESOM) was developed for the Lao Road Sector Project (LRSP) and it has been implemented since 2009. 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 capacity of DPWT and the normal turnover of MPWT staff both at national and local levels. Discussion with MoNRE agencies suggested that a number of laws and regulations related to environmental and social safeguard are being revised and expected to be completed in 2016-2017. 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 project will update the ESOM.

PROJECT AND SAFEGUARD IMPLEMENTATION ARRANGEMENTS AND CAPACITY ASSESSMENT

22. **Implementation Arrangements:** The Project will be implemented using existing government structure. *Table 2* 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 comprise 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. PTRI will be tasked with overall supervision and monitoring of the environmental and social safeguards implementation.

23. 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. 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 ESD/PTRI, who will review and approve all the safeguard documents (ESMP, EGDP, RAPs) of the subprojects. All the documents will be kept in the project files for possible WB post review. For subprojects require IEE, DPWT assisted by qualified consultant will prepare an IEE report. ESU/DPWT will review and comment on the IEE report prepared by the consultant before the final report is submitted to PONRE for review and approval.

24. Subproject DPWTs will be responsible for implementation and day-to-day supervision of ESMP, EGDP, and/or RAPs.

25. The ESD/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.

26. 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 ESD/PTRI. The ESD/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 ESD/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*.

27. Independent technical audit of the implementation performance of both environmental and social measures will be conducted by ESD/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 World Bank as part of subproject completion package for disbursement under DLIs.

28. **Safeguard Coordination Working Groups (SCWG):** 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, ESD/PTRI and DoR to work closely with key agencies of MoNRE (DESIA, DFRM, DDMCC) and the Ministry of Planning and Investment (MPI) so that investment and safeguard activity could be coordinated timely and effectively. ESD/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 2: Key responsibilities for ESMF implementation

Key responsibilities for ESMF implementation

Subproject cycle	ESD/PTRI or DoR	DPWT(as subproject owner)
Program activity screening and selection; and safeguards screening	<p><i>ESD/PTRI and DOR</i></p> <ul style="list-style-type: none"> • Prepare an annual work plan for the subproject to be approved by MPWT. <p><i>ESD/PTRI:</i></p> <ul style="list-style-type: none"> • Advice applicants and other stakeholders of environmental and social safeguard procedures. • Review and approve the concept note/idea and screening forms and advise applicants regarding the nature and content of the safeguard documents and measures to be prepared. 	<p>Screen subproject for eligibility against negative list provided in the ESMF.</p> <p>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.</p>
Safeguard preparation	<p><i>ESD/PTRI:</i> Advise DPWTs on safeguard issues, as needed, and provide required training and assistance</p>	<p>Undertake safeguard preparation actions as required, such as consultations with local communities and/or collection of data.</p> <p>Design safeguard measures and prepare documents, such as an ESMP, EGDP, RAP, etc. as agreed with ESD/PTRI. If applicable, disclose draft safeguard documents with the subproject proposal to affected communities prior to final review of proposal by the ESD/PTRI.</p>
Safeguard review	<i>ESD/PTRI:</i>	Submit subproject proposal with safeguard

and approval	<ul style="list-style-type: none"> Review and approve all safeguard documents (ESMP, EGDP, RAP/ARAP) of subproject) for compliance with EMSF, RPF and EGPF. Assess the adequacy and feasibility of the safeguard assessment and consultation process. If needed, request further steps. Assess the adequacy and feasibility of the safeguard measures and documents. If needed, request appropriate changes to these and reassess prior to final approval. If applicable, publicly disclose safeguard related information on the website after subproject approval. 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. 	<p>measures and documents as agreed. If requested by the ESD/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.</p> <p>Prepare an action plan as needed if the subproject is likely to have some impacts on NPA and/or NPFA.</p> <p>For subprojects require IEE, DPWT assisted by qualified consultant will prepare an IEE report.</p> <p>Disclose final safeguard documents, if any, to affected communities.</p>
Implementation	<p><i>ESD/PTRI:</i></p> <ul style="list-style-type: none"> Supervise and review safeguard documents and issues during subproject implementation. If needed, request changes to safeguard measures. <p><i>DOR:</i></p> <ul style="list-style-type: none"> Ensure that appropriate ECoP has been incorporated into the bidding and contract documents and that the contractors are aware of this obligations and agreed that it is part of the subproject cost. 	<p>Ensure effective implementation of safeguard activities of the subproject.</p> <p>Monitor and document the implementation of safeguard measures.</p> <p>When the ethnic groups (equivalent to WB OP/BP4.10) are affected, include them in participatory monitoring and evaluation exercises.</p> <p>Conduct safeguard implementation completion review and prepare safeguard implementation completion reports.</p>
Monitoring and Evaluation	<p><i>ESD/PTRI:</i></p> <ul style="list-style-type: none"> 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. Conduct review of the subproject safeguard implementation completion reports and confirm compliance of the agreed ESMF 	<p>Evaluate the implementation and outcomes of safeguard measures.</p> <p>When the ethnic groups (equivalent to WB OP/BP4.11) are affected, include them in participatory evaluation exercises.</p>
An Independent Annual Technical Audit	<p><i>ESD/PTRI:</i></p> <ul style="list-style-type: none"> 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 World Bank as part of 	

	the DLI package for funding disbursement.	
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29. **External Monitoring:** An independent annual technical audit of the implementation performance of both environmental and social measures will be conducted by ESD/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 World Bank as part of subproject completion package for disbursement under DLIs.

30. **Safeguard clearance:** Given a small nature of road maintenance works and limited impacts, it is proposed that ESD/PTRI will review and approve all the safeguard documents (ESMP, EGDP, RAPs) of the subprojects. ESD/PTRI will prepare an annual work plan to be approved by MPWT. All the documents will be kept in the project files for possible WB post review. For subprojects require IEE, DPWT assisted by qualified consultant will prepare an IEE report. ESU/DPWT and ESD/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.

31. **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, EGDP, and/or RAPs. Periodic supervision, monitoring, and reporting (Bi-annually and annually) will be conducted by ESD/PTRI in close cooperation with DoR and/or other agencies as needed. The WB will conduct safeguard supervision, monitoring, and post review.

Safeguard capacity assessment:

32. **At central level:** Among the key agencies involved in ESMF implementation, ESD/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 2012, roles and responsibility of MPWT agencies and DPWT have been modified over time and ESD/PTRI is the lead agency responsible for environment and social safeguard for MPWT. Currently, ESD/PTRI has seven staff fully responsible for safeguards related tasks. These seven staff members 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 LRSP, ESD/PTRI provided training on the application of ESOM to DPWTs and key divisions of DoR, and started the process of updating the ESOM. The number of ESD/PTRI staff is adequate to fulfil the current mandate but would need more resources for LRSP2 as the PTRI safeguards supervision roles will be increased. Capacity needs to be further strengthened to prepare safeguards instruments and supervise more complex works i.e. preparation and implementation of future Public-Private Partnership (PPP) projects. In terms of budget, the ESD/PTRI has insufficient budget to

effectively monitor all subprojects. Nonetheless, under LRSP ESD/PTRI conducted safeguard monitoring and reporting, and six month and annual reports are available.

33. The DoR has three staff responsible for environmental safeguards but only one staff has experience on safeguard. However, this should be sufficient as ESD/PTRI will be the lead agency for LRSP2 ESMF implementations. Nevertheless, DoR three staff will be included in the project capacity building programs.

34. *At provincial level*, the capacity assessment of the six project pilot provinces indicates that all have a certain level of capacity. During the implementation of on-going LRSP, ESD/PTRI provided training on the application of ESOM to DPWTs. In each about 3-7 staff were trained on ESOM, and/or were responsible for its implementation. However, only some DPWTs had assigned engineers for ESOM supervision and monitoring. Three out of six project pilot provinces had not assigned staff for ESOM/safeguards. E&S monitoring and supervision is not systematically conducted due to the lack of budget, turnover of staff and/or lack of clear responsible person/unit. Site supervision done by DPWT is mostly focus on the technical aspect. The road engineer of DPWT office at district level takes responsible for day to day site supervision for the road maintenance, but they have limited knowledge on the implementation of E&S, so mainly they focused on technical works.

35. For LRSP2, each DPWT in the project provinces will establish the Environmental and Social Unit (ESU) for the road sector. One engineer will be assigned for safeguards implementation. A design and supervision consultant will be hired using NDF TA support to assist DPWTs. The scope of works of the design and supervision consultant will include safeguards implementation and supervision aspects. LRSP2 will include safeguard trainings to concerned staff of PTRI, DoR and DPWTs to ensure effective implementation of safeguards measures.

Training and Capacity building

36. In this context the following training and capacity building programs will be carried out during the implementation of the Project to strengthen safeguards capacity of the ESD/PTRI, DOR, and DPWTs and strengthen coordination among the MPWT agencies and relevant ministries.

37. ***Safeguard training:*** To facilitate effective understanding of provincial staff regarding the implementation and supervision of the ESMF, RPF, and EGPF including the preparation of ESMP, EGDP, and RAPs, ESD/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. ESD/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. *It is expected that by the end of the Project the ESOM will be updated and accepted by GoL agencies while safeguard training will be fully integrated into MPWT training program.*

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

- For road maintenance, ESD/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.
- After the revised Decree 192 has been approved, ESD/PTRI will revise the ESOM 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 ESD/PTRI will conduct case studies to carry out specific action research in close consultation with DPWT and key agencies. A 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, ESD/PTRI will conduct safeguard training to concerned staff of DoR and DPWT of the Project province at least 1 time/year to ensure effective implementation of safeguard measures. 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. To enhance effectiveness of safeguard training and sustainability of monitoring efforts, ESD/PTRI will develop and implement a Training-of-Trainer (TOT) for facilitating systematic training and application of safeguard on road works. Qualified national and/or regional consultant will be hired to establish and implement the TOT program.

39. **Consultant:** It is expected that an international and a qualified national/regional consultant will be mobilized to assist ESD/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 mobilized using NDF funding support to assist each project pilot province to implement and supervise subproject activities including ESMF implementation.

40. **Safeguard budget:** A budget of \$200,000 will be allocated for safeguard monitoring and reporting on the implementation of the subproject ESMP/EGDP process for 3 years. All monthly reports, six month reports, and annual reports will be submitted to WB for information. In addition, a budget of about \$400,000 will be allocated for technical assistance and technical training courses related to biodiversity conservation, environmental quality management, and/or environment and social safeguards will be conducted and research activities to be conducted by ESU/PTRI will also be provided for the preparation of sector specific guidelines for road activities likely to be applied for all road works (an update

ESOM) in close consultation with DESIA, DFRM, DDMCC. This is to ensure that the revised ESOM will be accepted as a national guideline for road sector.

No.	Activities	Cost US\$
	(a) Supervision, monitoring, training on ESMF	
1	ESD/PTRI to provide training and annual monitoring including preparation of annual safeguard monitoring report to the six Project DPWTs for 3 years (\$10,000/year)	30,000
2	ESD/PTRI to conduct supervision and preparation of 6-month safeguard monitoring reports for the six Project provinces for 3 years (2 time/year) (\$10,000/year)	30,000
3	ESU/DPWTs of the Project provinces and local communities conduct supervision of contractor performance every month and submit monthly report for 3 years (\$120,000 for 6 provinces)	120,000
4	Consultation with EG in the six Project provinces (preparation of ESMP and EGDP)	20,000
	Subtotal (a)	200,000
	(b) Research and specific training on environmental and social issues related to natural disaster (details to be identified during implementation)	
1	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.	180,000
2	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 (DESIA, DFRM, DDMCC); Application of ESOM in the PPP process will be necessary.	130,000
3	Hiring of national consultant/s (part time) to assist ESD/PTRI to implement the research activities and the update of ESOM mentioned in 1 and 2 above.	60,000
4	Hiring of an international consultant to provide guidance on the research activities and the update of ESOM mentioned in 1 and 2 above.	30,000
	Subtotal (b)	400,000
	Total (a) and (b)	600,000

41. **Consultation and information disclosure:** Consultation on and disclosure of safeguard issues and mitigation measures are required during the preparation of the ESMP and EGDP and the activities will be conducted by ESU/DWPT in close consultation with ESD/PTRI. The approved Alignment Sheet and monitoring results will be made available for public access through the responsible DWPT and the ESD/PTRI websites.

42. **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:

- ESD/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.
- ESD/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.

- ESD/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.

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

44. 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.

APPLICATION OF SAFEGUARDS

Screening and Approval

45. *Annex D* contains details of the screening process.

46. To ensure that the Project will not finance the activities/subprojects without adequate mitigation measures, the following activities will not be eligible for Project financing:

- Likely to create adverse impacts on ethnic groups within the village and/or in neighboring villages or unacceptable to ethnic groups communities living in a village of mixed ethnic composition.
- Loss or damage to cultural property, including sites having archeological (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 ESD/PTRI.
- *Step 2: Preparation of safeguard documents:* If the subproject is selected, ESD/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 Environmental Code of Practice (ECOP) which will be include 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 EGDP 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.

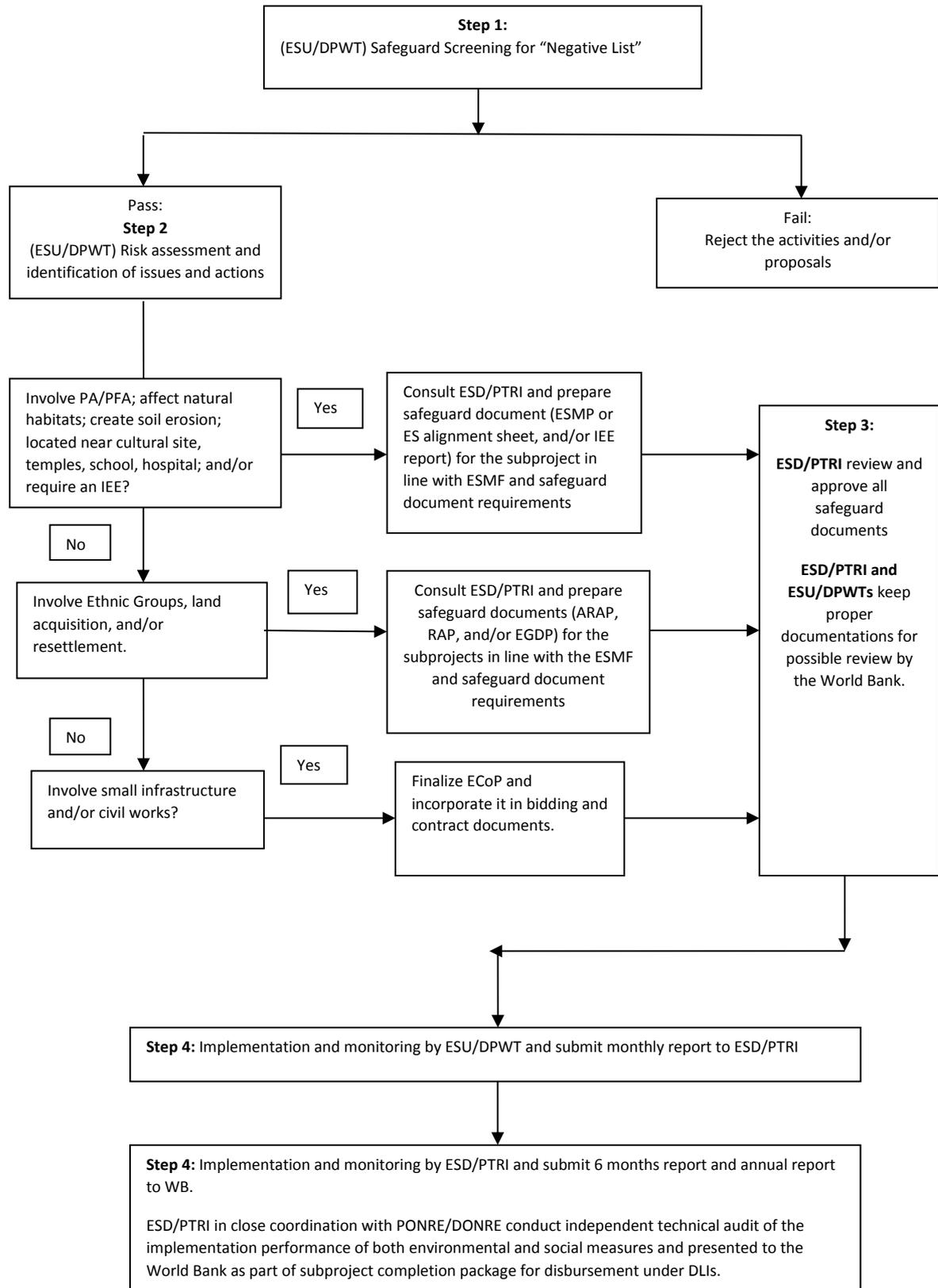
- *Step 3: Safeguard documents approval and clearance:* The ESD/PTRI will prepare an annual work plan for the subproject to be approved by MPWT. Before the subproject is approved for Project financing, the IEE/ESMP, EGDP, and/or RAPs/ARAPs of the subproject must be submitted and approved by ESD/PTRI for compliance with EMSF, 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 especially at DoR, PTRI, 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 ESD/PTRI will also ensure that appropriate ECoP has 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 ESD/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 World Bank as part of subproject completion package for disbursement under DLIs.

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/subproject 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 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 1: Schematic safeguard screening process



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 EGDP (or IPP in WB context as required by OP/BP 4.10) will be prepared following the EGPF prepared for the Project.

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).

Environmental Management

53. For small maintenance activities such as routine and periodic maintenance, the generic ECoP in *Annex F* shall 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* shall be used to prepare an ESMP, which includes an ECoP which reflects the specific activities and location of the works;
- When an IEE is required, in addition to the above ESMP and ECoP, an IEE shall be prepared according to the government guideline.

Ethnic Groups

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

Technical Assistance Activities

56. There is a number of TAs 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 as well as effective implementation of PPP projects. 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 Bank⁵ (*Annex G*):

- 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 especially those related to PPP will comply with the WB safeguard policies 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.

⁵ 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).*

- *Gender mainstreaming:* To be in line with OP/BP4.20⁶ (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.

Emergency Works

57. To ensure that emergency works are conducted in accordance with good safeguard practices, the ESD/PTRI will ensure that the emergency operation manual will specifically include how to address safeguard issues.

⁶ 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.

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 “substantial” as Component 2 of the project will provide TA support to develop capacity of the MPWT. This will include activities aimed at implementing potential future PPP (Category A) projects. These TA activities may lead to implementation of PPP project in the future that have high environmental and social impacts downstream, when this is implemented. Safeguard instruments for addressing potential NR 13 PPP subprojects is being prepared under the ongoing LRSP outside scope of this project. Below assess the safeguard risks of the proposed activities to be implemented under the Project.

- ***Impacts of Civil Works Activities:*** 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.

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 and/or ECoP 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) 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.

- ***Impacts of Emergency Response Contingency:*** 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 ESD/PTRI for all the emergencies activities.

- **Impacts of Institutional Strengthening:** 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 for the use of PPP in the road sector.

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. Although TA support for PPPs in the road sector may generate downstream environmental and social impacts when the PPP projects are implemented in the future, the project supported TA and capacity building for use of PPP in the road sector will enhance MPWT's capacity to implement investment through PPP process and facilitate close coordination and cooperation among key agencies (MoNRE, MPI, and MoF) and strengthen environmental and social safeguards capacity. Also safeguard instruments for addressing potential NR 13 PPP subprojects is being prepared under the on-going LRSP outside scope of this project.

