

VOLUME 4 – CHAPTER 6

CONSULTATIONS AND PARTICIPATION IN RESETTLEMENT PLANNING

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6 CONSULTATIONS AND PARTICIPATION IN RESETTLEMENT PLANNING

6.1 INTRODUCTION

6.1.1 Approach and Objective of Project Land Consultations

Public consultation and participation is playing a key role in the continued planning and then implementation of the social and resettlement components of the NT2 Project. This chapter describes the Public Consultation, Participation and Disclosure (PCPD) that is ongoing and how it will continue in relation to Impacts from Project Lands.

The objective of the PCPD is to develop and maintain avenues of communication between the Project and stakeholders in order to ensure that their views and concerns are incorporated into project designs and implementation arrangements, with the objective of reducing or offsetting negative impacts and enhancing benefits from the Project. The feedback from consultations has been, and will continue to be an important component of the planning process leading to the formulation of mitigation measures and compensation plans for project affected communities.

Consultations for Project Lands differs somewhat from consultation that has been undertaken for the Nakai Plateau and Xe Bangfai in that Project Land areas are more discrete parcels of land, and consultations concern a limited number of households that are directly impacted, rather than village-level consultations for resettlement of whole villages or discussion of mitigation for the downstream. Hence, meetings consist of smaller groups and are more focused in terms of information dissemination and discussion of compensation. Consultations for Oudomsouk and the Downstream Channel Areas concern larger impacts and the approach and methodology will be explained below.

The NT2 Project's public consultation, participation and disclosure process carried out for Project Lands has the following main components, which are often conducted in parallel:

- 1) **Village and District-level Recurrent Consultations**
- 2) **Baseline Study Consultations**
- 3) **Physical, Cultural and Spiritual Resources Consultations**

6.1.2 Consultation Plan Overview

Table 6-1 provides an overview of the timeframe for the three main components and Table 6-2 presents an overview of consultations that have been carried out, are ongoing and planned for Project Lands. Initial consultations on project impacts in Downstream Channel areas and along Transmission Lines were undertaken in 1997. Summary Reports in Lao and English were compiled, and their comments and concerns were included in the earlier planning drafts of the RAP. However, these consultations combined Project Land impacts with impacts along the Xe Bangfai. Except for some key Project Lands along the Downstream Channel, comprehensive consultations for all Project Lands commenced in 2004 and are ongoing, with the initial focus on consultations in Gnommalath and selected areas on the Nakai Plateau.

Physical and Cultural Resources consultations has also taken place throughout the project area, including Project Lands, in 2004. Consultations for town planning and mitigation for Oudomsouk have commenced.

Table 6-1: Consultation Timeframe for Project Lands (2004-2005)

Consultation Events	2004				2005			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1. Village and District-level Recurrent Consultations								
> Preliminary Construction Activities (PCA)		■	■	■	■	■	■	■
> Oudomsouk (Group 6)					■	■	■	■
> Transmission Line Survey - 36 villages (Group 14)					■	■	■	■
> Remaining PLs					■	■	■	■
2. Baseline Study Consultations (Step 2)								
> PLs 33-36		■	■					
> PCA LPAs 1, 10, 20a, 20b, 33, 34, 36, 40			■					
> PLs 16-19, 38a, 38b and 52a				■				
> Transmission Line Survey - 36 villages					■			
> Oudomsouk Town					■			
> Remaining Project Lands					■			
3. PCR Consultations								
> PCR Identification - Formal Survey			■					
> Mitigation - 8 villages with confirmed PCRs				■				
> Safeguards for PCR adjacent to PLs					■	■		

6.2 VILLAGE AND DISTRICT LEVEL RECURRENT CONSULTATIONS

The development of a Compensation and Rehabilitation Scheme for each group of PAP/PAV affected by one or a group of Project Lands will require the establishment of a feedback process, consisting of explanation, review, modification of proposals and further review by both the affected villages and persons, the NTPC and the GOL.

While the NT 2 Project will explain to each PAP/PAV the policy entitlements and the various livelihood restoration options that the Project considers as possible and feasible, it will be up to the actual affected villagers to review and discuss these options and present ideas as to what is preferred. This feedback process will be undertaken in various steps.

Village and PAP Consultation Step 1: Introductions

This step consists of introductory workshops between the project staff and representatives and the villages. As with the other consultations for the Project, this step will consist of one day training of village-based trainers and then one-two days of actual consultations, depending on the size of PL and population to be affected. This first step has already been completed for 28 villages in the Gnommalath area – training was held on December 14, 2004 and consultations carried out on 16-29 December 2004, on average two days per village with four teams. Project Lands covered were 33-36.

The main items for presentation and discussion included:

- Presentation of the NT2 Project features and impacts;
- Registration and compensation process and principles and guidelines for compensation;
- Relevant sections of the Land Law;
- UXO clearance; and
- Gender (ensuring female participation in the consultation process).

The remaining Project Land consultations (Step 1) are ongoing and will be completed by February 2005, depending on when the footprint will be determined.

Table 6-2: Overview of Project Lands Consultations

	Date	No. Villages	No. PAPs	Contents or subject of Consultations	Comment
3.1: Past					
Consultations in all downstream areas, including Downstream Channel, along XBF and TL	April-May 1997	Gnommalath: 21 vil.–889 PAPs (18.9%) Nongbok: 17 vil. – 412 PAPs (4.2%) Xayboul: 46 vil. – 1186 PAPs (4.1%) Mahaxai: 2 vil. – 151 PAPs (19.8%) Thakhek: 19 vil. – 551 PAPs (3.8%) Xebangfai: 21 vil. – 449 PAPs (4%) Kanthanabouli: 2 vil. – 58 PAPs (4%)		<ul style="list-style-type: none"> ▪ NT2 Projects main features (Reservoir, Downstream Channel, XBF and Transmission Lines) ▪ Identification of different types of project impacts ▪ Identification of concerns and development options for compensation ▪ PRA exercises and resource mapping 	Concerns integrated into earlier versions of the RAP
Separate Transmission Line Consultations	10-13/2/97	17 villages	348 participants	<ul style="list-style-type: none"> ▪ General alignment of the DC, and the Transmission Lines, and some aspects of impacts and compensation. 	Separate report on Transmission Line Consultations
LPA 33, 34, 35, 36 (Gnommalath)	June-September 2004	5 villages	All impacted PAPs	<u>Baseline Study, Phase 2</u> <ul style="list-style-type: none"> ▪ Participatory Registration on of impacted land and Assets. ▪ Socio-economic survey of all PAPS. ▪ Display of photomaps of Project Land area. 	Verification of impacts and information dissemination
Physical Cultural Resources (PCR) Participatory Survey (all PLs)	Mid 2004	All villages in the Project area initially surveyed	Focus groups discussions with leaders, ritual specialists and villagers	Investigation of all issues related to prehistoric and historic sites as well as present day spirit and religious sites, cemeteries and other cultural sites in the Project Lands.	Separate Report by Earth Systems Australia and incorporated into the EMDP and EAMP
PCA LPAs 1, 10, 20a, 20b, 33, 34, 36, 40	Mid-late 2004	11 villages	62 (All impacted PAPs)	<u>Baseline Study Phase 2</u> for Preliminary Construction Activities; <ul style="list-style-type: none"> ▪ Participatory Registration on of impacted land and assets. ▪ Socio-economic survey of all PAPS. ▪ Participatory development of compensation options and agreements. 	Further detailing of PL impacts and mitigation
PCR Mitigation Consultations	November - December 2004	8 villages	416 PAPs	Participatory consultations re villager preferred mitigation measures for PCRs located under (in) Project Lands	Focus on villages which have PCR under Project Lands
Gnommalath Plain Consultations	16 to 29 December 2004	28 villages	1,926 (of which 1,289 were female) representing 70 % of families.	Explanation of: <ul style="list-style-type: none"> ▪ NT Project ▪ Relevant Sections of Law ▪ PLs Compensation policy and entitlements ▪ Issues related to gender and vulnerable people ▪ Village forum where villages raise their concerns 	Focus on villages that may impacted by all LPAs in the Gnom Plain, and other villages)

	Date	No. Villages	No. PAPs	Contents or subject of Consultations	Comment
3.2: Current					
Oudomsouk	19-21 January 2005	Oudomsouk Town and Phonphanpek		<ul style="list-style-type: none"> ▪ Public meetings re compensation Plan for Oudomsouk ▪ Display of photo map of Project Lands, and Impact 	(For Project Lands RAP)
Transmissions Lines (PC and Survey)	21 to 30 January 2005	All villages along Transmission Line		<ul style="list-style-type: none"> ▪ Public meetings to explain Impacts and compensation. ▪ Participatory mapping of Impacted Assets. ▪ Socio-economic survey of 20 % of all PAPS. 	(for Project Lands RAP)
3.3: Future Plan					
Oudomsouk	January to February 2005	Oudomsouk Town and Phonphanpek	All impacted PAPs	<u>Baseline Study Phase 2</u> <ul style="list-style-type: none"> ▪ Participatory Registration on of Impacted land and Assets ▪ Socio-economic survey of all PAPS ▪ Display of photo maps of Project Land area ▪ Participatory development of compensation options, agreements. 	
Downstream Channel	January to February 2005	6 villages	all impacted PAPs	"as above"	
Transmissions Lines	January to February 2005	All villages along TL corridor – 36 villages	all impacted PAPs	"as above"	
All other Project Lands	February 2005	Actual number depends on detailed footprint of remaining PLs	all impacted PAPs	"as above"	

Village and PAP Consultation Step 2: Formation of Village Institutions

The second step in this consultation process consists of the establishment or strengthening of village organisations.

Grievance Committee (see Section 6.6 below): Consisting of village leaders and other interest groups and an NGO adviser.

Compensation Committee: Village Compensation Committees will be established in all villages where Project Land impacts occur. These committees will consist of village authorities, LWU and other mass organisations, as is outlined in Section 6.6 for other affected villages. In some cases, these committees will also deal with resettlement and compensation issues along the Xe Bangfai. The role of this committee will be to facilitate interaction between the Project and affected villagers.

Village and PAP Consultation Step 3: Development of Indicative Compensation Options

Following the BS Phase 2, step 3 of PL consultations will consist of two main aspects: participatory reviews of the impacted assets data and discussions leading to the development of a draft, or options for a Compensation and Rehabilitation Scheme at either (a) the village level or (b) the Project Land level.

This Compensation and Rehabilitation Scheme will include the following issues:

- Compensation options chosen by villagers, for each assets type;
- In the case of rehabilitation options, a strategy by which each compensation option will be implemented;
- In the case of cash options, how the cash payment will be calculated;
- In the case of relocation and rebuilding of fixed assets, how this will be implemented; and
- Any individual PAP variations from the general, community consensus options adopted

The process for conducting these consultations will include at least the following activities:

- (a) Villagers are given a copy of each Temporary Assets Registration Form (TARF), as a folio termed the Project Affected Person's Assets Registration Form (PAP-ARF), and this is explained to each PAP;
- (b) The villagers are then asked to review the impacts and entitlements by themselves, and within the village.
- (c) Where required (multi-villages impacted by the same PL or group of PLs), the Project facilitates intra-village meetings;
- (d) Villagers are then asked to present, as a village, their proposals and/or options for consultations, a joint Project - village workshop;
- (e) In parallel, Project staff conduct private interviews with each PAP to ascertain their wishes for compensation;
- (f) Project staff then summarize the Compensation options and proposal from villagers, and draft a Compensation Scheme; and
- (g) The Compensation Scheme is posted publicly, and at the same time reviewed by the NTPC and the RC.