60. **Validation of potential impacts:** To confirm the anticipated impacts, consultations were conducted along two candidate subprojects identified in Bolikhamxay and Xayabouly. This work confirmed that land acquisition or resettlement will not be involved and there is no ethnic group communities live along the subproject alignments. However there were some individual ethnic people live as a family member of local community and they were interviewed during the consultation process. In this context, WB agreed with ESD/PTRI proposal that such a situation would not call for the preparation of an EGDP or an ARAP. An ESMP 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 would need be submitted to PONREs for review. Consultation with LFNC confirmed that the proposed Project will create positive impacts on ethnic groups as well as other local population.

61. **Safeguard actions:** To mitigate the potential impacts of the proposed Project, 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 (LRSP-II)

Components	Activities to be financed by the Project	Safeguards Actions	Timing for Preparation and Implementation	ESMF Reference Annexes
Component 1: Climate Resilient Road Maintenance	<p><i>1.1. Road maintenance;</i> <i>1.2. Periodic Maintenance and Spot Improvements;</i> <i>and</i> <i>1.3. Design and Supervision of works</i> [consultant and operating cost (IOC)]</p> <p>(provincial and district road networks in the 6 selected provinces)</p>	<ul style="list-style-type: none"> Apply ESMF, EGPF, and RPF during the preparation and implementation of the subproject specific ESMP, EGDP, and/or RAP/ARAP. Conduct safeguard training, monitoring, and reporting. 	<p>Subprojects ESMPs, EGDPs, RAPs/ ARAPs and EGDPs will be prepared by ESD/DPWT and cleared by ESD/PTRI during implementation.</p> <p>An independent technical audit will be conducted by ESD/PTRI in close coordination with PONRE/DONRE to assess subproject compliance of the ESMF and presented to the World Bank as part of subproject completion package for disbursement under DLIs.</p>	TBC
Component 2: Institutional Strengthening. (TA/consultant, goods, training, and IOC) -To enhance	<p><i>2.1 Sector Strategic Planning</i></p> <p>Support MPWT for high-level policy advice for the operationalization of the Sector Strategy to 2025 and Action Plan to 2020,</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</p>	<p>During implementation.</p> <p>ESD/PTRI will set up a safeguard coordination working group during the planning and</p>	TBC

institutional sector capacities for planning and analysis of MPWT.	<p>2.2 Climate Resilient Road Asset Management</p> <p>To (i) further develop necessary systems and tools for planning, prioritization, budgeting, implementation and monitoring for road asset management, (ii) strengthening capacity of MPWT, DPWTs and contractors on environmental and social management, quality control and contract management, climate resilience, and traffic safety.</p>	<p>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>(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.</p>	<p>implementation of the cases studies and revision of the ESOM to ensure that the revised ESOM will be acknowledge and recognized by PONRE and DESIA</p>	
	<p>2.4 Sector Capacity Building. To continue developing the institutional capacity of MPWT to better prepare the sector for the future implementation of future projects in road sector.</p>			
	<p>2.3 Sector Governance Strengthen MPWT's internal control and financial management systems</p>	None		TBC
Component 3 Project Management	TA, goods, IOC, etc.	<ul style="list-style-type: none"> 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]	<ul style="list-style-type: none"> Include safeguard measures in the Operation Manual and conduct post audit. Conduct safeguard training 	During implementation	TBC

MONITORING AND REPORTING

62. 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.

63. **Internal monitoring and reporting:** 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 forms⁷. 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.
- A record of grievance applications and grievance redress dealt with.
- Monitoring data on environmental and social measures detailed in ESMPs.
- Number of construction supervision reports that include assessment of contractor's compliance with safeguards in accordance with ECoP.
- Number of trainings of community groups in environmental and social issues (if any).

64. ESD/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.

65. These reports will be filed to permit easy retrieval and indicators will be incorporated into the Project M&E system.

66. Table 6.2 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).

⁷ The project will investigate the option of using ICT based reporting for safeguards compliance.

- 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 6.2: ESMF monitoring requirements

Objectives	Actions	Responsibility	Schedule
Ensure compliance with ESMF and ESMPs	Monitor the ESMPs preparation and implementation of subproject	ESD/PTRI	Annually
Maintain an up-to-date ESMF	Review and update ESMF, and submit revisions to the World Bank for approval	ESD/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	ESD/PTRI and DoR	For the 6 Project provinces
	Prepare annual report	ESD/PTRI and DoR	For the 6 Project provinces
	Prepare ad-hoc reports	DPWT, DoR, or ESD/PTRI	As required

GRIEVANCE REDRESS MECHANISM (GRM)

67. 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 projects⁸.

68. 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.

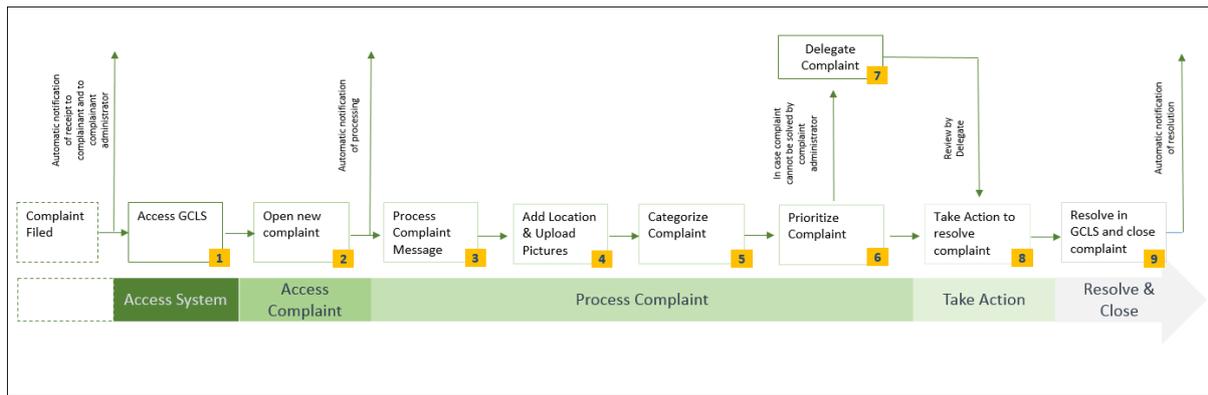
69. The GRM procedures to be followed for all subprojects will be translated into Lao language and/or local language as needed so that they are easily accessible to all stakeholders and made available by the DPWT. Information on the steps to be followed in handling grievances will be incorporated into the process of providing local communities with information about the proposed subprojects.

70. The project 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)

71. The figure below shows the business flow process for the GCLS as part of the GRM.

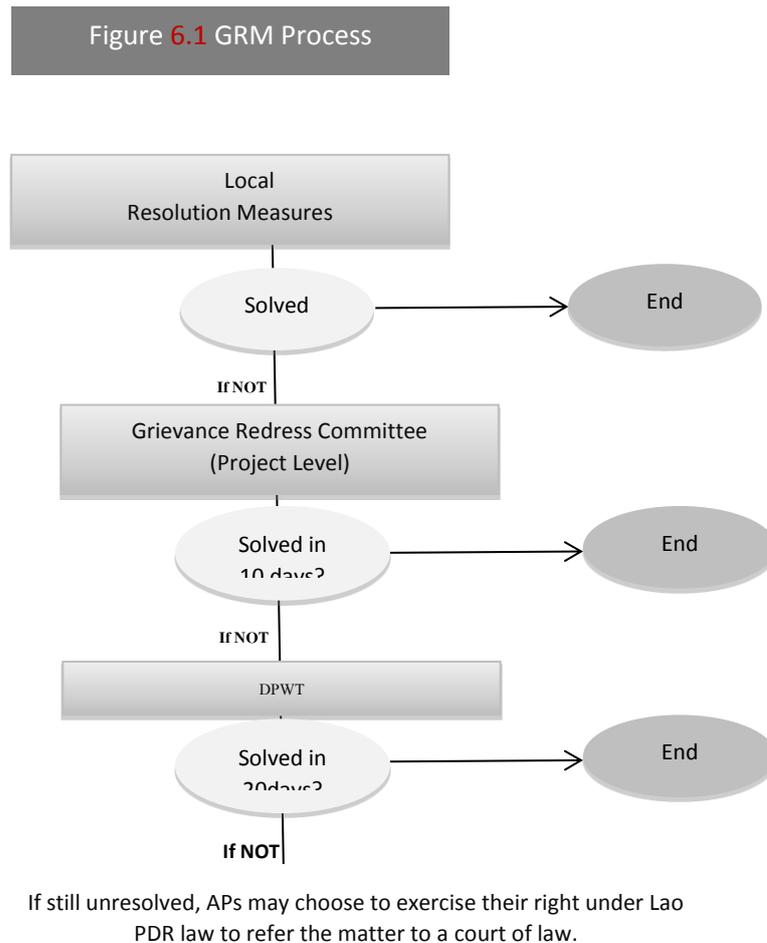
⁸ See the November 2014 ‘Results Framework and M&E Guidance Note’ Annex C.



72. The GRM process will operate as follows:

- The ESD/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 ESD/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 ESD/PTRI Office or the National 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.

73. 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.



74. All submitted complaints and grievances will be entered into the GCLS within two working days of being received by the ESU. 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.

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

76. 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. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

CONSULTATION AND INFORMATION DISCLOSURE

77. **Consultation:** The Project has conducted consultations on ESMF twice. The first consultation was conducted in Vientiane on 25 February 2016 to inform the public, key agencies and local civil society organizations about the objective and scope of the project as well as the draft TORs for the ESMF, RPF, and EGPF. The second consultation was made in Vientiane on 29 April 2016 on the draft ESMF, RPF, and EGPF. Two consultations were also made in some of the selected pilot provinces where the project will be implemented (Bolikhamxay (BKX) and Xayabouly (XBL) with local authorities and communities including ethnic peoples. The first consultations in BKX and XBL were made in March 2016. The second consultations in BKX and XBL were made during 20-23 April 2016 and in BKX during 25-27 April 2016. Furthermore, additional consultations on the draft ESMF, RPF, and EGPF were conducted in two more provinces in the north (Houaphan and Oudomxay), which are home to multiethnic groups, on June 29, 2016 and July 04, 2016, respectively. Information provided and discussed included project objective, description, and components, potential impacts (positive and negative), and the draft ESMF including draft documents were translated and distributed. Results suggest that most of the related agencies and people in the pilot provinces fully support the project and consider that the proposed ESMF is appropriate and can be applied on the ground. Key issues raised during consultations include coordination and supervision of safeguards implementation, management of construction materials sources, dust dispersion, routine maintenance of roads, local community expressed their willingness to participate in routine maintenance, consultation and dissemination of project information before construction, etc. These issues were considered during the preparation of the ESMF, RPF and EGPF and have been included in the project design 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.

78. **Information disclosure:** The draft ESMF including RPF and EGPF were disclosed (in English) in the MPWT website and the World Bank Website on 11 April 2016. The final ESMF, RPF and EGPF will be re-disclosed in the country (in both local language and in English) as well as the World Bank Website after clearance from the World Bank and before appraisal.

ANNEX A: POLICY, LEGAL AND INSTITUTIONAL SETTING

1. **National Laws and Regulations:** 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 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, especially the Environment and Social Impact Assessment (ESIA) and an Initial Environmental Examination (IEE) regulations which are established in late 2013. A number of decrees, regulations, and guidelines have also been established and applied during 2000's. MoNRE is the lead ministry responsible for implementation of the EPL and its regulations and/or guidelines.

2. The following highlights key regulations related to EIA/IEE process and pollution control:

- *MoNRE regulation on ESIA and IEE (17 December 2013).* This regulation has been issued according to the revised EPL in December 2012 and the operation of MoNRE in 2012 and replaces the Prime Minister's Decree No. 112 on Environmental Impact Assessment (16 February 2010). The ESIA/IEE processes incorporate the preparation of social impact assessment and mitigation/monitoring plan in accordance with the Compensation and Resettlement Decree established in 2005 and is being revised. The ESIA regulation assigns the Department of Environment and Social Impact Assessment (DESIA) to be responsible for review of the ESIA regulation including recommendations for the issuance of the Environmental Compliance Certificate (ECC)⁹ and undertaking compliance monitoring while the IEE regulation assigns the Provincial Department of Natural Resources and Environment (PoNRE) to be responsible for review, issuance of ECC, and monitoring of project that require an IEE. The regulation also provides a list of projects requiring EIA or IEE (see *Box 1*). In addition, MoNRE has established a number of guidelines for the preparation of EIA, SIA, and IEE report including the public involvement in the EIA and IEE processes.

Box 1 GoL ESIA and IEE regulations related to road investment	
Group 1: IEE	Group 2: ESIA
4.1 Land filling of ponds, canals, drainages that may cause public damage	4.11 Construction of new road (all size and types)
4.12 Upgrading or rehabilitation of roads (all types)	

- *Pollution Control:* MoNRE drafted a pollution control decree to be used for management of pollution from various sources and this draft is being revised to be regulations in line with GoL administration policy. According to the draft, the decree defines types, areas, and nature of pollution control from point sources and non-point sources as well as from emergency situations, including

⁹ The ECC will be issued by the Minister of MoNRE

environmental standards (effluent and ambient). The project developments will be required to obtain the pollution control permit as described in the ministerial regulations which will be established by MoNRE. Scope will include toxic/hazardous chemical and wastes (including radioactive). There are also draft Environment Ambient Standard (2009) and draft Pollution Emission Standards (2009). The Pollution Control Department (PCD) of MoNRE and the respective unit at the provincial and district levels will be responsible for overseeing the implementation and monitoring of the decree/regulations. PCD is also responsible for management of the ozone depleting substance (per the Montreal Protocol) and be the focal point for the Great Mekong Subregion program (funded by ADB).

3. On social safeguard key regulations are as follows:

- *Decree on Compensation and Resettlement of People Affected by Development Projects (7 July 2005)*. This decree defines principles, rules, and measures to mitigate adverse social impacts and to compensate damages that result from involuntary acquisition or repossession of land and fixed or movable assets, including changes in land use, restriction of access to community or natural resources affecting community livelihood and income sources. This decree aims to ensure that project affected people are compensated and assisted to improve or maintain their pre-project incomes and living standards, and are not worse off than they would have been without the project. The provisions will be applied during the preparation and implementation of the social impacts assessment (SIA), the social impact mitigation and monitoring plan (SMMP), and/or the resettlement action plan (RAP). Technical Guideline for this decree was established in 2010. While DESIA is responsible for review and approval of the SIA with consent from the province, the province under supervision of the Resettlement Committee is responsible for overseeing the implementation of the decree which will be carried out by the project owner. The Decree is being revised in line with the current organization and regulations and in accordance with the Government policy regarding decentralization (Sam Sang). It is expected that the revised Decree will be approved by Prime Minister in 2016.
- *On ethnic groups*¹⁰, in Lao PDR the term ethnic groups (EG) is used to characterize a variety of cultural groups. Constitutionally, Laos is recognized as a multi-ethnic society and Article 8 of the 1991 Constitution states that “All ethnic groups have the right to preserve their own traditions and culture, and those of the Nation. Discrimination between ethnic groups is forbidden”. The 1992 Part policy on EG focuses on realizing equality between EG and gradually improving the lives of EG while promoting their ethnic identity and cultural heritage. The Lao Front for National Construction (LFNC) introduced an official ethnic classification into forty nine main groups comprising four ethno-linguistic facilities, namely the Tai-Kadai, the Mon-Khmer, the Tibeto-Burmese, and Hmong-Mien which are distributed from the north to the south of the country. Out of the four regions the north has the highest number of districts with ethnic groups comprising about 87% of the region population while the east has the second highest number of 69% and followed by the southern and central regions,

¹⁰ The official terminology for describing the diverse population of Lao PDR which was introduced with the 1991 Constitution, and it is considered equivalent to the definition described as the Indigenous Peoples according to OP/BP 4.10.

each of which have ethnic populations of about 50%¹¹. *Box 2* below summarizes the main characteristics associated with the four ethno-linguistic groups in Lao PDR¹². In mid 2013, the LFNC established the national guideline for Consultation with Ethnic Groups.

Box 2: Main characteristics of ethnic groups in Lao PDR		
Ethno-Linguistic	Language Family	Summary Characteristics
Tai Kadai	Lao Phoutai	65% of the population, living mostly along the economically vibrant Mekong corridor along the Thai border or in Northern lowlands; settled cultivators or urban dwellers; migrated into Lao PDR since the 13 th century ; Buddhists.
Austroasiatic	Mon Khmer	24% of the population, living mainly in highland areas in the North and Central South, smaller groups (Khmou) live also in the Northern lowlands; the most diverse ethnic group and the first one to inhabit large areas of Lao PDR; animist and shifting cultivators; fairly assimilated due to hundreds of years of interaction with Lao-Tai, single communities live in isolation as hunter-gatherers.
Hmong – lu Mien	Hmong Yao	8% of the population, living mainly in mid- and upland areas in the North; Hmong is the largest subgroup; animist with strong ancestor cults, although many converted to Christianity; typically shifting cultivators, migrated to Lao PDR in the 19 th century.
Chine – Tibetan	TibetoBurman	3% of the population, living mainly in poorly-connected upland areas in the North; animist and shifting cultivators; migrated to Lao PDR in the 19 th century.

4. Key regulations related to natural resources include:

- *Forestry Law (24 December 2007)*. This law determines basic principles, regulations and measures on sustainable management, preservation, development, utilization and inspection of forest resources and forestland; promotion of regeneration and tree planting; and increase of forest resources in the country. The principles of the law aim to maintain balance of nature, making forest and forestland a stable source of resources, ensuring sustainable preservation of water sources, prevention of soil erosion and maintenance of soil quality, conserving plant and tree species, and wildlife for the purpose of environmental conservation and contribution to national socio-economic development (*Box 3*).
- *Wildlife Law (24 December 2007)*. This law determines principles, regulations and measures on wildlife and aquatic life in nature to promote the sustainable regeneration and utilization of wildlife and aquatic life, without any harmful impact on natural resources or habitats and to restrict anthropogenic pressure on decreasing species and the extinction of wildlife and aquatic life. The law outlines guidelines for managing, monitoring, conserving, protecting, developing and utilizing wildlife and aquatic life in a sustainable manner; to guarantee richness of ecological natural equilibrium systems, and to contribute to upgrading

¹¹ National Biodiversity Strategy to 2020 and Action Plan to 2010, 2004.

¹² Lao People's Democratic Republic: Northern Region Sustainable Livelihoods Development Project, Indigenous Peoples Development Plan, Document Stage: Final Project Number: 35297, August 2006, Prepared by the Government of Lao People's Democratic Republic for the Asian Development Bank (ADB), page 5 and *NSC/CPI, ADB, SIDA and the World Bank, 2006*

livelihoods for multi-ethnic people, which has the potential to develop and realize national social-economic goals.

Box 3: Classification of forest areas (2007)

- The Forest Law provides for three classes of forest: Conservation Forest, Protection Forest, and Production Forest. The first two are relevant to biodiversity conservation and watershed protection although individual regeneration forests could presumably, in time, be reclassified as protection or conservation forests. It is estimated that conservation and protection forests cover over 80,000 km² or about 76 per cent of forest area.
- The conservation forest is defined as: 'forest and forest land classified for the purpose of protecting and conserving animal species, nature and various other things which have historical, cultural, tourism, environmental, educational and scientific research value.' The protection forest is defined as: 'forest and forest land classified for the protection of watershed areas and the prevention of soil erosion. It also includes areas of forest land significant for national security, areas for protection against natural disaster and protection of the environment and other areas.' The conservation forests aims to maintaining biodiversity and natural forest and landscapes, 'for the development of national parks appropriate for tourism and scientific research.' It also provides for zoning into total protection zones, controlled use zones and corridor zones. The former would be closed to entry or harvesting of NTFP—plant or animal.
- The protected areas are classified as national (area more than 50,000 ha), provincial (5,000-50,000 ha), district (up to 5,000 ha). Three zones are: Totally Protected Zones; Controlled Use Zones; and Corridor Zones.

- *Regulation No. 0360 on Management of National Protected Areas, Aquatic Animals and Wildlife* (Ministry of Agriculture and Forestry, 2003). This regulation describes the zoning of national protected areas into core, managed, and corridor zones and specifies activities in these areas, prohibits hunting of all wildlife and aquatic animals in the core zone, prohibits trade in wildlife, and specifies that guns must be registered with special licenses. This regulation has been replaced by *the Decree on Protection Forest (No. 333 PM, dated 19/07/2010)* and *the Decree on Protected Area established in 2015 (No. 134/G, dated 13/05/2015)*. These decrees strengthen clarity and legal provisions on type and land use categorization and zoning as well as authorities of agencies/units responsible for management of the protected area and protection forest at national, provincial, district, and village levels. The Department of Forest Resources and Management (DFRM) of MONRE is the lead agency responsible from management of these areas in close cooperation with the provinces.

5. **Other related policy, regulations, and international agreements:** Lao PDR is a member of many international and regional conventions and/or agreement and has been playing an active role. *Box 4* summaries other related policies/strategies, laws, decrees, regulations, and guidelines related to natural resources and environment and related international agreements and/or conventions related to natural resources and environmental management.

Box 4 Other national policies, laws, regulations and international conventions

- *Lao Tiger National Action Plan 2010-2015*. The government of Lao PDR endorsed this plan as part of the Global Tiger Initiative to secure the tiger habitat in its network of national protected areas. Two out of five priority actions programmes to achieve long term strategic goals for tiger conservation, as outlined in the Summary National Tiger Recovery Program will be supported under this project and includes: establishing an inviolate core zone at NEPL NPA through law enforcement, outreach and education, land use planning, and capacity building; establishing and maintaining connectivity between the NEPL source site of tigers with other neighbouring tiger conservation landscapes; and by demarcating an established corridor and collaborating with other forest managers to create a connected forest landscape.
- *Land Law (21 November 2003)*. The objectives of the Land Law are to determine the management, protection and use of land to ensure efficiency and conformity with land-use objectives and with laws and regulations, and to contribute to national socio-economic development and the protection of the environment. Legislations on land and forestry are currently under revision in Lao PDR. The National Assembly has oversight over a process that will lead to a land policy followed by a land use master plan, and a revised land law. The current draft of the land policy provides recognition to customary land management rights, collective management and community management rights.
- *Water resources law*: A water and water resources law was promulgated in 1996 with an implementation decree (issued in early 2000's) assigning the responsibility for water resources management to sector agency. The law is being revised (with assistance from IFC and WB) in light of the Department of Water Resources (DWR) of MoNRE operation and it is expected to be submitted to the National Assemble in late 2014. The draft revised law has been developed in line with an integrated water resources management principles.
- *ASEAN Agreement on the Conservation of Nature and Natural Resources (1985)*. Lao PDR as Party to this agreement has agreed on development planning, the sustainable use of species, conservation of genetic diversity, endangered species, forest resources, soil, water, air and address environmental degradation and pollution.
- *United Nations Convention on Biodiversity (CBD 1996)*. Under this convention, Lao PDR has agreed to conduct an Environmental Assessment of proposed development projects to minimize harmful effects.
- *Convention on International Trade in the Endangered Species of Fauna and Flora (CITES 2004)*. Provides an international umbrella for management and control of trade in endangered fauna and flora. Tiger is listed as CITES Appendix 1 species for which all international trade is prohibited.
- *United Nations Framework Convention on Climate Change (UNFCCC 1995)*. The Government of Lao PDR joined the global community to combat climate change by ratifying this Convention. As a developing country (non-Annex I), there is no requirement for Lao PDR to reduce its greenhouse gas emissions. The country also ratified the Kyoto Protocol in 2003 and thus may be eligible for involvement in carbon trading through a compliance market of the Clean Development Mechanism as well as the international voluntary greenhouse gas emission trading.
- *Ramsar Convention (1982)*. The GoL officially joined the Convention in 2010. Two wetlands of international importance have been designed as Ramsar sites as part of the accession process which are the Xe Champhone Wetlands in Savannakhet Province, and the BeungKiatNgong Wetlands in Champasak Province.

6. **Road Law (1999)**: The road law describes type of road works comprising construction of new road, road upgrading, road improvement, road rehabilitation, road maintenance, and emergency road works (see Box 5) and assign the responsibility for development and management of road networks to DoR and other agencies within MPWT including the provincial department of public works and transport (DPWT). The law is being revised taken into account the Government policy and the current institutional arrangement.

Box 5: Road types (1999)

- **Construction of new roads:** entirely new projects proposing the building/construction of a road on a new alignment (including major realignments of existing roads and bypasses). This type of project necessitates major land acquisition (for the corridor and associated work sites) and can also involve the removal of wide tracts of vegetation and habitats, and create a range of impacts on rivers and streams within the project area
- **Road upgrading:** changing an existing road to either upgrade its classification (under the Road Law) or to improve its alignment and traffic ability, e.g., changing a seasonal road to an all-weather road. This type of project can include alteration of the surface (from gravel to paved), widening the road (e.g., from two lanes to four lanes), widening intersections, minor realignments to improve general alignment or remove hazards (e.g., sharp corners or to improve sight distance). As most of the work or activities will likely take place outside of the existing right-of-way or road platform, land acquisition will be likely and environmental and social impacts will be associated with a narrower corridor of impact than for new roads
- **Road improvement:** this type of project generally involves improving road specifications with most of the work being done within the existing platform or right- of-way. Works include widening shoulders, adding passing lanes in steep areas, improving curves, and strengthening bridges. Additional land may be required, necessitating some land acquisition, and environmental and social impacts are likely to be limited
- **Road rehabilitation:** this type of project aims to bring existing but deteriorated roads up to a better standard or to their previous condition. Works include improving drainage, slopes, embankments and/or other structures; strengthening pavements; or resurfacing. As all or most of the work can be done on the existing platform, no additional land will be required (making land acquisition unlikely), and environmental and social impacts are likely to be limited
- **Road maintenance:** this type of project includes routine or periodic works and emergency road works aiming to maintain a road in working condition and includes patching potholes; clearing drains; and periodic works such as resurfacing, line marking, and bridge maintenance. All of the work is done on the existing road platform. Road maintenance divide the responsibility into two different level such as DOR/NRMP¹³ responsible for national road network and DPWT of all provinces district road and rural road.
- **Emergency road works:** this type of project is 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 passability 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), and repairing culverts. The DPWTs or NRMP are responsible for the environmental management of emergency works. In case that emergency works cause negative environmental impacts, the DPWTs or NRMP will be responsible for actions after the emergency to mitigate the impacts, by following the practices specified in the Regulations on Environmental Impact Assessment of Road Projects, either through force account or contracting to private contractors.

7. **National Institutional Arrangements:** The National Environmental Committee (NEC) established by the EPL is the highest decision making body for environmental management. The NEC is chaired by the Deputy Prime Minister responsible for natural resources and environment and comprises representatives of key agencies as the member and the Department of Environmental Quality Promotion (DEQP) of MoNRE is the secretariat. As of the end of 2013, key institutions related to natural resources and environment, and road transport development are highlighted as follows:

- *MoNRE:* This is a new ministry established during 2011-2012. Since mid 2012, MoNRE is the lead agency responsible for effective management of natural resources and environment including water resources, forest/biodiversity, land, minerals, and environmental quality including EIA process. It is a new ministry

¹³ This division has been separated into region 1, 2, 3, 4

and comprises 17 agencies¹⁴. In addition to DESIA, PCD, DFRM, DDMCC, and DEQP mentioned above, other key agencies include the Department of Water Resources (DWR), the Department of Meteorology and Hydrology (DMH), the Department of Land Management (DoLM), the Department of Land (DoL), the Department of Geology and Minerals (DGM), and the Natural Resources and Environment Research Institute (NREI). DEQP is promoting Green, Clean, and Beautiful agenda using various policy and planning measures and/or other incentives and be the focal point for Global Environmental Fund (GEF) and Ramsar conventions. The technical and management capacity of these agencies remains weak due to limited number of qualified staff and with supports from international financing and/or donor agencies¹⁵ there are some technical assistance and capacity building activities related to safeguard however effective coordination among agencies and/or projects remains a challenge.

- *MPWT*: Ministry of Public Works and Transport is responsible for management of public works, urban development, and land and water transport including management of domestic water supply and sanitation in urban areas. It is relatively large and stable ministry and key agencies including the Department of Road (DoR), the Department of Waterways Transport, the Department of Urban Development, and the Public Works and Transport Institute (PTRI). DoR is responsible for road development and maintenance and technical divisions comprise the Project Management Division (PMD), 4 Regional Road Maintenance Projects (RRMP), and the Technical Division which is also responsible for planning and supervision of safeguards for road related activities. At provincial level, the provincial Department of Public Works and Transport (DPWT) is responsible for planning and implementation at provincial and local level including road maintenance. The Environment and Social Division of PTRI (ESD/PTRI) is responsible for establishment of safeguard procedure, supervision, and training of safeguard for MPWT.
- *Ministry of Agriculture and Forestry (MAF)*: MAF is responsible for ensuring effective management of agriculture, forests, and fisheries/aquaculture and it also went through a major reorganization during 2011-2012. It comprises many departments including the Department of Irrigation, the Department of Agriculture, the Department of Forest, the Department of Inspection, the Department of Fisheries, etc.
- *Mass Organizations*: The Lao Front for National Construction (LFNC) is a mass organization established to be responsible for development and management of ethnic groups in Lao PDR. It reports directly to the party and has established its own network at central and local level. Other mass organizations include the Lao Women's Union (LWU), the Labour Unions, and the Youth Groups.
- *The Provinces and Districts*: In addition to the central agencies, there are provincial departments/offices in all 18 provinces including those responsible for (a) Natural Resources and Environment (i.e. Provincial Office of Natural

¹⁴ Including the Cabinet office, the Department of Internal Audit, the Department of Personnel and Organization (DPO), the Department of Planning and Coordination (DPC), the Natural Resources and Information Center, the Lao National Mekong Committee.

¹⁵ The key ones are the World Bank, IFC, Australia, ADB, the Mekong River Commission (MRC), Sweden, Finland, Germany, and UNDP.

Resources and Environment or PONRE and District Office of Natural Resources and Environment or DONRE); (b) energy and mining (i.e. Provincial Department of Energy and Mines); (c) agriculture and forestry (i.e. Provincial Agriculture and Forestry Office or PAFO); (d) public works and transport (DPWT); and (e) other offices and mass organizations such as LFNC and LWU. PONRE is responsible for implementation of the IEE regulation and issuance of ECC.

8. **National Policy and Plan on Gender:** In Lao PDR, under the leadership of the Government Office and the Lao Women Union (LWU) gender issues has received priority attention and gender issue has been integrated into national policy and plans (Box 3.6)¹⁶. The Seventh Five-year National Socio-Economic Development Plan (NSEDP) (2011-2015) emphasized population policy, human capital development and elimination of all forms of violence against women and children. The NSEDP gender targets include *Governance* aiming at 20% of government core staff to be female; at least 15% of posts above level of district mayor held by women, and increase in % of female National Assembly members to more than 30%; *Sector Development* emphasizing the inclusion of women in sector and area development and planning; *Labor and Social Protection* working towards increasing women's participation in paid labor force to 40% and raised awareness on social hazards to 85% of women over age 15 on issues such as human trafficking; and *Human Resources Development* focusing on upgrading academic and technical knowledge of women. The target identified in the National Strategy for the Advancement of Women includes more than 35% increase in number of women in vocational and technical training in each sector, and 30% increase in women in political and governance studies, promotion of women's SMEs and economic leadership, increases in women's participation in planning and access to services. A National Commission for the Advancement of Women was established in 2003 to drive national policy and to promote gender equality and empower women and a National Strategy on the Advancement of Women for 2011-2015 was established.

¹⁶Country Gender Assessment for Lao PDR: Reducing Vulnerability and Increasing Opportunity, the World Bank and ADB, 2012.

ANNEX B: ROLES AND RESPONSIBILITIES ON SAFEGUARDS

- For Component 1: The Department of Road (DoR) will be responsible for ensuring that relevant safeguard requirements are included in the planning, design and bidding/contract documents and that the contractors are aware of this obligations and agreed that it is part of the subproject cost. The DOR will ensure that the subproject to be approved in the annual work plan for Project support has incorporated safeguard actions (safeguard screening, ESMP, EGDP, and/or RAP, etc.) as required under the ESMF. The ESD/PTRI be responsible for the review of all safeguard screening forms and safeguard documents.
- DPWTs of the Project provinces (as the subproject owner) will be responsible for ensuring full compliance with all the safeguard activities outlined in the ESMF for the national, provincial and district road maintenance and ensure that all contractors are compliance with the safeguards requirements. DPWTs will ensure that the Environment and Social Unit (ESU) is active and responsible for (a) undertaking safeguard screening and maintaining proper record keeping, (b) ensuring that the environment code of practice (ECoP) is included in the contract documents and that the contractors are aware of this obligations and agreed that it is part of the subproject cost, (c) conduct monthly monitoring of contractor performance and prepare a monitoring report to be submitted to ESD/PTRI within 2 weeks after the end of the month. DPWT will also field engineer to be responsible for day-to-day supervision of safeguard activities as part of the road maintenance activities and include the safeguard performance in the subproject progress report.
- The Environment and Social Division of the Public Works and Transport Institute (ESD/PTRI) will lead the implementation and supervision of the ESMF at the project level. The ESD/PTRI will be responsible for ensuring that safeguards screening and safeguard monitoring is conducted by DPWT. The ESD/PTRI will conduct biannual and annual safeguard monitoring on ESMF implementation and effectiveness of safeguard measures including provide training and conduct research activities necessary to improve effectiveness of safeguard measures (including monitoring reporting forms) for road maintenance. The annual monitoring reports and key findings from the research activities will be shared with DPWTs, the related DoR divisions, and WB.
- For Component 2, on the technical assistance (TA) to strengthen capacity of MPWT, DoR, and DPWT for the implementation of PPP project for the national road 13, ESD/PTRI will take the lead in the implementation of the capacity building program. The Department of Transport (DoT) will be responsible for implementation of the road safety program.
- For Component 4, the MPWT agencies or DPWT responsible for undertaking the road emergency works will be responsible for implementation of the activities per the Road Emergency Manual which will include safeguard measures during implementation. ESD/PTRI will be responsible for undertaking a post audit report on safeguard measures and submit an audit report to WB.
- For Component 3, the agency responsible for overall Project management will also be responsible for incorporating safeguard monitoring report to WB.

ANNEX C: SECTOR BACKGROUND

1. This annex briefly provides background on the road sector

Road Sector and Climate Change Challenges

2. ***High natural disaster risks, financial constraints, and local capacity challenges:***

Lao PDR is one of the ASEAN region's most vulnerable countries to natural disasters. In 2009, Typhoon Ketsana resulted in estimated damages and losses of US\$58 million; in 2011, Typhoon Haima and Tropical Storm Nok-Ten caused damages of US\$66 million and US\$71.9 million, respectively; in 2013, a series of storms caused extensive flooding affecting 350,000 people in 12 provinces (out of a total of 18). Global and regional climate change projections suggest that natural disasters in Lao PDR are likely to intensify and increase in frequency. The Government recognizes the strong link between economic development, sustainability, and the need to mainstream environmental considerations including incorporating action on climate change into its development plans and efforts are being made to raise additional financing both from the public and private sectors. A Climate Change and Disaster Law is currently being developed with expected approval in 2017. The National Strategy on Climate Change (NSCC) was approved in early 2010, and climate change action plans for the period 2013-2020 have been prepared for key sectors, including transport. It is expected that the financial needs for implementing the mitigation and adaptation policies and actions identified in the NSCC would be about US\$ 2.4 billion.

3. Since the 2000s Lao PDR has progressively devolved administrative responsibilities to local levels. The decentralization policy mandates central government to focus on policy, financing, regulatory frameworks and oversight, while planning and implementation responsibilities are delegated to provinces and districts. The process is intended to help improve service delivery and respond to local needs. It has nonetheless faced important challenges, particularly weak monitoring and regulatory capacity at central level, inadequate technical and managerial capacities at local levels, and poor coordination between the two. These problems have had a negative impact on fiscal stability, with provincial investment expanding unchecked and becoming a heavy contributor to the growing government debt. Weak controls and limited public investment planning capacities at local levels have also affected the transport sector. The local transport infrastructure is particularly vulnerable as a result of low standards, lack of adequate maintenance, and inappropriate technical designs. Annually, approximately 30% of road maintenance budget is spent on emergency road repair. The importance of increased climate resilience for roads is now considered a potentially significant factor in reducing demand for emergency repair budget. However, the budget required to comprehensively address climate adaptation and strengthen the Lao road network exceeds by far available resources.

4. Innovative approaches are required to effectively and efficiently improve the climate resilience of the Lao local network, for example by focusing on the most vulnerable and important sections of the network. Prioritized back-strengthening of vulnerable road sections is a potential solution that could be adopted as a form of periodic maintenance. In 2008, the World Bank supported the establishment of a Road Management System for optimizing decision-making and planning at national and provincial levels (RMS and PROMMS, respectively), thereby making more efficient use of the RMF. The system provides data on existing roads, their status, and routine and periodic maintenance needs. It does not provide data related to damage caused by natural disasters, nor does it support the identification of

sections vulnerable to extreme weather. The capacity to identify and prioritize key road sections most vulnerable to climate threats is an essential tool to enhance this process.

5. At the institutional level, the sector faces important capacity gaps for the effective management of road assets. With the ongoing devolution of responsibilities, MPWT has progressively delegated tasks for maintenance of local roads to the Department of Public Works and Transport (DPWT) of each province. However, weak central capacities for monitoring and oversight, combined with the lack of policies and effective business processes to guide and enable provinces to undertake maintenance tasks, and insufficient technical and managerial capacities at local level remain major challenges. This has for example, limited the use and impact of PROMMS as provincial capacity for data collection and analysis remains weak.

6. Climate resilience adaptation remains a new concept and has not yet been integrated into road asset management practices, resulting in high costs for disaster recovery. Most of the main roads in Lao PDR were built with 8.2 tone of standard axle load, while ASEAN's minimum road standard is 9.1 tons. The main national roads, such as Road 13, 9, 3, 8, 7, and 12, which also serve transit transport, are heavily affected by overloading trucks. After neglecting overload control for some years and with the rapid deterioration of the road condition, the government realizes the need to reinstate and reinforce overloading control and is in the process to reinstall modern permanent weighing stations on national road 3, 9 and 13 and plans to scale it up to other roads later on. Road safety is another challenge and efforts are being made to address the issues sector wide.

Country Development Challenges

7. Lao PDR is one of the least developed countries in Southeast Asia and lies in the Indo-Burma Biodiversity hotspot. The country has considerable natural resources in forests, water resources, and minerals and these are significant for cultural development, environment protection, and economic development. Its forests cover about 40% of the country, the highest percentage in Southeast Asia, but the total area of forest has declined dramatically from 70% of the land area of 26.5 million hectares (ha) in 1940, to 49% in 1982, and to only 40% or about 9.5 million ha in 2010. Data on changes in forest cover suggest that during the 1990s the annual loss of forest cover was around 1.4% annually, giving an average annual loss of forest cover of about 134,000 ha. Efforts are being made to strengthen effectiveness of forest management including conservation of natural resources.