Village and PAP Consultation Step 4: Confirmation of Impact and Compensation

Step 4 will be undertaken once the exact land requirement - and thus exact impacts - is known. A preliminary Compensation and Rehabilitation Scheme has been produced (by Project Staff) based on existing information and this will form the basis of a final Compensation and Rehabilitation Scheme document for public disclosure and discussion. The villagers are then facilitated in their review of the scheme, and each PAP is then solicited and advised so that the Project may develop PAP Compensation Agreements with each PAP. It is expected that most of the PAP Compensation Agreements will be consistent with the general Compensation and Rehabilitation Scheme. If they are not, then they will be noted as exceptions to the general Compensation and Rehabilitation Scheme, but nonetheless are likely to be accepted by the Project, and implemented, provided there is NTPC and COL concurrence.

Throughout this process, a series of district-level consultations will be held, bringing together the GOL, NTPC and leaders of impacted villagers to discuss the results of each step of the consultations. Of particular concern to these district-level consultations will be:

- Resolution of any issues re identification of eligible persons
- Resolution of any inter-village issues
- Review of proposed compensation schemes
- Review of any proposed changes to the compensation rates and policy.

6.3 PROJECT-LEVEL CONSULTATION: CONSENSUS AND APPROVAL OF COMPENSATION AND REHABILITATION SCHEME

While the compensation scheme will be developed primarily by the participation of the affected villagers, it still must get the approval of other key stakeholders, such as the NTPC, the DCWG, the RMU and the RC. These stakeholders will undertake a combined, in parallel, review of the proposed compensation scheme and options as proposed by villagers. Where possible a consensus on a compensation scheme is found and returned for to the village for their acceptance or otherwise.

Both the draft and then the final Compensation Schemes will also be sent to the WB and the ADB for their review and comment.

6.4 BASELINE STUDY CONSULTATIONS

BS2 Consultation Step 1:

The investigation of each potentially affected PAPs livelihoods and land and assets, both in and outside the Project Lands, using a questionnaire proforma, informal discussion and a satellite photomap was carried out in 2003-04. The information collected during the consultation has been used to estimate impacts and outline potential mitigation measures that form the basis for the ongoing consultation process as outlined in the steps above.

BS2 Consultation Step 2:

Table 6-3 presents information from livelihood surveys that have already been carried out for PL Parcels 33, 34, 35 and 36 in (Preliminary Construction Activities).

Table 6-3: Number of Livelihood Surveys conducted in each of the potentially affected Villages.

Village name	Total number of families	Number of livelihood surveys conducted (% shown in brackets)	Comment
Ban Keovilay	107	107 (100%)	The number of PAPs identified during village consultations exceeded 50% of the village population.
Ban Lao Na Ngam	132	132 (100%)	As above.
Ban Nong Seng	72	72 (100%)	As above.
Ban Phone Lath Khouay	112	33 (29%)	Village authority confirmed that none of the remaining families own or use private land in Land Parcels 33, 34, 35 and 36. A representative sample of the remaining families was surveyed regarding their use of community land in these areas.
Ban That #	51	5 (10%)	As above.
Ban Korbong #	61	15 (25%)	As above.
Ban Koutphadang	55	10 (18%)	As above.
Ban Thathot	176	1 (<1%)	As above.
Ban Thongmang #	55	0 (0%)	As above.
Ban Somsanouk	98	1 (1%)	This village is relatively distant from Land Parcels 33, 34, 35 and 36, and has not been allocated community land in these areas. No further PAPs were identified during the field surveys.
Ban Boungbao	46*	1 (2%)	As above.

* Number of households in the village in 2001 (NTEC, 2003).

Additional surveys were conducted in Ban That (27 families), Ban Korbong (30 families) and Ban Thongmang (23 families) regarding community land use in Land Parcel Areas 33-36 (see Section 3.2.1).

6.4.1 Survey Methodology and Consultations

Prior to the commencement of livelihood surveys in each village, a meeting was arranged with the heads of family in the village to provide a brief description of the NT2 Project and to explain the purpose of the livelihood surveys. Consultation staff described the structure of the surveys and requested for each PAP to prepare relevant documentation, e.g. Family Books, land certificates and tax receipts, prior to their survey appointment.

Village authorities, particularly the Village Chief and Deputy Village Chief, were also requested to provide ongoing assistance with the process of arranging survey appointments with each of the PAPs (at least one day before conducting the survey). The surveys were conducted by two Livelihood Survey Teams (LSTs), each comprising a team leader, an enumerator and at least one representative from the district government. The government staff assisted in translation from Lao to Makong language during the surveys where required, e.g. for Ban Lao Na Ngam. They also assisted families to identify their land and assets on the satellite imagery, based on their existing knowledge of the local area.



Village authorities were consulted prior to commencing the livelihood surveys, to assist in identifying the project affected families.



Satellite imagery of the Project Land areas was presented during the initial consultation with village authorities and PAPs.



Livelihood survey teams assisted the families to identify their land and assets using satellite imagery of the Project Land areas.

6.5 CONSULTATIONS FOR PHYSICAL, CULTURAL AND SPIRITUAL RESOURCES

There are three main steps regarding consultations for PCR. These consist of:

- Formal PCR survey
- Discussions regarding mitigation / relocation of PCR sites under Project Lands
- Establishment of safeguards for PCRs adjacent to Project Lands

6.5.1 Formal PCR Survey

Formal PCR surveys were conducted the spring of 2004 by Earth Systems Lao in 2004 to cover all sites within the project impact area (Separate Reports submitted for the Nakai Plateau, Infrastructure Corridors and the Downstream Channel). This report identified all potential project impacts on PCR. As well as reviewing previous studies and material, the consultants and representatives from various government organisations undertook to consult with villagers in focus group discussions. These focus group discussions were key in identifying PCR objects and sites.