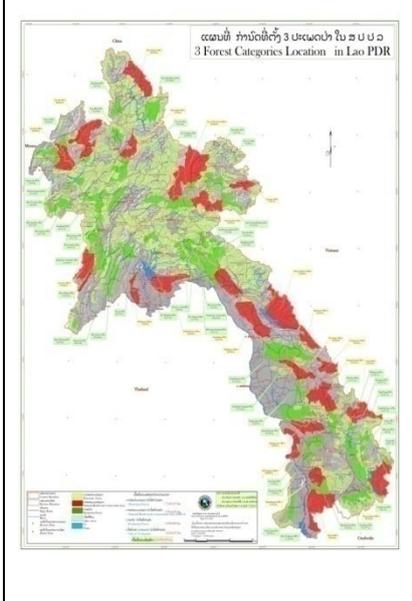
8. At present, the government has designated 20% of the country's land area as protected (including 21 national biodiversity conservation areas (NBCA), plus a number of provincial and district protected areas), and produced the Biodiversity Strategy to 2020. Around half of the NBCAs share a border with Viet Nam, Cambodia, Thailand or China, and a number of these form (or have the potential to be) trans-boundary protected areas. In 2010, there is a decree on protection forest area (PFA) defining the principles, the procedures, and the measures on the management of conservation and protection forests and the sustainable use of the protection forests/lands which are located in the areas of water resources, watershed areas, wetland forest and river bank's forests, road side forests, municipality or outskirts of city, sacred forests of villages and an area of about 8,200,000 ha has been assigned as the national protection forest area (NPFA). In 2015, a new Decree on protected area has been established. Department of Forest Resources Management (DFRM) of MoNRE is the lead agency responsible for ensuring effective management of these areas.

9. One of the key challenge is rapid development in the country especially hydropower and mining. It is the Government policy to ensure achievement of 8% annual growth rate by implementing a number of policy, legal, and institutional measures to promote hydropower development to become “*the battery of Asia*” as well as rapid development of urban development, industries, and infrastructure (especially road networks).

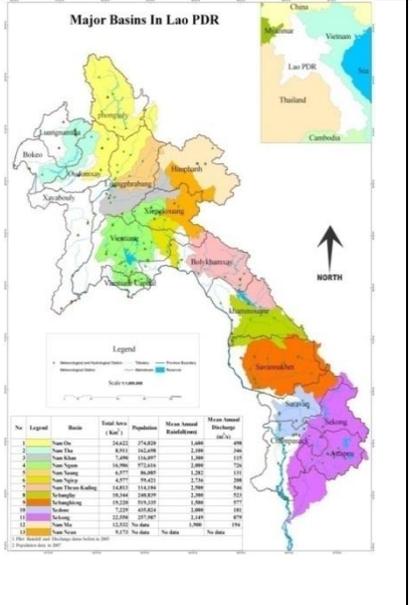
10. Map 1 presents locations of the three types of forests area as defined in the forestry law (NBCA, NPFA, and production forest) and locations of the river basins including the six Project provinces (Phongsaly, Houaphan, Xiengkhuang, Oudomxay, Bolikhamxay, and Xayabouly) while Map 2 shows locations of existing and planned road networks including those in the Project province. The country has made significant progress in becoming more integrated both internally and with the regional and international trading system. Lao PDR completed its accession to the World Trade Organization (WTO) in February 2013. The country is also a member of the Association of Southeast Asian Nations (ASEAN) Economic Community (AEC) established in December 2015, which is a milestone towards regional economic integration.

Map1: Locations and key features of Lao PDR

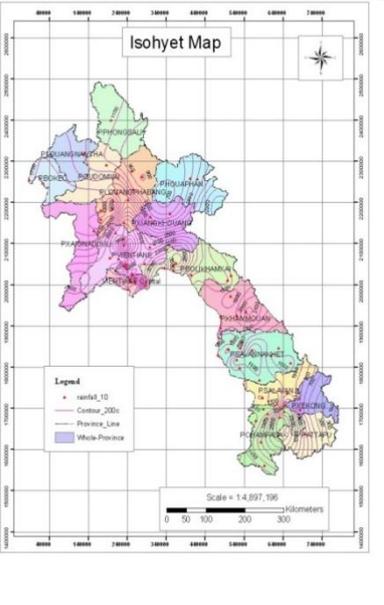
National Protected Areas (NPA or NCBA), the National Protection Forest Area (NPFA), and the production forest



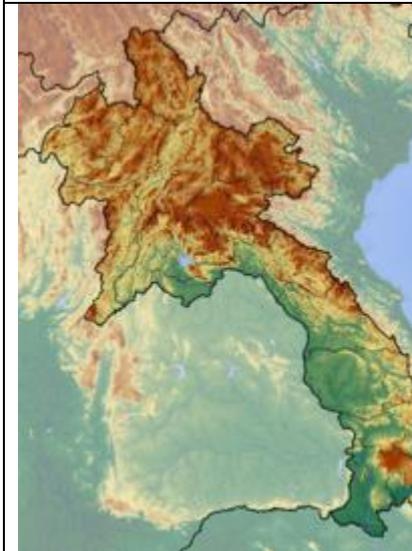
River Basins in Lao PDR



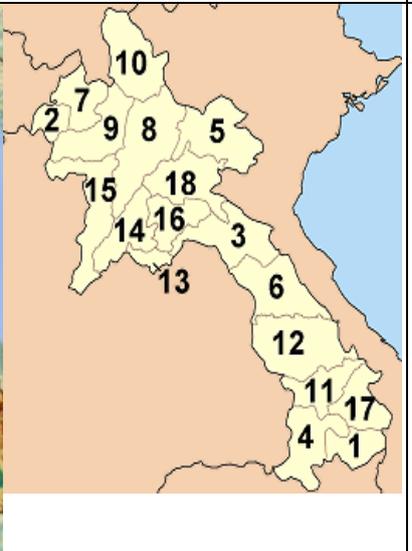
Rainfalls (isohyets Map)



Topography



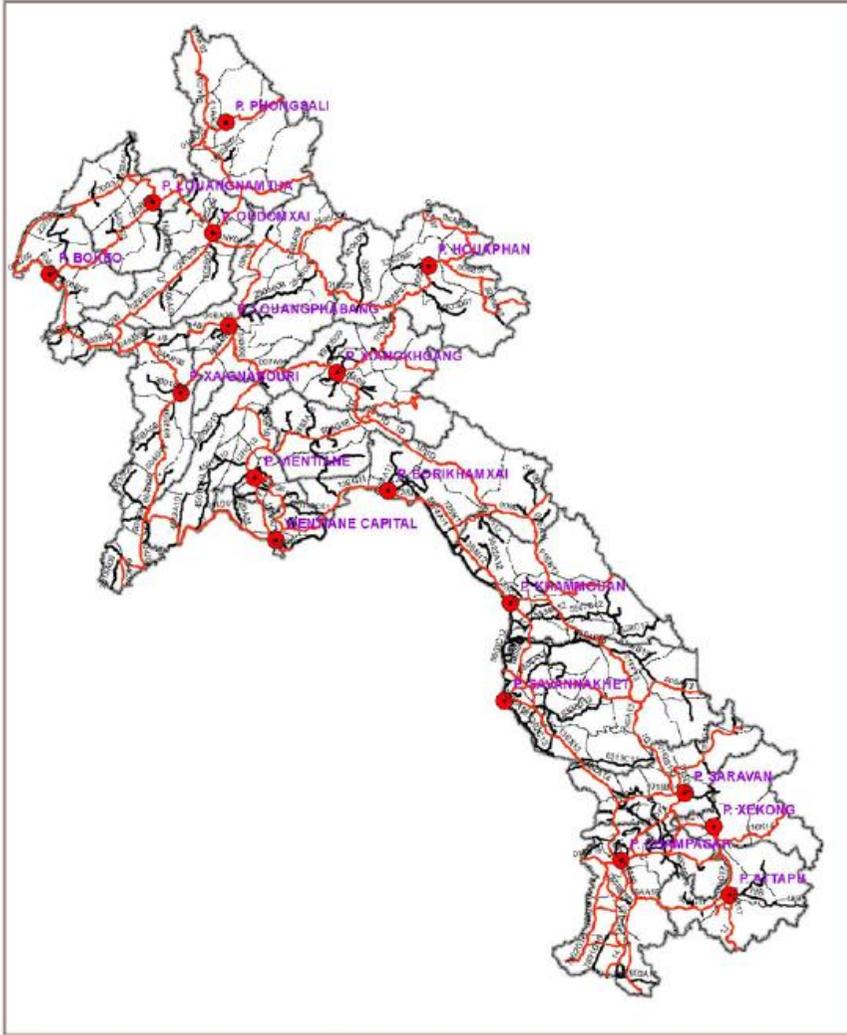
Provinces



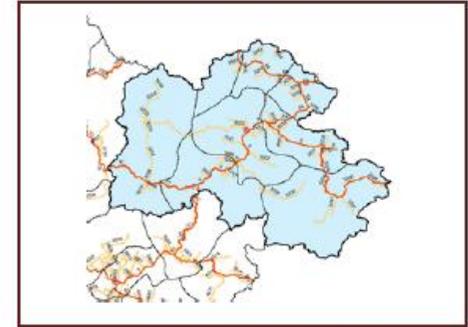
The Project provinces

Bolikhamsay (BKX #3);
 Xayabouly (XYB #15);
 Phongsaly (PSL #10);
 Oudomxay (ODX #8);
 Houaphan (HP#15);
 Xiangkhouang (XK #18);

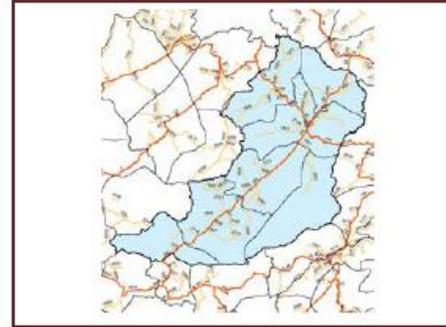
Map 2: Road Network in Lao PDR



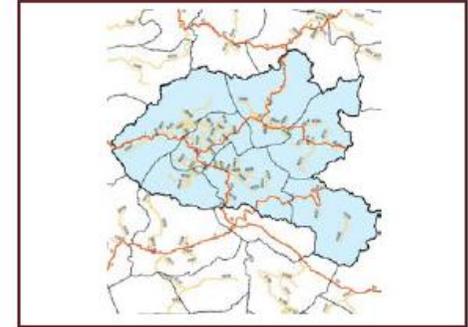
PHONGSALI PROVINCE



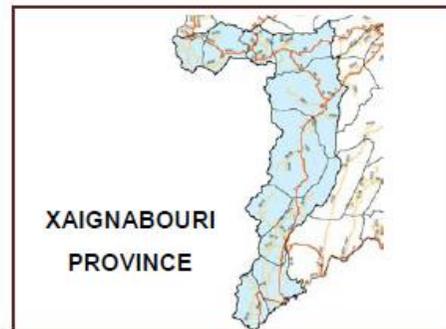
HOUAPHAN PROVINCE



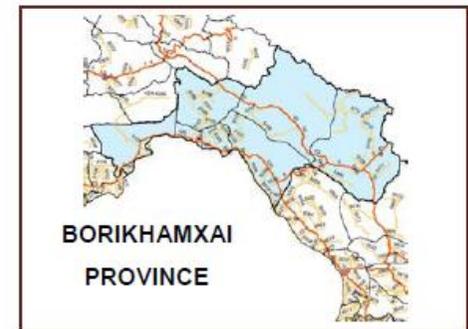
OUDOMXAI PROVINCE



XIANGKHUANG PROVINCE



XAIGNABOURI
PROVINCE



BORIKHAMXAI
PROVINCE

ANNEX D: SAFEGUARDS SCREENING

1. This annex presents the ineligible activity/subproject (Section A2.1) as well as the safeguard screening forms which have been described in the Environment and Social Operation Manual (ESOM) applicable for national, provincial and district road maintenance (Section A2.2). The Department of Public Works and Transport (DPWT) through its Environment and Social Unit (ESU/DPWT) is responsible for undertaking the screening and attach the screening result with the proposed subproject during the planning process (Stage A in Figure A2.1). The screening form will be reviewed and approved by the Environment and Social Division of the Public Works and Transport Institute (ESD/PTRI) during the approval of the annual work plan (Stage B in Figure A1.1) The preparation of safeguard documents (IEE/ESMP, ECoP, EGDP, and/or RAP/ARAP) will also be prepared and submitted for approval by the ESD/PTRI before contract signing (Stage C in Figure A1.1). ESD/PTRI will provide technical guidance to DPWT and conduct annual monitoring and reporting.

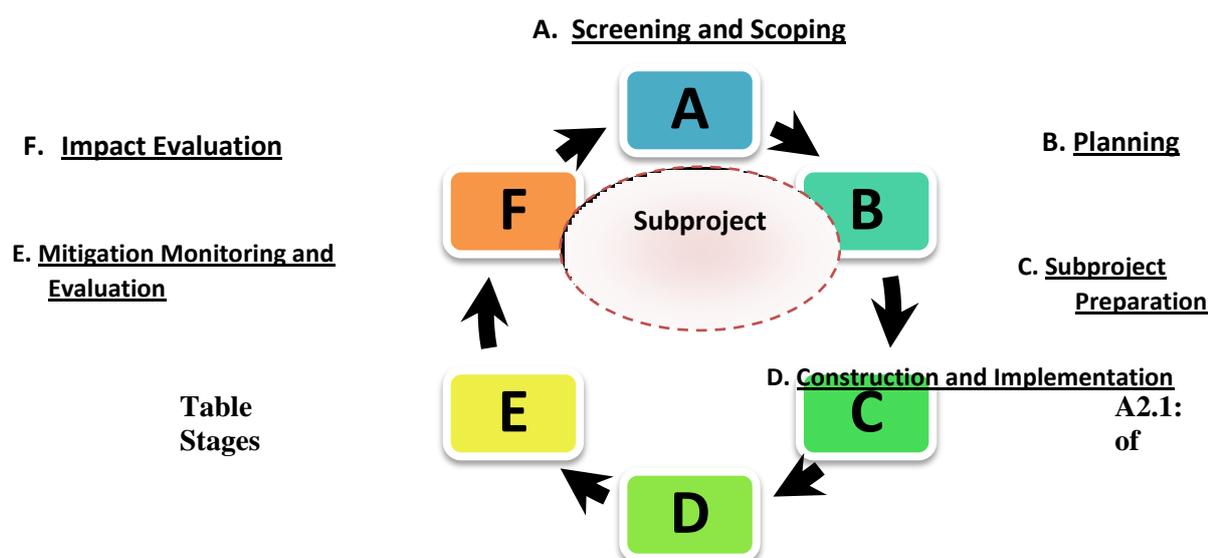
2. In line with ESOM and the eligible activities mentions above, EA category for all the proposed road maintenance will be categorized as Category C or B depending on locations of the proposed subprojects. Experiences from LRSP suggest that road maintenance works involve Category B and C only. In addition, taking into account safeguard capacity at provincial and district level and available budget for road maintenance and spot improvement works, Category A subproject are excluded from the project support by include in the negative list. Safeguard instruments for addressing potential NR 13 PPP subprojects is being prepared under the on-going LRSP outside scope of this project.

Subproject cycle and safeguards categorization and requirements

3. Main objective of this procedure is to determine appropriate EA category, safeguard policies trigger as well as safeguards instruments to be prepared for the proposed subproject. The project cycle and the safeguard checklist screening forms are adopted from those being used in ESOM being applied under the current Lao Road Sector project (LRSP) with some modifications to be practical and appropriate with the road maintenance works proposed under Component 1. Guideline for preparation of the safeguard documents are provided in Annex 3.

4. ***The subproject cycle:*** 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 (see Figure A2.1 and Table A2.1). Tables A2.2 and A2.3 presents key actions during the subproject cycle and criteria for categorization of the subprojects and safeguard requirements.

Figure A2.1: ESMF in the Stages of Subproject Investment Cycle



Safeguard Assessment

Assessment Stage	Questions to be Answered
1. SCREENING	Is an EA/SA required? What level of EA/SA is required? Will there be land acquisition and resettlement (LAR) impacts?
2. SCOPING	What kinds of impacts are likely?
3. ASSESSMENT	What impacts will occur and how/ what is the level of impact?
4. MITIGATION	How will the impacts be avoided or minimized?
5. MONITORING	How effective is the assessment and mitigation? Are there any unexpected impacts?
6. REVIEW	How could the EA/SA process have been done better?

Table A2.2 - Responsibilities for mainstreaming the ESMF in the subproject cycle

Stage	District/Province
RECONNAISSANCE	For local, district, and provincial roads: Project concepts identified in 5 Year Development Plans DPWT/Governor select transport investments to be put forward in ANNUAL PLAN DPWT provides inputs to provincial and district annual plans by completing PROJECT CONCEPT SAFEGUARDS CHECKLIST (Form A) DPWT submits Annual Plans to DPI and DOR For projects which affect national roads, Annual Plan agreed with DOR and submitted to DPI; DPWT annual plan submitted to the Governor and Province for inclusion in Provincial Public Investment Projects (PIP) program
PLANNING	For projects assigned to DPWT for implementation: Coordinator assigned (likely to become Project Manager when project approved) to work with all agencies Priority subprojects scoped for PIP submission to WB: DPWTs (ESU) complete SAFEGUARDS SCREENING (Form B, C, and/or D) or engage assistance to undertake screening to determine PROJECT CATEGORIZATION and level of EA/SA required. DPWT consult PONRE for possible requirement for IEE report and if yes, secure agreement on the scope and approach. PIP submitted and approved, budgets allocated (incl. budget to cover safeguard requirements)

Stage	District/Province
PROJECT PREPARATION	<p>For projects assigned to DPWT for implementation: Subproject manager confirmed</p> <p>If preparation of an IEE is required, DPWT employ a qualified consultant to prepare an IEE report including conduct consultation as agreed with PONRE. ESU/DPWT review and comment on the IEE report prepared by the consultant before the final report will be submitted to PONRE for review and approval. A copy of the final IEE will be sent to ESD/PTRI for information. PONRE's comments and approval will also be sent to ESD/PTRI for a record.</p> <p>To secure WB clearance of subproject safeguard, DPWT will consult ESD/PTRI and/or World Bank (WB) regarding the preparation of RAP, EGDP, and/or EMSP using the Environment and Social Alignment Sheet approach including finalization of clauses and specifications to be included in bid and contract (ECoP). ESU/DPWT will ensure that mitigation measures to be incorporated into detailed design and a plan to address road safety during operation phase is properly incorporated into the detailed design and subproject ESMP.</p> <p>Upon receipt ESD/PTRI/WB clearance and ECC, DPWT ensures that environmental and social protection specifications and clauses (ECoP) are included in contract and bid documents and the final copy will be sent to DoR and ESD/PTRI for a record.</p> <p>ESU/DPWT will keep all records and documents in the subproject safeguard file for possible review by WB safeguard specialists.</p>
CONSTRUCTION & IMPLEMENTATION	<p>For projects assigned to DPWT for implementation:</p> <p>If land acquisition is required and RAP is approved by WB and the Government, DPWT implement the activities in close consultation with ESD/PTRI and payment must be completed before beginning of works. If an EGDP was prepared and approved by WB, DPWT implement the activities in consultation with ESD/PTRI. GRM form (<i>Annex 7</i>) will be used for recording complaints.</p> <p>DPWT engages contractor to undertake the civil works and assign the Construction Supervision Consultant (CSC) to be responsible for day-to-day supervision of contractor safeguard performance and include the results in the subproject progress report. The contractor needs to prepare contractor ESMP and submit to ESU/DPWT and/or the CSC for review and approval.</p>
MONITORING & EVALUATION	<p>During construction ESU/DPWT undertakes monitoring (MONITORING FORMS: Forms 7.1 and 7.2) to assess compliance with ESMP and other specifications (ECoP). Results will be incorporated into safeguard monthly monitoring report (Monitoring Report Form 7.3).</p> <p>ESD/PTRI will carry out semi-annual or annually monitoring and prepares monitoring report (Form 7.4). ESD/PTRI and DoR will also complete an impact evaluation undertaken annually using Impacts Evaluation Form (Form 7.5) and an Environmental and Social Final Report (ESFR, Form 7.6). All these forms will be submitted to DPWT and WB.</p>

5. *Safeguard categorization and requirements:* Using the criteria and screening checklist and forms provided in Section (A2.3), the subproject will be categorized to C or B and safeguard requirements/actions are presented in *Table A2.3*.