6.5.2 Discussion on PCR Mitigation

The second step or phase in PCR consultations commenced in November-December 2004 in eight identified villages that have physical and cultural resources within or near villages under Project Lands. The approach was to work out ways to mitigation and to relocate resources in a manner that is acceptable to village elders and ritual leaders as well as the population as a whole. The focus is on practical arrangements involving the participation of villagers (see Table 6-4). Members of all relevant ethnic groups participated in village level discussions, including the Ahoé (Vietic) of Sophia. A further PCR, the cemetery at Phonphanpek was identified since construction activities had commenced close by and village elders requested measures to appease the spirits there. The rituals that have been supported by the Project are described in Section 4.5.8.

Further consultations to finalise arrangements and consultations with other villages is ongoing, and, as of February 1, 2005, three rituals have taken place as a result of consultations and agreements regarding PCRs.

6.5.3 Safeguards for PCR adjacent to Project Lands

In the EMDP for Project Lands, Chapter 4 of this volume, measures are outlined for safeguards for PCRs adjacent to Project Lands, including demarcation or active preservation measures. In order to identify sites and suitable measures, consultations will be carried out with affected villages and the results incorporated into plans so that the Head Contractor can inform all parties working in the area. Villagers will be responsible for supervising and monitoring such sites.

Table 6-4: Detailed PCR Consultations and Responses

PRC Ref.	Description	Date	Location and Participants	Comments and Concerns by PAPs	NTPC and GOL Responses
PCR/IN/10A/3	Thalang Temple	18/11-04	Thalang Village – 150 (56 women) participants All ethnic groups represented at meeting: Bo, Phouane, Makong, Aheu, Phou Thay, Tai Men, Tai Moe, Kaleung and Lao (One meeting for all PRCs in Thalang)	<ul style="list-style-type: none"> Request relocation of temple to new resettlement site Or new temple should be of a better standard Support for ‘farewell’ ceremony for old temple and ‘welcome’ ceremony for new one 	<ul style="list-style-type: none"> New temple structure and support for ceremonies in accordance with NT2 Resettlement policy
PCR/IN/10A/2	Bridge at Thalang			<ul style="list-style-type: none"> Project should replace bridge in a place close by so that it continues to be useful for people in Thalang 	<ul style="list-style-type: none"> New bridge to be constructed by Project in vicinity of relocated Thalang Village
PCR/IN/12/2	Thalang Cemetery			<ul style="list-style-type: none"> Need to move items to a safe place Support for rituals – one buffalo, 10 litres of alcohol and 10 jars of rice wine for ceremony New cemetery to be fenced in with access path and sign board 	<ul style="list-style-type: none"> Support for ritual by Project to be provided New cemetery site to be identified as part of site relocation Fencing and other arrangements covered by Project
PCR/IN/10A/2	Thathamohakang (cave)			<ul style="list-style-type: none"> No particular issues raised (Natural PCR) 	
PCR/IN/10A/1	Kengpanom (rapids)			<ul style="list-style-type: none"> No particular issues raised (Natural PCR) 	
PCR/IN/42/1	Thamphathoung (spirit cave)	19/11-04	Phathoung Village – 50 (5 women) participants, all members of Sek Ethnic Group.	<ul style="list-style-type: none"> For disturbance from quarry and explosions a ceremony is required: one pig and one jar of rice wine before commencing work 	<ul style="list-style-type: none"> Support for ritual by Project to be provided
PCR/IN/51/2	Thamphouang (spirit cave)	19/11-04	Thamphouang Village – 97 (18 women) participants. All members of Tai-Lao Ethnic Group.	<ul style="list-style-type: none"> Villages made aware of road improvement near the cave and construction work No specific measures suggested 	
PCR/IN/52/2	Nongping Cemetery	20/11-04	Nongping Village – 81 (29 women) participants. All members of Tai-Lao Ethnic Group.	<ul style="list-style-type: none"> Villages made aware of the transmission line corridor near cemetery No specific measures suggested 	
PCR/IN/10A/1	Nongping natural pond			<ul style="list-style-type: none"> Villages made aware of the transmission line corridor near pond and abandoned garden No particular issues raised (Natural PCR) 	
PCR/IN/34/1	Keovilay Cemetery	21/11-04	Keovilay Village – 30 (men only) participants. All members of Brou /Makong Ethnic Group.	<ul style="list-style-type: none"> Unless ritual performed due to direct impact by Regulating Pond, the spirit will seek revenge – the spirit will make people sick Request that Project (Contractor) to provide one jar of domestic wine for ceremony Ceremony to be conducted before the start of construction 	<ul style="list-style-type: none"> Support for ritual by Project to be provided
PCR/IN/38/1	Nongseng Cemetery	21/11-04	Nongseng Village – 94 (20 women) participants. All members of Brou/ Makong Ethnic Group.	<ul style="list-style-type: none"> Need to move bones to a safe place Support for rituals – one pig, one jars of rice wine and flowers for ceremony 	<ul style="list-style-type: none"> Support for ritual by Project to be provided if requested by people upon inspection of area for bones

PRC Ref.	Description	Date	Location and Participants	Comments and Concerns by PAPs	NTPC and GOL Responses
				<ul style="list-style-type: none"> • Only if bones from several people are found will such a ceremony be needed 	
PCR/IN/5A/1	Sophia rapids (<i>kengnon</i>)	5/12-04	Sophia Village – 12 participants (one meeting to cover both PCRs). Tai and Vietic (Aho) groups represented at the meeting.	<ul style="list-style-type: none"> • Request for support to carry out necessary ritual to be organised by villagers • Ritual to be carried out by the medium for the territorial spirit (<i>phi muang</i>) • Ritual to include nearby cemetery 	<ul style="list-style-type: none"> • Support for ritual by Project to be provided • Ritual carried out on December 18, 2004
PCR/IN/5/1	Sophia Cemetery			<ul style="list-style-type: none"> • Before construction starts, a ceremony will need to be performed by the Aho Ethnic Minority Group • One ritual will be sufficient • The spirits of the cemetery and the territorial spirit will receive the offerings at the same time • Cost to be covered by the Project include: one buffalo (3 mil Kip) and four jars of rice wine and flowers (1 mil Kip) • New cemetery to be established at new resettlement site 	<ul style="list-style-type: none"> • Support for ritual by Project to be provided • New cemetery site to be identified as part of site relocation
PCR/IN/4/1	Nam Nian	5/12-04	Nam Nian – 15 (two women) participants. Tai Nyo, Phou Thay, Lao, Tai Theng, Tai Khouane and Aho Ethnic Groups represented at the meeting.	<ul style="list-style-type: none"> • Before construction starts, a ceremony will need to be performed • Cost to be covered by the Project include: one pig (500,000 Kip) and four jars of rice wine and flowers (200,000 Kip), and fee for monks (100,000 Kip) • New cemetery to be established at new resettlement site 	<ul style="list-style-type: none"> • Support for ritual by Project to be provided • New cemetery site to be identified as part of site relocation
PCR/CF/1	Phonphanpek Cemetery	17/01/05	Phonphanpek village – 7 participants	<ul style="list-style-type: none"> • Before construction starts, a Buddhist and an animist ceremony required to move the spirits from the six graves. 	<ul style="list-style-type: none"> • Support for rituals by Project has been provided • Ritual carried out on January 18, 2004

6.6 RESULTS OF VILLAGE AND DISTRICT-LEVEL RECURRENT CONSULTATIONS

In this section, consultations that have been carried out will be presented and the concerns of the affected persons will be analysed. So far, public consultations have been carried out and analysed in 28 villages in Gnommalath (December 2004) and Oudomsouk (January 2005), and initial consultations are ongoing for the remaining project lands. Other consultations are ongoing and the results will be documented and integrated in the plan.

6.6.1 Village and PAP Consultations in Gnommalath (LPAs 33-36)

Issues raised by affected persons during the PAP consultations have been compiled in Lao by the RMU (January 2005). Below is a summary of these issues raised by villagers and responses by GoL and NTPC. Twenty-seven villages were consulted from December 16-29, 2004. Work was divided into four groups – teams of three RMU staff and District Working Group members. The main aim of the consultations was disclosure of project impacts and discussion of compensation arrangements.

Table 6-5: Attendance for Gnommalath Consultations

No.	Name of the villages	Number of family	Population		Actual attendance			Remarks
			Total	Women	Total	Women	Absent families	
1	Ban Keovilay	110	440	229	87	65	23	
2	Nongseng	72	368	200	50	40	22	
3	Laonangam	138	614	341	78	44	60	
4	Naladthkhuai	149	629	371	112	39	37	
5	Namixay	116	425	223	79	47	37	
6	Thathodneua	184	829	458	117	53	67	
7	Thathodtai	-	-	-	-	-	-	with Thathodneua
8	Bongbao	134	636	313	75	49	59	
9	Gnommalath Neua	127	600	299	75	40	52	
10	Gnommalath Tai	182	887	451	112	77	70	
11	Somsanouk	111	605	274	76	45	35	
12	Nongping	116	575	279	94	71	22	
13	Keolake	106	660	307	83	55	23	
14	Vatthad/Kobong/Phadeng	140	733	392	86	38	54	
15	Khoksavand	83	107	42	53	10	30	
16	Phitsikhay	90	163	85	80	42	10	
17	Kuanphan	188	261	159	128	79	60	
18	Phathoong/Phonkhean	81	139	82	68	41	13	
19	Thamphouang	97	129	64	63	32	34	
20	Houi Yen	85	104	68	50	34	35	
21	Done Peua	79	112	74	54	37	25	
22	Phonsavang	46	226	114	26	13	20	
23	Phonsad	53	300	164	50	20	3	
24	Nakatang	62	349	178	52	25	10	
25	Phontoom	34	239	126	34	13	0	
26	Nahay	40	187	100	35	24	5	
27	Naveng	69	374	158	52	36	17	
28	Thapha	68	339	194	57	41	11	
Total		2 760	11,030	5,745	1,926	1,110	834	

Attendance at the consultations was approximately 65% of the population of the affected villages along these portions of the downstream channel and project affected areas. More than half of the participants were women.

Table 6-6: Issues and Responses from Consultations in Gnommalath (December 2004)