Table A2.3: Categorization of the subprojects and safeguard requirements

Category	Level of Impact/Risk	Safeguard Requirements	Time for preparation	Consultation and information disclosure
C	<p>Low or minimal:</p> <p>The road maintenance subproject that is located in other areas not identified in B below.</p>	(i) DPWT to complete the screening and scoping forms (Form A and B below)	During preparation of the annual work plan	The final form will be disclosed at MPWT websites
		(ii) DPWT prepare an Environment and Social (ES) Alignment Sheet identifying safeguard actions to be carried out during the design and construction of works including a final ECoP to	During design and preparation of bidding and contract documents (see guideline in <i>Annex 3</i>)	Consultant will be carried out during this stage

		be incorporated in the bidding and contract document.		
		(iii) DPWT to include the final ECoP in the bidding and contract documents and ensure that contractor is committed to comply with the ECoP.	During bidding and contract signing (see generic ECoP in <i>Annex 4</i>)	The final Alignment Sheet will be disclosed in MPWT websites
		(iv) DPWT to monitor contractor performance and include the result in the subproject implementation progress report.	During construction and monitoring	The monitoring reports will be disclosed in MPWT websites
B	<p>Moderate: The road maintenance subproject that meet the following conditions:</p> <p>(i) requires IEE by the Government IEE regulation;</p> <p>(ii) located within or very near (less than 100 m) to the national protected area (NPA) or the national protection forest (NFA) as defined by the Government legislation;</p> <p>(iii) nearby the sensitive cultural sites;</p> <p>(iv) involves ethnic groups; and/or</p> <p>(v) requires land acquisition..</p>	(i) If an IEE is not required, the requirements and time frame will follow the process (i), (ii), (iii), and (iv) provided for Subproject Category C above.		
		(ii) If an IEE is required by the IEE regulation (2013), DPWT will consult and agree with PONRE on scope and form of the IEE report and prepare document as required.	When the annual work plan has been approved by MPWT and WB.	Consultation will be made according to the IEE regulations and technical guideline
		(iii) It is strongly recommended that preparation of the ES Alignment Sheet and the application of ECoP approach be applied during the preparation of an ESMP for the IEE report. Consultation with TD/DoR and/or ESD/PTRI and WB safeguard specialist is recommended.	The activities will be conducted before and/or during design and preparation of bidding and contract documents.	The approved annual work plan will be disclosed in the MPWT websites.
		(iv) If land acquisition and/or ethnic groups are involved, a RAP and/or EGDP will be prepared as agreed with ESD/PTRI and/or WB;	When the annual work plan has been approved by MPWT and WB	
		(v) ESD/PTRI review and endorse the ESMP, EGDP/RAP, and all safeguard documents before submitting to WB for clearance. It is also possible to seek WB agreement on post safeguard review.	- When preparation of the documents are completed and before approval of the subproject.	-
		(vi) TD/DoR and/or ESD/PTRI will ensure that (a) the proposed mitigation measures to be considered during the detailed design has been incorporated in the design, (b) the final ECoP is included in the bidding and contract documents.	- During the ESMP review and endorsement process	The approved ESMP will be disclosed in the MPWT website
		(vii) During construction, ESU/DPWT, TD/DoR, and/or	- During construction or	The monitoring reports will be

		ESD/PTRI will conduct supervision and monitoring and report the contractor performance in the subproject progress reports to be submitted to WB.	maintenance of road works including site closing.	disclosed in the MPWT website
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Safeguard Screening Forms

6. These forms will be filled by ESU/DPWT during the identification of the subproject as part of the annual work plan. The signed will be properly signed and attached to the subproject proposal which to be reviewed by ESD/PTRI.

FORM A: Project Concept Safeguards Checklist (modified from ESOM Annex II.1 --Use in step A: Reconnaissance)

Province:	District:	Location – sketch map attached (Mark ✓)	
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Road Name:	Road No:	Link No. (details)	
TYPE of works/activities (Mark ✓)	<input type="checkbox"/> Provincial road maintenance	<input type="checkbox"/> District road maintenance	
<input type="checkbox"/> Located within NPA	<input type="checkbox"/> Located near NPA	<input type="checkbox"/> Located near important cultural sites	
Brief description of works/activities: [i.e. length of road, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) to benefit]			
Checklist	Yes	No	Explanation/Comments
1. Will the works require any land acquisition?			
2. Will the works require taking land from people who are using it for agriculture (even if they do not own/have title to the land)?			
3. Will the works require any households to move structures (include, houses, small shops, rice bins etc.) back from the road?			
4. Are there ethnic people living in the area? If yes, how many different groups (list)?			
5. Are the works, located in or near a cultural/heritage area?			
6. Are the works, located in or near an area known to have special significance to the people of the area?			
7. Are the works, located near or in a protected area (or a buffer zone of a protected area)?			
8. Are the works likely to generate dust or create a dust problem? If yes, for how many months (during which season)?			
9. Will the works require NEW borrow pits or quarries to be opened up?			
10. Will the works be located near a river, stream or waterway?			
11. Will the works result in increases in, or changes to the type of, traffic using the road?			

12. Will any of the works require the use of toxic chemicals, herbicides, and/or explosives?			
13. Other information: map, additional issues or impacts etc should be specified on the attached sheet: List attachments:			
Distribution of ESMF Initial Screening Form:			
Distributed to	Yes	No	Date
MPWT-ESD/PTRI			
MPWT- DOR			
DPWT – ESU			
PONRE			
Others (list below)			
ESMF Initial Screening Form compiled by:			
Name:		Duty:	
Signature:		Date:	
ESMF Initial Screening Form verified by:			
Name:		Duty:	
Signature:		Date:	

Attachments

(For map, sketches, other information, issues, potential impacts, etc as mentioned in item 13 above)

As required

FORM B: Environmental Assessment Category Screening Form for Road Maintenance
(modified from ESOM Annex II.2 -Use in step B: Planning)

Province:	District:	Location – sketch map attached (Mark ✓)		
		<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Road Name:	Road No:	Link No. (details)		
TYPE of works/activities (Mark ✓)	<input type="checkbox"/> Provincial road maintenance	<input type="checkbox"/> District road maintenance		
TYPE of works/activities (Mark ✓)	<input type="checkbox"/> Upgrading/reconstruction	<input type="checkbox"/> Rehabilitation		
<input type="checkbox"/> Improvement	<input type="checkbox"/> Maintenance	<input type="checkbox"/>		
Brief description of works/activities and project area: [i.e. length of road, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) to benefit, describe site sensitivity based on criteria in Form A]				
Screening Questions		Yes	No	Explanation/Comments
Is the project area within or adjacent to any of the following areas?				
– Cultural/heritage area				
– Protected area				
– Buffer zone of a protected area				
– Wetland				
– River, stream or waterway				
– Estuary				
– Location and nature of Protected Area (PA)				
– Location and nature of Protection Forest Area (PFA)				
– Will secondary forest be affected?				
– Are there rare or endangered species of flora or fauna in the project area?				
– Will the project increase access to protected areas or areas important for biodiversity conservation?				

– Will the project require cuts, fills, quarries or extraction of material (stone, gravel, aggregate, sand)?			
– Will the project alter surface water hydrology of waterways or streams?			
– Will the project increase soil erosion?			
– Will the project require rock crushing or use of explosives (blasting)?			
– Will the project generate dust or noise?			
– Will the project require the establishment of a camp for construction workers?			
– Will the project require the creation of temporary access or haul roads?			
– Will the project require the creation of material stockpiles?			
–			
INFORMATION ON ENVIRONMENTAL IMPACT			
Information			Explanation
What is the predominant type of vegetation to be affected by the project?			
What is the estimate of the total area of this type of vegetation to be affected?			
Are there any other proposals or projects which could increase the significance of any of the impacts (cumulative impacts)?			
Will the project require the acquisition or temporary use of people's land? If yes, also complete LAR SCREENING FORM (Form D)			
Will the project require the relocation of structures? If yes, also complete LAR SCREENING FORM (Form D)			
Is the project located in area where ethnic minority groups are known to live or use? If yes, also complete EG SCREENING FORM (Form C)			
PROJECT CATEGORIZATION FOR ENVIRONMENTAL IMPACTS			
Based on the definition of impacts in the Environmental and Social Operation Manual, what is the category?			
[] CATEGORY B – non-significant environmental impact, an IEE is required			
[] CATEGORY C – minimal or no environmental impact, no EA required, generic ESMP and technical specifications will apply			

Indicators of Site Sensitivity see in Form B below			
Distributed to	Yes	No	Date
MPWT-ESD/PTRI			
MPWT-DOR			
DPWT – ESU			
PONRE			
Others (list below)			
EA Screening Form compiled by:			
Name:		Duty:	
Signature:		Date:	
EA Screening Form verified by:			
Name:		Duty:	
Signature:		Date:	

FORM C: Ethnic Groups(EG) Screening Form for Road Maintenance (modified from ESOM Appendix II.12)

Province:	District:	Location – sketch map attached (circle one)	
		YES	NO
Road Name:	Road No:	Link No. (details)	
TYPE of works/activities (Mark <input checked="" type="checkbox"/>)	<input type="checkbox"/> Provincial road maintenance	<input type="checkbox"/> District road maintenance	

Brief description of works/activities and project area: [i.e. length of road, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) affected, describe communities to be affected]

ETHNIC MINORITY ISSUES SCREENING

Screening Questions	Yes	No	Explanation/Comments
1. Are there ethnic minority groups present in the subproject area (i.e. road alignment and its right of ways)?			
2. If yes, how many different groups?			
3. Do they live in mixed communities with non-ethnic minority people?			
4. Do they maintain distinctive customs or economic activities?			
5. If yes, do any of these customs or economic activities may make them vulnerable to hardship?			
6. Will the project restrict their economic or social activity?			
7. Will the project affect or change their socio-economic and cultural integrity?			
8. Will the project disrupt their community life?			
9. Will the project positively affect their health, education, social activity, livelihoods or security?			
10. Will the project negatively affect their health, education, social activity, livelihoods or security?			
11. Will the project alter or undermine the recognition of their knowledge?			
12. Will the project preclude customary behavior or undermine customary institutions?			
13. If impacts on ethnic minority groups are expected:			
14. Are there sufficient skilled staff in the Executing Agency for preparing an assessment and identifying			

suitable mitigation measures (preparing an Ethnic Groups Development plan [EGDP])?			
15. Are training and capacity-building interventions required prior to EGDP preparation and implementation?			
16. In case of no disruption to ethnic minority community life as a whole, will there be loss of housing, land, crops, trees or access to resources owned, controlled or used by ethnic minority households?			
Anticipated Impacts on Ethnic People			
Project activity	Anticipated positive effect		Anticipated negative effect

PROJECT CATEGORIZATION FOR ETHNIC GROUP (EG) IMPACTS			
Based on the definition of impacts in ESOM what is the category?			
<input type="checkbox"/> CATEGORY B – Impacts related to land acquisition only, specific action to be included in the RAP or abbreviated RAP is required			
<input type="checkbox"/> CATEGORY C – No impact, no EGDP or Specific Action is required, generic social impact mitigation specifications will apply			
Distributed to	Yes	No	Date
MPWT-ESD/PTRI			
MPWT- DoR			
DPWT – ESU			
PONRE			
Others (list below)			
EG Screening Form compiled by:			
Name:		Duty:	
Signature:		Date:	

EG Screening Form verified by:	
Name:	Duty:
Signature:	Date:

FORM D: Land Acquisition & Resettlement (LAR) Screening Form for Road Maintenance (modified from ESOM Appendix II.11)

Province:	District:	Location – sketch map attached (√)		
		<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Road Name:	Road No:	Link No. (details)		
TYPE of works/activities (Mark √)	<input type="checkbox"/> Provincial road maintenance	<input type="checkbox"/> District road maintenance		
<p>Brief description of works/activities and project area: [i.e. length of road, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) affected, describe communities to be affected]</p>				
LAND ACQUISITION AND RESETTLEMENT SCREENING				
Screening Questions		Yes	No	Explanation/Comments
Is land acquisition likely to be necessary?				
Is the site for land acquisition known?				
Is the ownership status and current usage of the land known?				
Will easements be utilized within an existing right-of-way?				
Are there any non-titled people who live or earn their livelihood at the site or within the right-of-way?				
Will there be loss of housing?				
Will there be loss of agricultural plots?				
Will there be losses of crops, trees, and fixed assets?				
Will there be loss of businesses or enterprises?				
Will there be loss of incomes and livelihoods?				
Will people lose access to facilities, services, or natural resources?				
Will any social or economic activities be affected by land use-related changes?				
If involuntary resettlement impacts are expected:				
- Will coordination between government agencies be required to deal with land acquisition?				
- Are there sufficient skilled staff in the Executing Agency for				

resettlement planning and implementation?			
- Are training and capacity-building interventions required prior to resettlement planning and implementation?			
INFORMATION ON AFFECTED PEOPLE			
Any estimate of the likely number of households that will be affected by the project? <input type="checkbox"/> Yes; <input type="checkbox"/> No			
If yes, approximately how many households?			
Are any of the households vulnerable i.e. households that (i) are headed by divorced or widowed females with dependents and low income; (ii) include disabled or invalid persons; (iii) include persons falling under the generally accepted indicator for poverty as defined by the Ministry of Labor and Social Welfare, or the landless; and/or, (iv) are elderly with no means of support? <input type="checkbox"/> Yes; <input type="checkbox"/> No			
+ If yes, approximately how many households?			
+ If yes, briefly describe their situation:			
Are any of the households from ethnic minority groups? <input type="checkbox"/> Yes; <input type="checkbox"/> No			
+ If yes, briefly describe their situation:			
PROJECT CATEGORIZATION FOR RESETTLEMENT IMPACTS			
Based on the definition of impacts in the Environmental and Social Operations Manual, what is the category?			
<input type="checkbox"/> CATEGORY B – marginal or non-significant resettlement impact, an abbreviated RAP is required			
<input type="checkbox"/> CATEGORY C – minimal or no resettlement impact, no resettlement is required, generic social impact mitigation specifications will apply			
Distributed to	Yes	No	Date
MPWT-ESD/PTRI			
MPWT- DoR			
DPWT – ESU			
PONRE			
Others (list below)			
LAR Screening Form compiled by:			
Name:		Duty:	
Signature:		Date:	

LAR Screening Form verified by:	
Name:	Duty:
Signature:	Date:

ANNEX E: PREPARATION OF AN ESMP

1. If an Initial Environmental Examination (IEE) is required by the Government the scope and content of the report will follow an agreement with the local authority (PONRE). Nonetheless, if an IEE is not required, an ESMP will be prepared identifying potential impacts during preconstruction, construction, and operations and applying the *Alignment Sheet* approach (see Section A3.1) as a tool to identify specific measures during implementation of the subproject including incorporation of the final Environmental Code of Practice (ECoP)(see *Annex 4*). Section A3.2 provides general guideline regarding typical issues and mitigation measures for the road maintenance to be considered during the preparation of the ESMP and good practicing during consultation and finalization of ECoP. Preparation of RAP and/or EGDP will follow the RPF and EGPF.

(A3.1) Guideline for preparation of an ESMP

2. The *Alignment Sheet* approach has been prepared as part of the ESMP for road sector project being implemented by MPWT for many years and it is found to be practical and easy for monitoring. The *Alignment Sheet* approach will therefore be used during the preparation of the ESMP of the proposed road maintenance subproject to be implemented under Component 1. Below presents a general principles that should be considered during the preparation of an ***Environment and Social (ES) Alignment Sheet*** during preparation of the ESMP and implementation of the subproject.

During the planning:

3. The environmental analysis, design, and preparation of an ESMP for each road subproject must be conducted in close connection with the feasibility and engineering design of the subproject and/or each individual segment. As the proposed subprojects will involve mainly road maintenance works of existing roads, the works should concentrate on environmental and social issues associated with direct impacts along the road alignment and the management of road construction impacts. ***If realignment is needed***, the ESMP report should include a detailed justification for all minor re-alignments proposed to improve the geometry or other technical features of the roads. Alternatives for any major realignment must be compared on technical, economic, environmental, and social merits. During the planning efforts will be made to address road safety issues during construction and operation phases. Issues related to gender aspect will also be considered.

(a) Environmental and Social Impacts:

4. The most significant and potentially adverse direct impacts associated with the proposed road maintenance works would be related to: (i) sensitive environmental and social sites along the right of way (RoW) such as natural habitats, protected areas, wetlands, cultural resources; (ii) potential minor resettlement of families in the right of way and the potential economic impact on small business and/or informal economic activities along the RoW; (iii) the interaction of construction workers with local communities, especially ethnic minorities, potential damages to private property and community infrastructure, and nuisances to communities caused by construction activities; (iv) localized environmental impacts due to new alignments and by-passes (if necessary), and construction activities with significant slope instability and erosion, impact on drainage patterns; (v) exacerbation of road safety hot spots along the RoW; and (vi) management of non-motorized transport and motorcycles.

Road safety issues during construction as well as operation were highlighted by the local authorities and peoples during consultation. The issues have been incorporated into the generic ECoP and specific activities can be identified during the preparation of the environmental management plan to be proposed by the contractor. To address road safety issues during operation, DPWT will work with local authorities and communities to take actions regarding road safety as part of the ESMP. Although resettlement issues will be addressed through specific resettlement plans, resettlement issues must be included in this analysis.

(b) Key elements of the ESMP and monitoring plan:

5. In principles, the ESMP should comprises brief description of the subproject areas, the proposed subprojects activities, the potential impacts and proposed mitigation measures during preconstruction, construction, and operation stages, and monitoring and budget plan while details could be provided in annexes. The mitigation measures to address issues related to road safety during operation should be prepared in consultation with local authorities and communities as much as possible so the activities will have positive impacts after the subproject implementation is completed. Monitoring of the ESMP implementation will follow the guideline provided in the ESMF. Cost for implementation of the ESMP will be considered as part of the subproject cost. This section provides the basic principles for the preparation of an alignment sheet approach in general which can be adjusted to fit the type of activities and location of the subprojects. However, key element of the ESMP for a simple subproject such as road maintenance can be simple and practical so that local contractors could understand and implement effectively and the activities could be supervised and monitored by local safeguard staff. It is necessary for ESD/PTRI to provide clear guidance and if needed take the lead (on-the-job-training) during the preparation of the first few ESMP in close consultation with WB safeguard specialist as needed.