Issues Raised during Consultations	GOL's and NTPC's Response and Actions
Project impacts should be defined as soon as possible so that villagers can make the necessary preparations and adjustments	Measures will be taken to further define impacted areas and further consultations will provide information to affected villages and households.
New irrigation schemes would be a suitable compensation at the village level	Irrigation outlets along the Downstream Channel have been identified for possible irrigation improvement schemes
Access across the proposed Downstream Channel	Included in the Compensation Plan for Project Lands
Compensation timing in relation to planting rice and other crops – can villages continue to plant in 2005?	Villages to be provided with information as to schedules and work plans for Project Land, including information about when land is required in order to avoid unnecessary loss of production
Agree with document (eligibility and entitlement) as presented - if project conforms	Documents are legally binding – Concession Agreement between GoL and NTPC
More details about when generation will stop in order to hinder flooding	Details about generation stoppage and flooding at Mahaxai to be explained in detail during further consultations
Compensation for two-season crops	Compensation for loss of land will be in the form of land that has a similar productivity, including land that is presently used for two-season cropping
Affected villages should have the option of purchasing of rice fields in the vicinity with cash (purchasing land from those who have surplus)	Cash compensation is not the prepared option but if land is identified for purchase, the project can purchase this land and provide the affected persons with land documents as part of compensation
Arrangements for moving houses if under transmission lines	Included in Project Land Compensation Plan
Arrangements for new land to be bought if it is outside of the project area	Cash compensation is not the prepared option but if land is identified for purchase, the project can purchase this land and provide the affected persons with land documents as part of compensation
Compensation in the form of agricultural inputs – fertiliser, seeds, equipment, etc.	No provision for providing agricultural inputs
Compensation for loss of land for the Downstream Channel and other impacted areas	Included in Project Land Compensation Plan
Possibility of using communal land for redistribution to affected persons	Could be a possibility of land for land arrangements if agreement is made with village leaders
For Phapuang (southern quarry site) there should be measures to limit impacts and on how to protect stupa from possible erosion	Included in the Physical Cultural Resources Plan and mitigation. (See EAMP – summary is presented in the EMDP for Project Lands)
Compensation for domestic water supply in case of flooding of wells or other impacts	Water monitoring throughout the downstream areas – if domestic water supplies are affected, measures will be taken to replace or protect existing water supplies
Bank protection along the Nam Gnom	Bank protection not necessary in this part of the downstream – no increase in water levels of the Nam Gnom.

6.6.2 Ongoing Village and PAP Consultations in Gnommalath

Consultations in the remaining areas of Gnommalath that are impacted by the Downstream Channel and other project activities are undergoing a combination of consultations and baseline surveys. These are being carried out by consultants and the results are due to be compiled by mid-February.

6.6.3 Oudomsouk Town Consultations

6.6.3.1 Objective and Methodology

The objective of the Oudomsouk Town Consultations was to disseminate information on the following project aspects to potentially affected persons residing in the District capital.

- Construction plan and schedule for 2005-2009
- Project construction impacts in Oudomsouk
- Proposed mitigation arrangements (urban plan) and compensation (entitlements)
- Grievance procedure

This consultation encouraged the participation of all PAPs in Oudomsouk and in Phonphanpek village. The total number of households in these two locations is 340, and this was defined as the target group. In addition, all District authorities that will be involved in relocation, restoration and town planning for Oudomsouk were trained as facilitators, an important capacity building exercise. This consultation also development materials to be distributed to the information centres in Oudomsouk and Phonphanpek.

Methodology used consisted of one training day for 10 District officials at the NTPC Nakai offices by a consultation expert in preparation for the consultations that were held on January 29, 2004. After the workshop a synthesis of concerns and recommendations from the group discussions were written up by the facilitators and consultation expert. The agenda for the workshop consisted of the following sessions:

1. Opening by Nakai District Deputy Governor, Mr. Khampong Phanthasangsy, and Deputy RMU representative, Ms. Gae Oula Souliyadeth, LWU, about the objectives of the consultation workshop (poster listing objectives).
2. Presentation of NT2 Construction Plan and Schedule by District Officials, using maps and posters.
3. Presentation of Impacts on PAPs by District Official, using posters outlining types of impacts.
4. Mitigation information by Mr. Bouthong Phunsalit (NTPC) and Gae Oula Souliyadeth (RMU/LWU) using posters and diagrams.
5. Compensation options, regulations, policy, registration and grievance procedures by Mr. Bouthong Phunsalit (NTPC) and Gae Oula Souliyadeth (RMU/LWU) using posters and diagrams.
6. Small Group discussions (10 groups) each with District official as facilitator, using individual maps and fact sheets. Groups to fill out forms on concerns, recommendations and queries. Supervision by Consultation Expert.
7. Reporting back conclusions of group discussions to the whole group for further discussions and questions.

After the consultations, posters, maps and diagrams will be displayed permanently at the District office. Another two sets will be delivered to the market place in Oudomsouk and to Phonphanpek Village.

6.6.3.2 Participation – Ethnic Groups and Gender Representation

A number of stakeholders participated at the consultations. They included:

- The Deputy Governor and 10 District Officials, acting as facilitators, as well as a number of other district officials and government officials as observers
- Members of the Resettlement Management Unit
- NTPC management staff and support staff
- Two International consultation and social sector experts (Technical Assistance provided by WB and ADB), acting as advisors

Table 6-6 presents information on attendance in terms of gender and ethnic groups for the ten discussion groups. Women slightly outnumbered men at the meeting (156 to 140, totally 296 persons or 52.7%). Approximately 253 households were represented by the 296 participants. The total number of women attending is presented in the table below but the actual number for each group is difficult to determine since many women signed or reported the names of their husbands.

Table 6-7: Summary of PAPs – Participants on Local Consultation at Oudomsouk (Jan 29, 04)

Group	Participants		Gender		
	No. of HHs	Total	Women	Men	% of Women
1	23	27	14	13	51.8
2	10	17			
3	16	17			
4	24	25	22	3	88.0
5	26	31			
6	40	44			
7	36	42			
8	25	28			
9	21	27	20	7	74.0
10	32	38			
Totals	253	296	156	140	52.7

In terms of ethnicity, all groups were represented approximately in proportion to the percentage of groups in Oudomsouk. One can, therefore, conclude that the attendance was ‘representative’ of affected population in the town. However, the number of ethnic minorities or Mon-Khmer participants was only about 10%, lower than the 17% of the population of Oudomsouk that is impacted by the project. However, many participants claimed that they were *Lao Loum*, rather than Tai-Lao, and it is likely that many Brou, Khmer, Souay and other Mon-Khmer persons have included themselves in this category. Mon-Khmer groups that reside in urban or semi-urban areas in the country identify themselves with the mainstream culture and language.