6. To mitigate the potential negative impacts, the ESMP should comprise, but not limited to, the following key elements:

- (i) Road-segment specific environmental management plans through the preparation of *the Environment and Social Alignment Sheets* for each segment or the whole subproject;
- (ii) Management of construction activities through the finalization of the generic ECoP provided in *Annex 4* so that it can be included in the bidding document and contract document. Budget for implementation of the mitigation measures responsible by the contractor will be part of the contract cost;
- (iii) Preparation of a Community Relations Plan focusing on mitigation of potential impacts due to road safety, local traffic, and reduction of nuisance and other disturbance to local residents. This requirement has been incorporated into the generic ECoP; and
- (iv) Supervision and monitoring mechanisms to be applied throughout the construction period. The ESMP will provide a section identifying the responsible entity for ensuring effective implementation of the ESMP including budget allocation which will be considered as part of the subproject cost.

- (v) It is noted that cost for land acquisition and other compensation will be paid by the subproject owners and/or local government.
- (vi) In responding to comments from local authorities and communities during consultation the ESMP should pay special attention (as site-specific requirements in ECoP) to mitigate potential impacts on road safety, proper closure of borrow pits, and management of worker camps and workers.

(c) Environmental and Social Alignment Sheets

7. Each road segment will be subject to a detailed environmental and social screening (*see Annex 2*). The social and environmental screening will include, but not be limited to, the analysis of available information concerning the general population distribution, concentrations of tribal or cultural groups, concentrations of low-income communities, areas of significant RoW encroachment, sensitive and/or critical natural habitats (e.g. national parks, reserves, wildlife sanctuaries, sacred groves, protected areas, forests, wetlands, etc.), major rivers and waterways, recorded cultural heritage sites, and any other potentially sensitive areas, based on recent census, official data and information from NGOs (such as WWF), and detailed site visits.

8. Through a detailed survey of the final road alignment, the Environmental and Social Alignment Sheets will be prepared for each road segment where road maintenance works will be conducted or the whole subproject if information is available. These alignment sheets will include:

- Identification of all physical, environmental, and social issues along the road;
- Identification of mitigation measures identified by Km along the alignment;
- The instrument in which the mitigation measures will be included (design, resettlement plan, construction specifications, bidding documents, community relations plan, etc.);
- The agency responsible for implementation;
- The timing for the implementation of the mitigation measure (before construction, during construction, during planning, etc.);
- The sources of funding for implementing the mitigation measure.

9. The Alignment Sheet will be presented in maps at appropriate scales (both profile and overhead) and in schematic summary tables (as appropriate). Issues to be addressed in this manner include:

- Slope stability, major earth cuts;
- Natural hazards areas (flooding, instability);
- Erosion;

- Drainage, stream crossings, bridges;
- Direct and indirect effects on houses, businesses, and informal economic activities;
- Potential hot spots for road safety (junctions, crossing of communities, etc.);
- High gradients;
- Community infrastructure (water supply, irrigation, bus stops, etc.);
- Community use of resources (for instance, use of water/creek for bathing, washing clothes);
- Scenic areas (waterfalls, for instance);
- Road safety and borrow pits closure measures;
- Areas of special safety concern (bridges, road segments with significant precipices).

10. For each environmental and social problem identified and evaluated, mitigation measures must be identified. These may include:

- Slope stabilization;
- Erosion control and re-vegetation of RoW;
- Energy dissipation in drainage systems to minimize downstream erosion;
- Resettlement plan;
- Construction of areas for the relocation of roadside activities;
- Relocation and reconstruction of affected community infrastructure;
- Landscaping of scenic areas;
- Extra wide shoulders, independent lanes in certain hot points (bridges, community crossings, road safety, borrow pit closure measures);
- Special signs and traffic calming measures;
- Special design in critical junctions;
- Third (“passing”) lanes in steep slopes;
- Bus stops.

(d) Environmental Specifications for Road Construction (ECoP)

11. All mitigation measures for direct impacts (erosion control, embankment and slope stability, drainage) should be incorporated into project design and will be included in project costs. In addition, all the environmental requirements for road construction will be incorporated in an environmental annex (Environmental Specifications for Road Construction) which will be part of bidding documents.

12. The Consultants will identify and propose environmental and social mitigation measures that are necessary to mitigate the impacts and nuisances from road construction activities and that are common in construction of road rehabilitation and improvement projects.

13. The proposed mitigation measures should be described in easily understandable terms, identifying best practices, timing for implementation (before, during, after construction) and illustrated with sketches, diagrams, and pictures as necessary. The measures should be standardized in such a way to allow their application to any type of road construction activity.

14. The specifications will establish specific rules for minimizing environmental impacts during construction and provide guidance on the design of specific environmental mitigation measures such as slope stability, construction waste disposal and erosion control. Examples of topics that are included in the environmental specifications annex are: (i) explicit prohibitions and environmental behavior guidelines for work crews, specially along sensitive areas and near rural communities; (ii) proper selection, management, and restoration of quarries, borrow pits, gravel extraction sites in rivers and streams; (iii) the rehabilitation of affected areas through soil replacement and re-vegetation; (iv) selection of camp sites (with specific guidelines on distance to communities according to their population), management of camp wastes, and guidelines for camp dismantling and abandonment; (v) proper disposal of excavated earth and spoil materials to avoid pollution of streams; (vi) management of health issues for road workers; (vii) storage, management, and use of explosives; and (viii) proper disposal of wastes from construction machinery and equipment.

15. The specifications will address social issues such as: (i) chance finding procedures for archaeological and/or paleontological artifacts; (ii) the management of noise in or near urban or peri-urban areas; (iii) traffic management in urbanized areas; (iv) minimization of disruptions of community activities in the vicinity of the right of way from the influx of workers and increased traffic of heavy machinery, from potential damages to property, and from conflicts with the local population; (v) communications programs during the construction period.

(e) Community Relations Plan (CRP)

16. Road construction works may disrupt the communities in the vicinity of the right of way as there will be an influx of workers, increased traffic of heavy machinery, potential damages to private property, and conflicts with the local population. The ESMP should identify community participation mechanisms (for instance, a committee with representatives from different communal leaders) to address social issues during the construction period. At present general requirements for establishing community relations has been incorporated in the ECoP.

(f) Supervision and Monitoring

17. The Project owner (DPWT) will assign the Construction Supervision Consultant (CSC) and/or filed engineer to be responsible for day-to-day supervision and monitoring of contractor performance and include the results in the subproject progress report. ESU/DPWT will conduct monthly monitoring while DoR and ESD/PTRI will conduct 6 month and annual monitoring.

(A3.2) Typical Issues and Mitigation Measures for Road Maintenance Subproject

18. This section provides guidance (as an example) on typical mitigation measures for road maintenance and rehabilitation that should be considered during the preparation of an ESMP (Table A3.1) and good practices to be considered during consultation (Table A3.2). These are just an example of overall potential impact and mitigation measure for EMMP. For the actual project will be based on project activities and will be different from site to site.

Potential Negative Impacts	Mitigation Measures
Design-general	
Erosion and instability of cut faces and borrow pits	Design cut slope to minimize instability Use structural stabilization measures such as retaining walls and gabions Use adequate design, siting, and sizes of drainage structures
Erosion of lands below the roadbed receiving concentrated outflow carried by drainage structures	Site drainage structures so as to avoid a cascade effect and to ensure that runoff is conveyed into natural drainage lines at controlled velocities Line receiving areas with stones or concrete to protect soils at outflow areas Incorporate sufficient number of drainage outlets such that flow from any individual outlet is not excessive
Loss of riverside vegetation	Where road alignment is close to the rivers, widening or re-alignment will be on the side not adjacent to the river
Loss of vegetation and habitat through road widening, realignment of right-of-way	Road cuts will be sited and designed with care so as not to undercut banks supporting forest vegetation
Impacts on wildlife through interruption of migratory routes and other habitat disturbances.	Road cuts will be sited and designed with care so as not to undercut banks supporting forest vegetation
Encroachment on irrigation structures from road widening and realignment	Use appropriate drainage structures to replace those presently used in irrigation systems. Avoid encroachment on irrigation systems in use. If unavoidable, consult with relevant organization for appropriate solution. Consult with relevant organization on planned area for irrigation. Incorporate culverts into road design where planned irrigation across the road.
Encroachment on water supply systems from road construction-activities	Road engineers will work with the Lao Clean Water Supply Authority in each province during the detailed design phase to identify places where there are existing and planned water pipes and to find appropriate ways to manage working around water pipes. Culverts will be incorporated into road design where water systems are planned. Detailed design will include plans for avoidance of damage to water systems and replacement/repair of water systems where avoidance is not possible. Coordination with the Water Supply is necessary.

Potential Negative Impacts	Mitigation Measures
Destruction of agricultural land through road widening and realignment	Minimize realignment through agricultural land. Do not site borrow pits or dispose of cut spoil on agricultural land. Ensure appropriate compensation for loss of agricultural lands
Encroachment on Sacred Trees	Design road alignment to avoid Sacred Trees (Consult with local people to identify such trees). If unavoidable, compensate for spirit ceremony for cutting the Trees.
Encroachment on known cultural and historical sites.	Do not damage to any newly discovered heritage sites. Regular consult with local people on road widening, realignment or other activity that would encroach on graveyard sites. Compensate for tombs moving ceremony in case affected.
Mobilization of equipments and workforces	
Accident risk from mobilizing construction equipment	To the extent possible, avoid the mobilization of heavy equipments at night. Over-width and over-length vehicles should display adequate warnings such as flashing lights, signs, and flags on extending parts of equipment.
Negative impact on the health and social well-being of local people by the introduction of an outside workforce	Conduct special briefing or on-site training on environmental requirement of the project to workers. Strictly supervise workers not to interference with local affairs or quarrel with local people. In case of complaints from local people on the issues caused by workers, the complains will be solved as soon as possible, under collaboration of Environmentalist.
Impacts on Local Wildlife by Workforce	Carry out awareness-raising campaigns on wildlife value for workers Any worker conduct hunting, or buy wildlife from local people, will be dismissed from job Supply workers with sufficient foods from outside the Project.
Accident risk from mobilizing	The followings for safety will be provide to workers. Warning and/or Precaution Signs on safety. Helmets. Instruction on health and safety. Establishment of all relevant safety measures required by law and good engineering practices.
Outbreak of disease	The Contractor will have all his workers undergo a regular medical check on their arrival on Site. Site construction camps at least 50 m far away from rivers and as far as possible from local communities. Provide enough water supplies for workers, and ensure sufficient sanitation for the camp: the proper drainage systems, and the proper location for solid waste disposal. Make medical treatment available for workers. Provide workers mosquito nets and malaria-prevention medication. If needed, periodically spray around camp to against mosquitoes.
Depletion of natural resources through demand for building materials, fuel, and food for workers	Do not harvest wood resources within provincial and district protected area. Where local materials must be used, make agreements with local communities about the areas or the volume that can be harvested without significant impact. Support community development by paying an adequate price for any local resources used. All supplies for building camps will be brought from outside the area.
CONSTRUCTION STAGE	
Earthworks and operating of quarries and borrow pits	

Potential Negative Impacts	Mitigation Measures
Erosion and instability of cut faces and borrow pits	No contour will be permitted in areas with steep slopes. Minimize major earthworks during the rainy season, to the extent feasible. Pile topsoil from digging of borrows pits carefully to one side, where it can be later used for reclamation. During construction, employ erosion prevention measures such as the use of hay bales. At the end of the construction phase, recontour borrow pit walls, replace topsoil, and revegetate. At the end of the construction phase, revegetate cut slopes where feasible.
Destruction of agricultural land through spoil and construction waste disposal	Do not dispose cut spoil and construction waste at agricultural land.
Erosion from disposal of cut spoil	Dispose of spoil only where permitted by Environmentalist and Local Authorities. To the extent feasible, avoid disposal on slopes greater than 30%. Where spoil disposal in vegetated sites cannot be avoided, select areas with scrub, bamboo, or herbaceous growth over areas of healthy forest. No disposal into gullies or watercourses.
Earthworks and operating of quarries and borrow pits	
Erosion from disposal of cut spoil	No disposal in or adjacent to cultivated areas (unless such areas lie within the road reserve width, in which case owners will be compensated under the Resettlement Plan. No disposal by direct tipping of spoil down slope. Revegetate spoil dumps to maintain the soil stability.
Loss of riverside vegetation	To the extent possible, avoid clearing riverside vegetation during road construction. Revegetate riverbanks where clearing is unavoidable.
Loss of vegetation from detour construction	In flat areas, leave enough of a roadside edge for vehicles to pass. In mountainous areas, build only half of the road at a time so that traffic can pass on the other half of the roadway. Remove the base soil of any necessary detours and revegetate after road construction. Where realignments are being built, use the existing roadway for traffic to pass. Where detours are unavoidable, as in areas where bridges are being built, limit the length and impact of each detour to the degree possible. Limit the width of any necessary detours to a minimum.
Loss of vegetation and habitat through road widening, realignment of right-of-way, quarries and borrow pits	High cave will be observed when necessary. There will be no new quarries within provincial and district protected areas. Do not cut trees outside of the construction zone. In case of new quarries operation, the quarries will be approved by the environmental monitoring authorities. Where possible, avoid cutting trees along the edge of the construction zone. Quarrying activity will be limited to a minimum of necessary sites, with previously used sites preferred.
Impacts on wildlife through interruption of migratory routes and other habitat disturbances	Strict monitoring in this area will be used to prevent opportunistic "salvage" logging or illegal timber harvest.
Encroachment on water supply systems from road construction activities	Contractors will pay a fee to villagers for damage to water systems, perhaps based on number of days without water until the system is fixed. Fees might be specifically targeted towards women or women's groups, since they are usually the ones who will have the main burden of carrying water when the system is down.

Potential Negative Impacts	Mitigation Measures
Encroachment on previously unidentified cultural heritage sites	Alert local authority upon discovery of any objects of possible archaeological significance that may be uncovered during construction. Construction activity affecting the area of the find will stop until qualified site assessment has been made and contractors have been given permission to proceed. Bring in a qualified archaeologist as needed.
Dust/air pollution	Water the road in the settle area when dust seems to be occurred, particularly in the dry season. Maintain all construction vehicles to minimize toxic vehicle emission. Appropriate, scheduled road maintenance will be needed to retain a sealed surface, continuing the improved situation.
Creation of stagnant water bodies in borrow pits, quarries	Incorporate adequate drainage and fill in borrow pits and quarries. Maintain borrow pits and quarries by landscaping and revegetation after operation.
Noise and vibration	All road construction vehicles will have working mufflers and be properly maintained. Time blasting activities so as not to disrupt local people. Inform people of possible damage from vibration before using Vibrating Rollers near to settled area.
Accidental risks by traffic disruption during construction	Employ “flag men” to regulate the traffic flow. Where new alignments are being built, allow traffic to continue on old alignments. Where possible, as in flat areas, provide enough edge space for one-way traffic flow. In mountainous areas, build one-half of the roadbed at a time, leaving the other half open for traffic.
Visual impact of road cut, spoil disposal, borrow pits, and quarries	Where feasible, quarries will be sited away from the road. For example, if a new quarry is to be made at the site identified to the northwest of Vieng Phoukha town, blasting and construction of crushing plants will be done on the north side, out of sight of the road. In sites where quarries must be close to the road, trees and other vegetation will be left between the quarry/crushing plant sites and the road.
Setting up and operating a quarry winning rock from river bed	
Changes to river bed ecology from extraction of river sands and gravel	Where possible, limit extraction to the riverbank. Spread extraction out over a broad area at the site Limit extraction of river sands and gravel to as few sites as possible, preferably using sites that are already impacted.
Removal of unused structures and pavement	
Construction waste	Select areas with scrub or bamboo for disposal. Dispose only where permitted by Environmentalist and Local Authorities. To the extent feasible, avoid disposal on slopes greater than 30%. No disposal into gullies or watercourses. No disposal in or adjacent to cultivated and settled area.
Setting up and operating an asphalt plants, bitumen operation area	
Water pollution by oil, grease, and fuel around gas stations and parking areas	Locate storage areas for diesel and bitumen at least 500 m from watercourses. Collect and recycle all lubricants and take precautions to prevent accidental spills. Prohibit road asphaltting activities during rainfall.
Water pollution by oil, grease, and fuel around gas stations and parking areas	Employ safe practices in filling bitumen distributor tanks and in heating bitumen. Do not allow smoking or fire of any kind in the vicinity of bitumen and kerosene blending tanks. Provide a carbon dioxide fire extinguisher at the bitumen tank site for fire-fighting. Develop and implement plans for safe storage of all toxic and potentially toxic materials into construction planning and design.
Operation of construction camps	
Solid waste of construction camps	Provide garbage tanks and sanitary facilities for workers. Waste in the specific tanks should be cleared periodically

Potential Negative Impacts	Mitigation Measures
	Garbage will be collected in a tank and be disposed of periodically. Special attention will be paid to the sanitary condition of camps.
Depletion of natural resources through demand for building materials, fuel, and food for workers	Do not harvest wood resources within provincial and district protected areas. Do not allow construction camps to become permanent settlements. Remove camps prior to Project completion. Use non-wood fuels such as Liquid Propane Gas or kerosene for cooking food and heating bitumen. Where local materials must be used, make agreements with local communities about the areas or the volume that can be harvested without significant impact. Support community development by paying an adequate prices for any local resources used. All supplies for building camps should be brought from outside the area Upon close of construction, consider transferring camp structures to local people for community/government use.
Impact on wildlife by workforce	Carry out awareness-raising campaigns on wildlife value for the workers. Any worker conduct hunting, or buy wildlife from local people, will be dismissed from job.
Creation of a new pathway for disease vectors affecting humans	All workers will have a regular medical screening conducted by “Lao Red Cross”, the Package-4 Consultant, to check for HIV/AIDS, sexually transmitted diseases, Malaria, etc. Keep camps from becoming blight on the local environment. Provide enough water supplies for workers, and ensure sufficient sanitation for the camp: the proper drainage systems, and the proper location for solid waste disposal. Make medical treatment available for workers. Provide workers mosquito nets and malaria-prevention medication. If needed, spray around camp area to against mosquitoes. Plan post-construction clean-up activities to assure no unsanitary or otherwise dangerous debris are left behind at camp sites
Operation Phase	
Increased vehicular traffic	
Accidental risk of toxic materials spills from increased vehicular traffic and commerce	Incorporate plans for safe storage of all toxic and potentially toxic material into traffic planning. Regulate transport of toxic materials. Set and enforce speed limits, especially near schools and heavily polluted areas.
Accidental Risk of Injury or Loss of Life to People and Livestock from Increased Traffic Volume and Speed	Install appropriate signs warning drivers to slow down in settled and livestock areas. Implement community program on road safety
Introduction of new people, transportation, communication, and other forms of development into the road corridor area	
Overexploitation of forest resources through illegal and unsustainable harvesting	Strengthen enforcement of forestry law regulating forest resources harvesting, achieved through stronger implementation of the Law Support community forestry initiatives
Impacts of wildlife through increased pressure from illegal trade	Strengthen enforcement of wildlife regulations prohibiting trade in endangered species, achieved through stronger implementation of the regulation.
Loss of cultural resources and tradition	Support well-planned eco-tourism that involves solicitation of continuous feedback from both local residents and travellers. Support the development of village cultural preservation groups, as already occur in several villages along the Project Road

Table A3.2 General Requirements for Participation and Disclosure (as recommended in ESOM)

PROJECT CATEGORY	PROJECT PHASE	CONSULTATION	DISCLOSURE INFORMATION
<p>Category B</p> <p>MODERATE environmental and social risk</p>	Assessment	<p>Dialogue process (meetings) with beneficiaries, affected people and stakeholders:</p> <ul style="list-style-type: none"> • About project purposes and potential impacts; • Ask for feedback and comments on perceived impacts and possible mitigation measures and requirements; • About project purposes and potential impacts; • About the results of environmental and social studies developed during the project preparation. <p>Where ethnic minority groups are affected, dialogue must be undertaken using methods, procedures and languages (according to the cultural characteristics of any different groups) that guarantee their participation in the overall project process and preparation of the EMDP.</p>	<p>Advance notice of meetings (newspapers, public notices and loudspeaker/radio announcements);</p> <p>Making publicly available:</p> <ul style="list-style-type: none"> • Basic information of the project; • Proposed schedule of consultations; • Proposed TORs for safeguard documents; and • Schedule of bids to prepare the safeguard documents <p>Public notification of:</p> <ul style="list-style-type: none"> • Environmental and social categorization; • Announcement of further consultations, meetings and interviews with directly affected people; • Initial findings of the environmental and social studies; and • Draft of the environmental and social studies, requesting comments and feedback <p>Public notification (including uploading of approved documents to donor websites):</p> <ul style="list-style-type: none"> • List of enterprises participating in the bid; • Summary and results of the community dialogue and consultations; • Final (approved) versions of IEE, ISA, LACR and/or EMDP (and any other studies developed during the project preparation)
	Approval		<p>To publish in the web and to announce in local media after the bid:</p> <ul style="list-style-type: none"> • Announcement of winning consultants; • Contract clauses with environmental and social commitments
	Monitoring		<p>Encourage local communities to participate in monitoring;</p> <p>To publicly notify during implementation:</p> <ul style="list-style-type: none"> • Reports of progress and findings of monitoring and evaluation (implementation of safeguard documents, project impacts and benefits, ongoing environmental and social commitments)

<p><u>Category C</u></p> <p>LOW environmental and social risk</p>	<p>Assessment</p>	<p>Dialogue process with local actors, including the community, about the project purposes and identification of any items to be included in contract clauses and technical specifications</p>	<p>Advance notice of :</p> <ul style="list-style-type: none"> • Basic information of the project • Schedule of bids to prepare the environmental documents • Level of environmental categorization <p>Publishing in the web before the bid:</p> <ul style="list-style-type: none"> • List of firms participating in bidding; • Summary and results of the consultations; • How to get access to important studies developed during feasibility study
	<p>Approval</p>		<p>Public notification of:</p> <ul style="list-style-type: none"> • Announcement of the winning consultants • Contracts with environmental and social commitments
	<p>Monitoring</p>		<p>Public notification of:</p> <p>Reports of progress and findings of monitoring and evaluation (implementation of safeguard documents, project impacts and benefits, ongoing environmental and social commitments)</p>

ANNEX F: GENERIC ECoP

1. This annex presents a generic ECoP to be finalized during the preparation of an Environmental and Social Management Plan (ESMP) of all the maintenance works to be conducted under Component 1 of the Lao Road Sector Project (LRSP2). The final ECoP is considered part of the ESMP and it will be incorporated into the bidding document and contract document and the implementation cost will be part of the contract cost. The subproject owner will assign the Construction Supervision Consultant (CSC) and/or field engineer to supervise and monitor Contractor's compliance with ECoP on a day-to-day basis while assigning the Environment and Social Unit (ESU/DWPT) to conduct monthly monitor and reporting. The Department of Road (DoR), the Environment and Social Division of the Public Works and Transport Institute (ESD/PTRI), the local authorities (PONRE/DONRE), and local communities may also conduct periodic monitoring of contractor performance, as needed.

2. DPWT (as the subproject owner) will be responsible for preparation of the final ECoP and ensuring its compliance during road maintenance works. This generic ECoP can be modified to suit specific issues/conditions observed/agreed during the preparation of the subproject ESMP and finalization of the ECoP.

3. ***Application of ECoP:*** The ECoP aims to mitigate the typical potential negative impacts of road maintenance works such as increased in air, noise, vibration, waste generation, safety risks, local traffic, etc. which could be mitigate through good environmental management and construction practices. However site-specific measures may be required to address site-specific issues for the subproject that require specific actions to be carried out by contractors and this will be considered during the preparation of ESMP and other safeguard documents (RAP, EGDP). ECoP approach is considered a good practice and acceptable internationally. It is expected that the application of ECoP will become a standard procedure to be mainstreamed into DPWT operations related to other road works under DPWT responsibility. Key actions during the application of ECoP are highlighted as follows:

- During preparation of ESMP, incorporate specific actions and/or results from consultation with local authorities and community into the final ECoP. Based on the initial consultation with local authorities and community specific requirements has been incorporated as the site-specific actions into Part (2) of this generic ECOP. This part could be modified as appropriate.
- After the ESMP is approved by ESD/PTRI or WB, the DPWT will incorporate the final ECoP into the bidding and contract documents and ensure that the bidders/contractors are committed to this obligation and are aware that the mitigation cost is part of the construction cost.
- Before works begins, DPWT will assign a qualified field engineer or the CSC to be responsible for the day-to-day supervision and monitoring of safeguard performance of Contractor and the results will be included in the construction supervision progress report. DPWT will also assign staff of the Environmental and Social Unit (ESU/DWPT) and/or mobilize an environmental monitoring consultant (EMC) to conduct periodic monitoring of the Contractor performance and report the results and possible complaints from local authorities, communities, and/or other stakeholders. The DPWT may assign the

responsibility for mobilization of the EMC to a designated community organization, mass organization, and/or PONRE/DONRE.

4. **Scope of ECoP:** ECoP requirements are divided into 3 parts: (1) General Provision and Planning, (2) Site-Specific Actions, and (3) Works Management and Monitoring. Part (1) describes roles and responsibility of the subproject owner, the Contractor, and supervisor including the basic requirements of the WB groups and the principles for Contractor to consider during the planning or development of the contractor's standard operation procedures (SOP). Part (2) describes site-specific requirements that require particular attention as a result of specific concerns expressed by local authorities and/or communities, typical issues observed during supervision, and/or site-specific issues. Part (3) describes standard requirements during execution of works to reduce potential impacts on air, noise, vibration, water, etc. including key monitoring indicators that could facilitate effective supervision and monitoring.
5. The following guidelines will be implemented by the Contractor and is considered as part of contract documents of the subproject to be conducted by Contractor.

Part (1): General Provision and Planning

Section (1.1) Contractor responsibility

6. The Contractor is responsible for making best effort to reduce and mitigate the potential negative impacts on local environment and local resident including making payment for all damages that may occur. Performance of the Contractor will be closely supervised and monitored by the Construction Supervision Consultant (CSC) and/or qualified field engineer as well as periodic monitored by a qualified consultant to be assigned by the subproject owner (DPWT) and/or staff from the Environment and Social Unit of DWPT (ESU/DPWT). Results of the ECoP compliance monitoring will be included as part of the subproject progress report. Compliance with ECoP will be required throughout the construction period.
7. For clarity, the term "works" and/or "construction" in this document includes all site preparation, demolition, spoil disposal, materials and waste removal and all related engineering and construction activities.

Section (1.2) Non-compliance reporting procedures

8. The Contractor (and its subcontractors if any) must comply with the final ECoP. To ensure that necessary action has been undertaken and that steps to avoid adverse impacts and/or reoccurrence have been implemented, the CSC, the ESU/DPWT, and/or the Contractors must advise the subproject owner within 24 hours of any serious incidents of non-compliance with the final ECoP that may have serious consequence. In the event of working practices being deemed dangerous either by the subproject owners, the local authorities, or the other concerned agencies, immediate remedial action must be taken by the Contractors. The Contractors must keep records of any incidents and any ameliorative action taken. The records on non-compliance that could be practically addressed (not cause serious impacts) will be reported to the subproject owner on a monthly basis.

9. The Contractor will be responsible for dealing with any reports/grievance forwarded by the project investment owner, Police or other agencies (by following instruction from the project investment owner representative as appropriate) as soon as practicable, preferably within one hour but always within 24 hours of receipt by either the Contractor. The CSC/ESU will monitor and ensure that the Contractor has taken appropriate action. Where appropriate, approval remedial actions may require an agreement from the local authorities and/or other Government agencies. Procedures should be put in place to ensure, as far as is reasonably practical, that necessary actions can be undertaken to avoid recurrence and/or serious damage.

Section (1.3) Liaising with local authorities and the public

10. Prior to the commencement of project investment activities and throughout the construction duration, the Contractor will work closely with the local authorities and other agencies to ensure full compliance with Government regulations and will also provide adequate information on the Project to the General Public, especially those that may cause public safety, nuisance, and sensitive areas and the locations of storage and special handling areas. The Contractor will provide information and reporting telephone "Hot Line" staffed at all times during working hours. Information on this facility shall be prominently displayed on site hoardings.

Section (1.4) Community relations

11. The Contractor will assign one community-relation personnel, who will be focused on engaging with the community to provide appropriate information and to be the first line of response to resolve issues of concern. Contractor will take reasonable steps to engage with residents of ethnic minority backgrounds and residents with disabilities (or other priority groups as appropriate), who may be differentially affected by construction impacts.

12. The Contractor will ensure that local residents nearby the construction sites will be informed in advance of works taking place, including the estimated duration. In the case of work required in response to an emergency, local residents shall be advised as soon as reasonably practicable that emergency work is taking place. Potentially affected residents will also be notified of the 'Hotline' number, which will operate during working hours. The "Hotline" will be maintained to handle enquiries regarding construction activities from the general public as well as to act as a first point of contact and information in the case of any emergency. All calls will be logged, together with the responses given and the callers' concerns action and a response provided promptly. The helpline will be widely advertised and displayed on site signboards.

13. The Contractor respond quickly to emergencies, complaints or other contacts made via the 'Hotline' or any other recognized means and liaise closely with the emergency services, local authority officers and other agencies (based on established contacts) who may be involved in incidents or emergency situations.

14. The Contractor will manage the work sites, work camps, and workers in a way that is acceptable to local residents and will not create any social impacts due to workers. Any construction workers, office staff, Contractor's employees, or any other person related to the Project found violating the "prohibitions" activities listed in Section (1.7) below may be

subject to disciplinary actions that can range from a simple reprimand to termination of his/her employment depending on the seriousness of the violation.

Section (1.5) Implementation of the Environmental Health and Safety (EHS) guideline

15. In line with WB safeguard policy, the Contractor is required to comply with the Environmental Health and Safety Guidelines (EHSG) established for the project investment with financial support from the WB group (WBG). The EHSG provides general guidance on the pollution prevention and abatement measures and workplace and community health and safety guidelines that are normally acceptable in Bank-supported projects, particularly in cases where the borrowing country does not have standards, or when its standards fall significantly short of international or industry-wide norms. The EHSG are divided in two parts: general guidelines on health and safety and pollution prevention and abatement, including general standards for air and water quality, and a set of sector-specific guidelines for various types of development projects. For the Project, the Contractor will prepare an EHS Plan with an aim to identify the potential impacts and to develop a mechanism for a better management of the environmental health and safety of project activities during construction. The EHS Plan will be incorporated into the Contractor's own Standard Operating Procedures (SOPs). At a minimum the following EHS rules will be strictly followed:

Site EHS Rules:

- EHS orientation sessions before starting work;
- Wearing of personal protective equipment (gloves, helmets, safety shoes, dungarees, goggles etc);
- Follow the messages and instructions displayed on EHS notice boards installed on site;
- Promptly reporting all accidents to the concerned authority;
- Maintain appropriate barricades as required;
- Vehicles must be driven at a safe speed, observing speed limits of 30 Km/h and designated routes as mentioned in Contractor's Mobility Map;
- Drivers must have a valid driving license for the class of vehicle they are operating;
- Vehicles shall only be parked in designated parking areas; and
- Mine clearance of the project investment area.

Health and Hygiene: The measures should include:

- Provision of adequate medical facilities to the staff;
- Provision of hygienic food to the employees;
- Provision of cooling and heating facilities to the staff; and

- Provision of drainage, sewerage and septic tanks in camp area.

Security: Security measures should include:

- Regular attendance and a controlled time keeping of all employees;
- Restriction of un-authorized persons to the residential and work areas;
- Restriction of carrying weapons and control hunting by employees; and
- Provision of boundary walls/ fences with proper exits to the camp.

Section (1.6) Implementation of “Chance Find” Procedures

16. If the Contractor discovers archeological sites, historical sites, remains and objects, including graveyards and/or individual graves during excavation or construction, the Contractor will carry out the following steps:

- Stop the construction activities in the area of the chance find;
- Delineate the discovered site or area;
- Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be arranged until the responsible local authorities or the National Culture Administration take over;
- Notify the project engineer, supervisor (CSC), and/or the project owner (DPWT) who in turn will notify the responsible local authorities and the provincial Culture Department immediately (within 24 hours or less);
- Responsible local authorities and the provincial Culture Department would be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the archeologists of National Culture Administration. The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage; those include the aesthetic, historic, scientific or research, social and economic values;
- Decisions on how to handle the finding shall be taken by the responsible authorities and the provincial Culture Department. This could include changes in the layout (such as when finding an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage;
- Implementation for the authority decision concerning the management of the finding shall be communicated in writing by relevant local authorities; and

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

Section (1.7) Prohibitions

17. The following activities are prohibited on or near the subproject sites:

- Cutting of trees for any reason outside the approved construction area; Hunting, fishing, wildlife capture, or plant collection; Buying of wild animals for food; Having caged wild animals (especially birds) in camps; Poaching of any description; Explosive and chemical fishing; Disturbance to anything with architectural or historical value;
- Building of fires; Use of unapproved toxic materials, including lead-based paints, asbestos, etc.; Use of firearms (except authorized security guards); Use of alcohol by workers in office hours; Driving in an unsafe manner in local roads; and
- Washing cars or machinery in streams or creeks; Maintenance (change of oils and filters) of cars and equipment outside authorized areas; Creating nuisances and disturbances in or near communities; Disposing garbage in unauthorized places; Indiscriminate disposal of rubbish or construction wastes; Littering the site; Spillage of potential pollutants, such as petroleum products; Collection of firewood; Urinating or defecating outside the designated facilities; and Burning of wastes and/or cleared vegetation.

Part (2) Site-Specific Requirements

18. To be responsive to concerns observed and/or expressed by local authorities and communities, specifically, the Contractor will be responsible to comply with, but not limited to, the followings:

- The Contractor will install the Work Camp on areas far enough from water points, houses and sensitive areas in consultation with the community and the subproject owner. Good quality sanitary equipment should be selected and installed in the Work Camp.
- The Contractor will manage all activities in compliance with laws, rules and other permits related to site construction regulations (what is allowed and not allowed on work sites), and will protect public properties. Degradation and demolition of private properties will be avoided. Paying compensation to damage to the public facilities and/or private property will be required. The Contractor will inform the subproject owner on issue and/or damages that may unexpectedly occur.

- The Contractor is responsible for protection of local environment against dust, air, noise, vibration, exhaust fuels and oils, and other solid residues generated from the work sites. The Contractor will manage waste properly and do not burn them on site and will also provide proper storage for construction materials, organize parking and displacements of machines in the site. Used oil and construction waste materials must be appropriately disposed and adequate waste disposal and sanitation services will be provided at the construction site next to the generated areas. In order to protect soil, surface and ground water the Contractor will avoid any wastewater discharge, oil spill and discharge of any type of pollutants on soils, in surface or ground waters, in sewers and drainage ditches. Compensation measures may be required.
- The Contractor will be responsible for maintaining good hygiene, safety, and security of the work sites, including protection of and health and safety of staff and workers. The Contractor will prevent standing water in open construction pits, quarries or fill areas to avoid potential contamination of the water table and the development of a habitat for disease-carrying vectors and insects. Safe and sustainable construction materials and construction method should be used.
- The Contractor will use a quarry of materials according to the regulations and compensate by planting of trees in case of deforestation or tree felling. When possible, the Contractor should develop maintenance and reclamation plans, protect soil surfaces during construction and re-vegetate or physically stabilize eligible surfaces, preserve existing fauna and flora and preserve natural habitats along streams, steep slopes, and ecologically sensitive areas.
- During construction, the Contractor will take serious actions to control dust by using water or through other means and the construction site will be cleaned on a daily basis.
- The Contractor will work with local authority and management local traffic effectively and ensure traffic access of road safety of local residents and road users during the works. Speed limit at work sites and community area will be applied to all vehicles and cars. All vehicles and their drivers must be identified and registered and the drivers are properly trained.
- The Contractor will install signalling of works, ensure no blockage of access to households during construction and/or provide alternative access, provide footbridges and access of neighbours and endure construction of proper drainage on the site.
- The Contractor will respect the cultural sites, ensure security and privacy of women and households in close proximity to the camps and safely dispose asbestos.

Part (3) Works Management and Monitoring

Section (3.1) Mitigation measures

19. Table below provides guidelines (as an example) for the mitigation measures to be carried out by Contractor during implementation of works including key monitoring indicators for supervision by CSC/ESU. These requirements should be consistent with the final ESMP.