Large turn-out at Oudomsouk consultations



Explanation of entitlements and compensation

Table 6-8: Ethnic Groups at Local Consultation at Oudomsouk (Jan 29, 04)

Declared Ethnicity	No. of Persons	Declared Ethnicity	No. of Persons
Lao-Tai Groups		Mon-Khmer Groups	
Lao	221	Brou/Makong	27
Phou Thay	19	Souay	1
Lao Kaleung	11		
Sek	3		
Tai Men	2		
Tai Aek	2		
Phouane	2		
Tai Moei	1		
Tai Bo	1		
Tai Deeng	1		
Tai Pao	1		
Tai Yooy	1		
Totals	266		28

6.6.3.3 Concerns and Recommendations

Table 6-8 provides an overview of all the concerns and recommendations raised during the Oudomsouk consultations, and responses by GOL and NTPC where appropriate.

Table 6-9: Concerns, Recommendations from Oudomsouk Consultation (Jan 29, 04)

Major Concerns	Recommendations	GOL/NTPC Response
Project Impacts and Related Issues		
<ul style="list-style-type: none"> • Disturbance for market place activities – daily trading and decrease income during relocation • Project may still not be completed despite the start of construction • Concern about having to be relocated several times • PAPs reluctant to wait and see how socio-economic improvements will happen without a clear plan • Increase in the cost of living – price increases and inflation • Garden and other assets may not be compensated for by the project • Decrease in standards of living and reduced income during relocation • NT2 may not response all compensation arrangements • Would regret losing irrigated paddy fields • Unsure whether their old home plot areas on the Plateau would be still there after inundation (PAPs formerly from the Plateau) • Unsure whether they are eligible for NT2's compensation policy • Lack of confidence in that adequate compensation will be paid out, especially for lost land 	<ol style="list-style-type: none"> 1) House: New house should be bigger and better than existing ones 2) Land: Untitled land needs to be certified and compensated for 3) Paddy field and garden plots near tunnel and landfills should be compensated for 4) Water Source: Phonphanpek water source is near a landfill area (ITD) and requires compensated – new water tank 5) Livelihood: <ol style="list-style-type: none"> a) Daily income both from agriculture, services or market place activities need to be calculated and compensated for there is a loss of income b) HH income should be surveyed and assessed before relocation/ construction c) Daily wages for PAPs during construction should be 50,000 kip d) Vocational / livelihood skills training should be provided to all PAPs e) Nakai PAPs should be a high priority for local site construction labor 6) Eligible PAPs: New resettlers after 2003-2004 up to now should be certified registered and eligible for compensation 7) Compensation Options: <ol style="list-style-type: none"> a) Pay compensation before relocation b) If possible, prefer permanent relocated in new and suitable urban area (one time relocation rather than temporary) 	<ol style="list-style-type: none"> 1) Houses will be replaced according to a minimum standard or existing standard if above the standard 2) All new residential land areas (land for land replacement and residential land) will be registered in the owners' names (male and female household heads) 3) All affected paddy fields and garden plots impacted directly by construction will be compensated for, including dust and restricted access 4) PCA to be investigated as soon as possible and new water source to be provided if former source is impacted as claimed. 5) <ol style="list-style-type: none"> a) The socio-economic baseline (Feb 05) will establish income levels for compensation for potential losses b) Same as above c) Daily wages for construction are presently at 15-25,000 kip for unskilled work – rates vary depending on tasks and skills. d) On-the-job training will be provide for local recruits for semi-skilled work. e) Locals are presently recruited through the Recruitment Office in Thakhek and locally on the Plateau. Approximately 120 people are presently employed and about 350 will be employed during the peak construction period. Lao preference policy is included in the CA. 6) Cut off date has been established at August 2003. Any persons arriving after that date will not be entitled to compensation 7) <ol style="list-style-type: none"> a) Cash compensation will be paid to PAPs if they chose not to be relocated in the new town and be included in the resettlement plan. Disturbance allowance will be paid to all PAPs in advance b) All PAPs will have the option of permanent resettlement if directly impacted, be it temporary or permanent
Project Implementation Arrangements and Mitigation		
<ul style="list-style-type: none"> • Concern about increase in traffic and the negative impacts on the environment • Social problems caused by strangers coming to the 	<ol style="list-style-type: none"> 8) Build all main roads within the municipality area or downtown and near the market place 9) Build new road behind town for heavy traffic / construction vehicles only 10) Watering of the road 4 times per 	<ol style="list-style-type: none"> 8) Requests and concerns for the placement of roads and the location of important structures, such as market places and public buildings, will be part of the consultation process for designing and finalizing the new Nakai urban plan