#	Activities causing impacts	Mitigation measures	Monitoring indicators
1	Establishment and operation of worker camps,	<ul style="list-style-type: none"> • Ensure that the sites for campsite are approved by the Project and local authority; Selection of the camp sites should be made through tripartite consultation including community, Contractor, and the subproject representative. • Ensure that basic camp facilities are provided including security, septic tanks, latrines, safe water supply, mosquito net, blanket, safe paths, fire prevention equipment, etc. • Ensure that (a) washing areas, demarcated and water from washing areas and kitchen is released in sumps, (b) septic tanks of appropriate design have been used for sewage treatment and outlets are released into sumps and must not create a pond of stagnant water, and (c) the latrines, septic tanks, and sumps are built at a safe distance from water body, stream, or dry streambed, and the sump bottom is above the groundwater level. 	<p>Location of the work camp should be shown in the alignment sheet.</p> <p>No complaints from local authorities and local residents due to location and activities of the worker camps.</p> <p>Safe and comfortable living of staff and workers</p>
2	Establishment and operation of construction materials and equipment yards and access roads	<ul style="list-style-type: none"> • Ensure that the locations are far away from residential areas and take actions to mitigate dust, noise, vibration, water pollution, waste, etc. 	Proper management of the site and no complaints from local authorities and residents
3	Disposal of waste generated from	<ul style="list-style-type: none"> • Recycle metallic, glass waste; bury organic waste in impervious pit covered with soil. 	No health issue occurred

	the camp	<ul style="list-style-type: none"> • Ensure that waste material is properly disposed in a manner that does not affect the natural drainage. 	
4	Access tracks/haulage routs	<ul style="list-style-type: none"> • The moving machinery should remain within the subproject boundary. • Ensure that the access tracks, which are prone to dust emissions and disturbance to local resident are managed by water spraying daily and the areas sensitive to noise and vibration are managed through enforcement of speed limit control. • After completion of construction work all the damaged roads / tracks will be restored by the Contractor, as it is Contractor's obligations. Ensure that surface run-off controls are installed and maintained to minimize erosion. • Restriction on movement of Contractor's vehicles on designation routes; deploy traffic man at the village to control the traffic as needed. 	No complaints from local residents regarding dust, noise, vibration, road safety, and the usage of the tracks/access roads
5	Hiring skilled workers from outside of the locality	<ul style="list-style-type: none"> • Hiring of workers from the local communities as much as possible. 	Number of local workers at the worksite.
6	Workers safety and hygienic conditions	<ul style="list-style-type: none"> • Provide protective clothing and equipment for workers especially those handling hazardous materials, (helmets, adequate footwear) for concrete works (long boots, gloves), for welders (protective screen, gloves dungaree), etc. 	Safe working conditions
7	Water for staff and workers consumption and construction	<ul style="list-style-type: none"> • Provide adequate and safe water for consumption at sites and work camp. 	Water tanker and pump by the Contractor
8	Interruption of water supply	<ul style="list-style-type: none"> • Inform residents and provide water supply as needed. 	No complaint from residents

9	Social issues	<ul style="list-style-type: none"> • Ensure that conflicts with local power holders and local communities are avoided. • Ensure that focus group meetings are conducted with both men and women to identify any water related and other issues related to the subproject implementation. 	No social conflicts due to the subproject activities and/or workers.
10	Storage of hazardous material (including waste)	<ul style="list-style-type: none"> • Provide hard compacted, impervious and bounded flooring to hazardous material storage areas; Label each container indicating what is stored within; Train staff in safe handling techniques. 	No health hazard and water contamination occurred.
11	Construction activities; handling of fuels, oil spill and lubricants	<ul style="list-style-type: none"> • Ensure that no contaminated effluent is released in to the environment. • Ensure that fuels, oils, and other hazardous substances handled and stored according to standard safety practices such as secondary containment. • Fuel tanks should be labeled and stored in impervious lining and dykes etc • Ensure that vehicle refueling to be planned on need basis to minimize travel and chance spills. • Ensure that operating vehicles are checked regularly for any fuel, oil, or battery fluid leakage. 	No oil spill observed
12	Cutting of trees in the right of way where required	<ul style="list-style-type: none"> • To get agreement of the local community and community 	No complaints from local authority and/or residents.
13	Excavation of channels	<ul style="list-style-type: none"> • Proper compaction and water sprinkling 	Erosion and dust emission minimized
14	Disposal of excavated material	<ul style="list-style-type: none"> • Stockpile the excavated material to non-agriculture and in a minimum area and away from storm water 	Minimum loss of habitat
15	Loss of fertile soil and vegetation; impacts on natural vegetation and embankment erosion along	<ul style="list-style-type: none"> • Remove surface soil of the location, stocked in a proper place and once the construction is finished, put the soil back on that place. The left over spoil soil should be collected and kept aside for rehabilitation of the site at later stage of the work; re-vegetate the embankments with indigenous plant species 	River banks stabilized and re-vegetated

	the watercourse.		
16	Dust and smoke emissions	<ul style="list-style-type: none"> All truckloads of loose materials is covered during transportation. Water spraying or any other methods are used by the Contractor to maintain the works areas, adjacent areas, and roads, in a dustless condition, as well the vehicle speed not to be exceeded from 30Km/h. Vehicles will be tuned regularly to minimize the smoke emissions. 	Dust and smoke controlled
17	Noise pollution	<ul style="list-style-type: none"> Vehicles and equipment used to be fitted, as applicable, and with properly maintained silencers. Restriction on loudly playing radio/tape recorders etc. 	Excessive noise generation controlled
18	Excavation of borrow areas	<ul style="list-style-type: none"> Excavate borrow soil up to maximum depth of 0.5m; with slope boundaries 	Borrow area rehabilitated as per specification
19	Rehabilitation of borrow pits	<ul style="list-style-type: none"> Proper rehabilitation of borrow pits; Removal and storage of top 15 cm top soil having organic materials and spreading it back during restoration of borrow area 	Borrow areas rehabilitated
20	Encountering archaeological sites during earth works	<ul style="list-style-type: none"> The subproject field supervisor (CSC or filed engineer) will halt the work at the site and inform to the regional team leader and Archaeological Department immediately. 	The report from the CSC or field supervisor, community, and contractor
21	Aesthetic/scenic quality	<ul style="list-style-type: none"> Carry out complete restoration of the construction sites. Remove all waste, debris, unused construction material, and spoil from the worksites. 	Cleanliness and tidiness of works sites and work camp

ANNEX G: INTERIM GUIDELINES ON THE APPLICATION OF SAFEGUARD POLICIES TO TECHNICAL ASSISTANCE (TA) ACTIVITIES IN BANK-FINANCED PROJECTS AND TRUST FUNDS ADMINISTERED BY THE BANK

Operations Policy
and Country
Services:
Operational Risk
Management
(OPSOR)

**Interim Guidelines on the Application of
Safeguard Policies to Technical Assistance (TA)
Activities in Bank-Financed Projects and Trust
Funds Administered by the Bank¹⁷**

*(This note is for guidance only and is not a complete treatment for the
subject, for which please refer to the relevant OP/BPs.)*

Environmental
and International
Law Unit
(LEGEN)

January 2014

Background

1. The purpose of this note is to provide guidance to Bank staff on applying safeguard policies to TA in Bank-financed projects. All TA activities in Bank assisted projects, irrespective of their sources of financing and whether they are stand-alone or as part of an investment operation, should be reviewed for their potential environmental and social implications, risk and impacts and therefore, subject to Bank safeguard policies when applicable. Hence, the Bank is responsible for the screening; environmental categorization and the selection of safeguard instruments of each proposed TA activity. These decisions are not always straightforward and involve professional judgment on a case-by-case basis. This note is intended to help in making this professional judgment.

Typology of TA Activities

2. TA activities come in a wide range of forms. The screening and environmental categorization of TA therefore requires a thorough understanding of the type of TA that is proposed. For purposes of this guidance note TA activities are grouped into following four major types¹⁸:

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).

Environmental and Social Implications of TA Activities

3. Most TA activities themselves do not have direct adverse environmental or social impacts. Nevertheless, the outcomes of TA support may have significant environmental and social implications going forward, entailing risks and potentially inducing adverse impacts. The following three questions can be used to facilitate the understanding of these implications and guide the initial screening of proposed TA activities:

¹⁷ This note builds on “2007 Guidelines for Environmental Screening and Classification” and “2010 Interim Guidance Note on Land Use Planning”. To address potential environmental and social implications of development policy lending, please refer to OP/BP 8.60 on “Development Policy Lending”. The information provided in this document should also be used by Bank Staff to help guide them in preparing and conducting Reimbursable Advisory Services.

¹⁸ For projects that are funded by Forest Carbon Partnership Facility (FCPF), teams should also be aware that their preparation processes have to conform to Guidelines for Processing FCPF Readiness Operations in Regions.

Question 1: Will the TA lead to the completion of technical or engineering designs, or other outputs in preparation for the construction of physical infrastructure or for the implementation of other activities with potentially significant physical impacts¹⁹?

Question 2: Will the TA support the drafting of policies, strategies, laws and/or regulations, which are likely to have environmental and social impacts when implemented through future programs or projects?

Question 3: Will the TA establish, or support the formulation of resource or land use plans that may have potential social and environmental impacts?

Question 4: Will the TA involve the design and/or provision of capacity building to support institutions in carrying out activities that have potentially significant social and environmental impacts?

4. In all four cases, the potential environmental and social implications of Bank-supported TA may be significant, but may differ in terms of directness, specificity and timing. For TA activities described by Question 1, environmental and social concerns are mostly associated with specific subsequent physical investments. TA activities falling under Questions 2, 3 and 4 may have more diffuse and induced impacts, often playing out over a longer term. These variations suggest the importance of carefully tailoring the safeguards response to the circumstances of each TA situation, as discussed below.

Environmental Category

5. Each TA component must be evaluated on its own merits to determine its environmental category and triggering of safeguard policies. TA components should not automatically be classified as C, and should instead be classified as category A, B or C using the same criteria applied to any other investment operations.
6. The EA category of the entire proposed project shall be determined by the project component (including the TA component, if any) with the most serious adverse impacts, risks or implications. The Task Team (TT) needs to make decisions on this matter with the concurrence of the Regional Safeguard Advisor (RSA) based on the environmental and social screening of proposed project activities, including TA components. If required LEG, through LEGEN is available to assist.

A Set of Guiding Principles to Define Safeguards Requirements

7. The application of a certain safeguard policy in connection with Bank TA support does not necessarily mean that the exact instrument and the scope set out in such policy will be required. It is necessary to adapt such requirements to the specific circumstances and adjust the scope and contents in proportion to the magnitude and significance of potential impacts. In many TA situations, for example, the nature of potential environmental and social impacts will only come into focus as the TA itself is carried out. In such cases, a thorough analysis of environmental and social impacts and an appropriately detailed approach for mitigating those impacts may be considered an *output* of the project, rather than a *pre-requisite*. Hence, it will be neither possible nor appropriate to prepare conventional instruments (EA, RAP, IPP etc.) prior to appraisal. Rather, by appraisal, there should be an agreement with the client on the need and process to address environmental or social issues associated with the results of the TA. While existing safeguards instruments may be found appropriate depending on the circumstance, such an agreement might take the form of an agreed TOR

¹⁹ Examples might include installation of new equipment without physical infrastructure, or removal of old environmentally sensitive equipment.

for future analytical work to be carried out during implementation or an environmental and social management framework (ESMF) or some other appropriate approach.

8. Recognizing that there are a variety of TA activities with varying degrees of environmental and social implications, it is essential to follow a consistent approach to application of safeguard policies. In this context and depending on the nature of the TA activity, the following guiding principles or concepts which are already embedded within our safeguard policies, become relevant:
 - (a) Integrate environmental and social objectives into the TA process. One of the most significant challenges facing standalone TA activities is that they are essentially *process-oriented projects* involving planning, objective setting, alternatives analysis, cost benefits assessments, technical designs, consensus building, etc. These activities often provide a significant opportunity to integrate environmental and social objectives as an integral part of the planning process.
 - (b) Promote transparency through stakeholder participation and public information disclosure. Since many TA projects promote improved planning, this provides an excellent opportunity to promote broad stakeholder engagement and participation. As appropriate, strategic planning initiatives could include focus groups, citizen consultations, expert panels, public hearings, etc. at all critical phases of the TA;
 - (c) Promote use of innovative environmental and social assessments such as SEA. TA studies supporting policies, plans and programs are ideally suited to apply new and innovative techniques of strategic environmental and social analysis. The Bank has an emerging body of case experience and has supported numerous training activities and many of our clients now have legislative requirements for conducting SEA on plans, policies and programs;
 - (d) Promote systematic and comprehensive analysis of alternatives. Where TA supports the development of specific investment plans, such as for large scale infrastructure, TA studies should be used to meaningfully explore alternatives at various levels, including assessing the relative impacts of those alternatives. Such alternatives analysis could be explicit in an SEA or could be carried out as part of other master planning or strategic studies or as part of the policy specific instruments such as EA and or RAP; and
 - (e) Promote environmental and social capacity building and institutional strengthening. TA projects can provide an opportunity to build counterpart capacity for integrating environmental and social concerns into their work. This could be done through support (in the form of policy strengthening, training, and support for operations, technical standards setting, monitoring and reporting etc.) to line ministries or to PMU and other government/non-government agencies with strong interest in environmental and social analysis.

Safeguards Requirements Prior to Appraisal

9. Many TA activities support a process of planning, objective setting, alternatives analysis, technical feasibility analysis, preparation of policies and programs etc. It may not always be feasible or appropriate, therefore, to prepare typical safeguard instruments (e.g., EA, RAP, IPP, Policy Frameworks etc.) prior to appraisal. Depending on the nature of the activity, detailed analytical instruments may need to be deferred until the implementation period itself.
10. Nevertheless, in virtually all cases it will be possible to prepare some level of analysis of potential environmental and social issues related to the proposed TA. Such an analysis or brief should be based on an issues scoping exercise involving stakeholder participation of a type appropriate to the nature and scale of the proposed TA. In most cases it would also be possible to develop detailed TOR for studies or components of studies which would be used to evaluate various environmental or social issues of importance.

11. Since TA projects can take many forms, there are a range of safeguards instruments which could be appropriate to document the range of issues and actions agreed with the client to manage those issues. For example, in Type 4 TA, in the case of *detailed technical design*, it may be an intended output of the TA to prepare a suite of Bank policy-compliant safeguard instruments for the eventual investment (whether or not funded by the Bank). In such cases, an Environmental and Social Management Framework (ESMF) by appraisal would be appropriate, describing the process and timing of preparing relevant safeguard instruments during project implementation, specifying the requirements for consultation and disclosure of these instruments, and setting forth the institutional arrangements. If applicable, ToRs for environmental and social studies, communication strategies, and safeguard specialists can be attached to the ESMF. By contrast, in the case of TA in support of *feasibility studies*, it may be premature to prepare a full suite of safeguard instruments. Instead, it may be appropriate to ensure that TORs for the studies are agreed with the client to ensure that relevant environmental and social issues are taken into account in conducting the studies in a manner that reflects the principles of Bank safeguards.
12. In other TA contexts, possible pre-appraisal instruments could include any one or more of the following:
 - a. Safeguards issues brief / Discussion note / Scoping paper as an Annex in the PAD
 - b. A draft TOR to incorporate environmental and social objectives into the proposed studies or policy or program formulation
 - c. Draft TOR for Strategic Environmental and Social Assessments (SESA)
 - d. Draft TOR for safeguards instruments to be prepared during project implementation
 - e. Stakeholder consultation and strategic communications plan
 - f. Counterpart Institutional or Capacity Assessments (including reviews of country systems)
 - g. Relevant safeguards instruments prescribed in applicable policies, when appropriate
13. In summary, during project preparation and appraisal of TA projects it should be possible to: develop an understanding of the likely environmental and social issues which will need to be addressed by the proposed project; review available literature and strategic publications prepared by the counterpart agency or agencies involved; consult with concerned stakeholders; document stakeholder participation and the agreed scope of work or actions to be undertaken during implementation; and publicly disclose such information in accordance with the Bank guidelines.

Supervision and Additional Comments

14. The Bank does not hold responsibility after the closure of the TA if the counterpart decides to obtain financing from sources other than the Bank, apply national standards and/or other donors' policies to the projects that were prepared under the TA financed by the Bank, or projects that arise from the program/plan prepared with Bank TA. However, there may still be reputational risks concerning the implementation of these safeguard instruments, which need to be presented in project documents (e.g., ISDS, PAD) and Board paper, along with proposed risk mitigation measures such as continued opportunities for consultations, communication strategies, supporting transparent decision making processes etc.
15. Finally any closely related activities carried out during the execution of the TA will also need to be scrutinized through a safeguards lens. In some cases, for example, the client may decide to carry out some preparatory investment activities such as site clearance or construction of access roads or office buildings or housing etc., during the implementation of the Bank assisted TA. In such cases, the Task Team is responsible to ensure that these preparatory activities are also in compliance with applicable Bank safeguards policies. It will need to conduct an initial screening based on site visits and

determine the kind and scope of applicable safeguard instruments that are needed to address its potential impacts.

Legal Documents

- 16.** While the Bank expects the borrower to commit to implementing the recommendations of the studies carried out under the TA²⁰, the obligation to implement such recommendations are only binding if implementation is part of the project description or specific obligations are included to that effect. Nonetheless, the quality of the safeguards instruments or other safeguard-relevant documentation prepared during the implementation of the TA must be satisfactory to the Bank.
- 17.** If the project includes TA but *not* the implementation of its recommendations, it is critical that the PAD and the corresponding legal documentation make such circumstances clear. In some cases it is recommended not only to define in these documents the activities to be financed by the Bank but also clarify which activities are *not* financed by the Bank.

²⁰ See paragraph 8(c) of OP 8.40 of Technical Assistance.

Table 1 Indicative Safeguard Approaches to the Four Types of TA Activities²¹

Typology of TA	Examples	Potential Environmental and Social Implications	Indicative EA Category	Safeguard Policies that May be Triggered	Indicative list of Instruments to be Prepared Prior to Appraisal or During Implementation (as appropriate for the specific project)
<i>Type 1: Building client capacity</i>	Straight forward capacity building activities: staff training, study tours; recruitment and payment of salaries; supply of office equipment etc.	These activities usually do not have potential adverse environmental and social implications or risks. Depending on the mandate of the institutional recipient of capacity building, there may be reputational risks if the Bank is perceived as assisting indirectly in the implementation of a national policy framework that is not attuned with Bank safeguard principles.	C	None	None
<i>Type 2: Assisting in preparation of policies or programs or plans or legal frameworks etc.</i>	<p>Examples may included:</p> <ul style="list-style-type: none"> • Water resources management/ planning studies; • River basin management studies; • National or regional emission studies; • Biodiversity conservation studies; • Defining emission or discharge standards etc. • Developing forestry regulations; • Supporting the drafting of land laws and land acquisition laws; • Drafting a strategy for private sector to finance transport infrastructure. 	These types of activities may have significant down-stream impacts. For example, forestry regulations may affect access to forest resources. If regulations lead to future conservation areas, involuntary resettlement and seasonal access to forest resources may be involved. IP communities living close to forest areas that are likely to be affected by the new regulation, and land issues might be involved. Some forest areas can be important natural habitats, include water resources or home to endangered species, For instance, the new regulation may consider expanding buffer zones to rehabilitate the connectivity between natural habitats. Similar analysis could be applied to the other examples cited.	B or C	Any or all of OP 4.01; OP 4.04; OP 4.36 ; OP 4.11; OP 4.12; and OP 4.10.	Analysis of potential environmental and social issues and how they will be addressed; Draft TOR for the proposed studies or SESA if relevant. IPPF if policies, programs or plans will potentially have significant implications for indigenous peoples.
<i>Type 3: Land use planning or</i>	Coastal Zone Management, Urban Planning, Zoning, Agricultural and Rural	Coastal resources management plans may affect local and IP communities; access restriction to forest and marine resources; Plans may	B or C	Any or all of OP 4.01; OP 4.04; OP	Any or all of the following

²¹ The above, including the indicative EA category and indicative list of instruments to be prepared prior to appraisal or project implementation, are provided solely for the purpose of illustration. The actual approach used in a given project will depend upon the specifics of project design and the outcome of discussions with regional safeguards advisors, OPCS and LEG, as appropriate.

natural resources management (NRM)	Development Planning etc. Please see the 2010 Interim Guidance Note on Land Use Planning for more details.	lead to future land acquisition and resettlement for strengthening or establishing new protected areas; Concerns on sensitive sites within or in the periphery of the urban area, e.g., historical sites, natural habitats. Future urban planning may cause induced impacts on use of resources in urban periphery. Relocation of people, including illegal dwellers on public lands, will have substantial social implications.		4.36 ; OP 4.11 ; OP 4.12 IR; ²² and OP 4.10 IP.	instruments: Draft TOR for SESA; Draft Frameworks - ESMF; IPPF; RPF; Process Framework.
Type 4: Preparing feasibility studies or technical designs	Activities such as feasibility studies; technical, engineering design studies; preparation of bid documents etc. that would facilitate construction of physical infrastructure which may or may not be financed by the Bank.	Each of the proposed infrastructure investments must be screened (like in any Bank financed investment lending operations) for its potential social and environmental impacts to identify/define: (a) safeguards policies triggered; (b) EA category; (c) safeguards instruments to be prepared during preparation of engineering designs; and (d) consultation and disclosure requirements. ²³	A or B	Any or all of the ten policies.	ESMF or TOR for safeguards instruments

²² For land use planning activities see the “Interim Guidance on Land Use Planning” available on the OPCS Safeguards Webpage.²³ In the case of TA in support of *feasibility studies*, it may be premature to prepare a full suite of safeguard instruments by appraisal or even during implementation of the TA project. Instead, it may be appropriate to ensure that TORs for the studies are agreed with the client to ensure that relevant environmental and social issues are taken into account in conducting the studies in a manner that reflects the principles of Bank safeguards.

²³ In the case of TA in support of *feasibility studies*, it may be premature to prepare a full suite of safeguard instruments by appraisal or even during implementation of the TA project. Instead, it may be appropriate to ensure that TORs for the studies are agreed with the client to ensure that relevant environmental and social issues are taken into account in conducting the studies in a manner that reflects the principles of Bank safeguards.