Major Concerns	Recommendations	GOL/NTPC Response
<p>area, such as new site workers who do not respect local customs or rules</p> <ul style="list-style-type: none"> Dusty disturbance to residential areas, market places, restaurants and service facilities, hospital and government offices 	<p>day during the construction phase</p> <p>11) All site workers must behave properly according to regulations on proper social behavior and control by local authorities</p>	<p>9) Special access roads for heavy traffic during the construction phase will be constructed as far away from residential and market areas as possible</p> <p>10) Water of the roads will be carried out by the HCC as per contract</p> <p>11) There are population management measures for registration of newcomers, support for local authorities and police relating to improving security and various awareness programmes for workers and population in the vicinity (see Construction Phase Social Management Plan)</p>
Relocation Issues		
<ul style="list-style-type: none"> Prefer not to be too far from market place and school. If relocation is so need far from these places, require a new market place and school close by. Livestock grazing areas may be reduced No opportunity to see and learn about new urban master plan and new relocation site area (not a proper consultation process) Worry that relocation will not include a proper market place and that income from trading will be reduced Concern about having enough labor to build new house (elderly parents) 	<p>12) Prefer to move near relatives and close to the market place both in east and west side</p> <p>13) Prefer to move near the Nongbua Pilot Village and the road to the Pilot Village</p> <p>14) If possible, move near the construction worker camps for commercial / economic opportunities</p> <p>15) Criteria for new areas include a large open space, facilities (school, health facilities, electricity, roads and market place) must be built or provided</p> <p>16) Dry season of 2006 may be OK for moving but some HH may not ready to be moved by that time</p>	<p>12) Preferences for location of individual households will be integrated into the plan – location beside relatives or existing neighbors will be important aspects</p> <p>13) Relocation near Nongbua or along the road will be looked into. This will depend on available land and resources and requires further investigation</p> <p>14) Relocation near the camps would only provide temporary benefits and may result in social problems and other issues. PAPs will be encouraged to think about long-term relocation and development</p> <p>15) Facilities and services will be provided in the new town but spatial arrangements will depend on detailed discussions with PAPs</p> <p>16) Appropriate arrangements and assistance will be provided to any vulnerable households and those acquiring assistance for any relocation in 2006</p>
New Urban Plan and Consultations		
<ul style="list-style-type: none"> No one to talk with or no opportunity to learn to be part of consultation on Nakai new urban design and plan Worry that new urban plan is become delayed and only completed after the relocation/ construction period 	<p>17) Urban design and planning and consultation must be completed ASAP and meet consensus before relocation commences</p> <p>18) New urban area development needs to be built and constructed before relocation of PAPs and only one time relocation of their best choice</p> <p>19) PAPs should be relocated in new urban block/area that and locations should be appropriate in relation to their existing on going livelihoods and skills in agriculture, service sector and government jobs</p>	<p>17) The process has commenced and will continue until Final Plan submission in April 05.</p> <p>18) Construction and replacement will take place in two phases – in 2006 and 2007 – and will be based on consultations at the household level</p> <p>19) Existing livelihoods is also an important criteria that will be considered in the detailed planning</p>



Group Discussions – Oudomsouk Consultations



Group Discussions – Oudomsouk Consultations

6.6.3.4 Follow-up and Reporting

It is important that consultations continue and that information is available to PAPs between public meetings. Information on the consultations (maps, diagrams and posters) will be made available at the Nakai Project office, Oudomsouk District offices and at the Phonphanpek village information center. NTPC will produce three copies of the information and materials used in the consultations. In addition to this English summary, a full report in Lao will also be made available to the public.

An indicative implementation schedule and plan for Oudomsouk Urban Planning and Development is outlined in Section 7.2.5. This indicates detailed consultations on house and building designs and locations will be held by the end of the 2005 dry season.

6.7 CONSULTATIONS ALONG ROAD 8B

There are a number of impacts along Road 8B, including project construction activities (road upgrade) and a range of interventions that warrants specific village-level consultations. This is particularly important since many of the villages along the road are occupied by ethnic minorities, some of which are classified as vulnerable groups. Some of the villages along Road 8B are also under the Peripheral Impact Zone of the SEMFOP-1, and it is necessary to coordinate with conservation and development activities that form part of that project.

The following is a list of issues to be addressed in these consultations:

- General information about the NT2 project and potential impacts in the area
- Traffic safety issues – awareness of traffic increases, project traffic, identification of areas for signposting or fencing or other measures by concerned groups
- Impacts from camps and population influx – population control measures
- Trafficking awareness programme
- Health issues – Awareness of STI in a culturally and gender sensitive manner

Consultation teams will consist of the following team members:

- NTPC staff member to explain project impacts and answer questions and queries about mitigation and compensation
- Traffic safety consultant
- PSI or other organisation to provide information on STI awareness and prevention together local government health staff
- Consultation expert for training District representative as facilitators
- Planning input from an ethnic minority specialist is also required during the development of consultation materials

Four consultation meetings will be held by the end of February 2005. Meetings will be based in part on location and village administrative units but also take into consideration the different ethnic groups along the road.

- Pakkatan – Vietic village to be consulted separately
- Phonsa-at (including Phonsa-at Mai and Phonkeo) – Hmong hamlets including in one administrative unit
- Ko Hai (Nam Kata) for Meuy villages and hamlet in the vicinity of the that section of the road
- Nam Thi for Meuy village and some mixed settlements and hamlets closer to Lak Sao

Impacts of the new road and project activities will be vary more prevalent in the first two proposed locations where ethnic minorities are located. Feedback from these consultations and the other consultations will assist in the finalization of mitigation arrangements. In addition, the teams will discuss village-level institutional arrangements and requirements for monitoring and follow-up consultations.

6.8 GRIEVANCE REDRESS MECHANISM

The general NT2 Project grievance redress mechanism is described in Chapter 8 of Volume 1 of the SDP. This general process makes provision for any unsatisfied PAP or PAV to make a claim that the compensation they are receiving, or the process being undertaken, is not satisfactory to them.

6.8.1 General Process

The process would normally start at the village level, where a person claims will be presented to the village grievance committee, a committee of mainly elders which is indigenous to the Lao PDR. If the PAP is not satisfied with the outcome of this review, they can then submit their grievance to the District grievance committee, which will effectively be the District court.

At this level, the NTPC and the RMU will act as advisors to both the affected PAP and the District court, and be the resource persons in terms of legal obligations of the Concession Agreement and the obligations as specified in the final SDP. If the PAP is still not satisfied, they can then claim to the Provincial grievance committee, were again the NTPC and the RMU will act as advisors and resource persons. Finally, if the PAP or PAV are still not satisfied, they can submit their grievance to the Provincial Court. In this case, the NTPC and RMU would not be advisors per se, but rather witnesses.

6.8.2 Institutional Arrangements for Grievance Redress Mechanism

The Project will provide support, funds and TA for the strengthening of indigenous Village Grievance Committees, or in their absence facilitate the establishment of the same. These VGCs are normally composed of village elders, but the NT2 project will ensure that younger educated persons are also on the committee to ensue the ability to record basic issues, process and decisions.

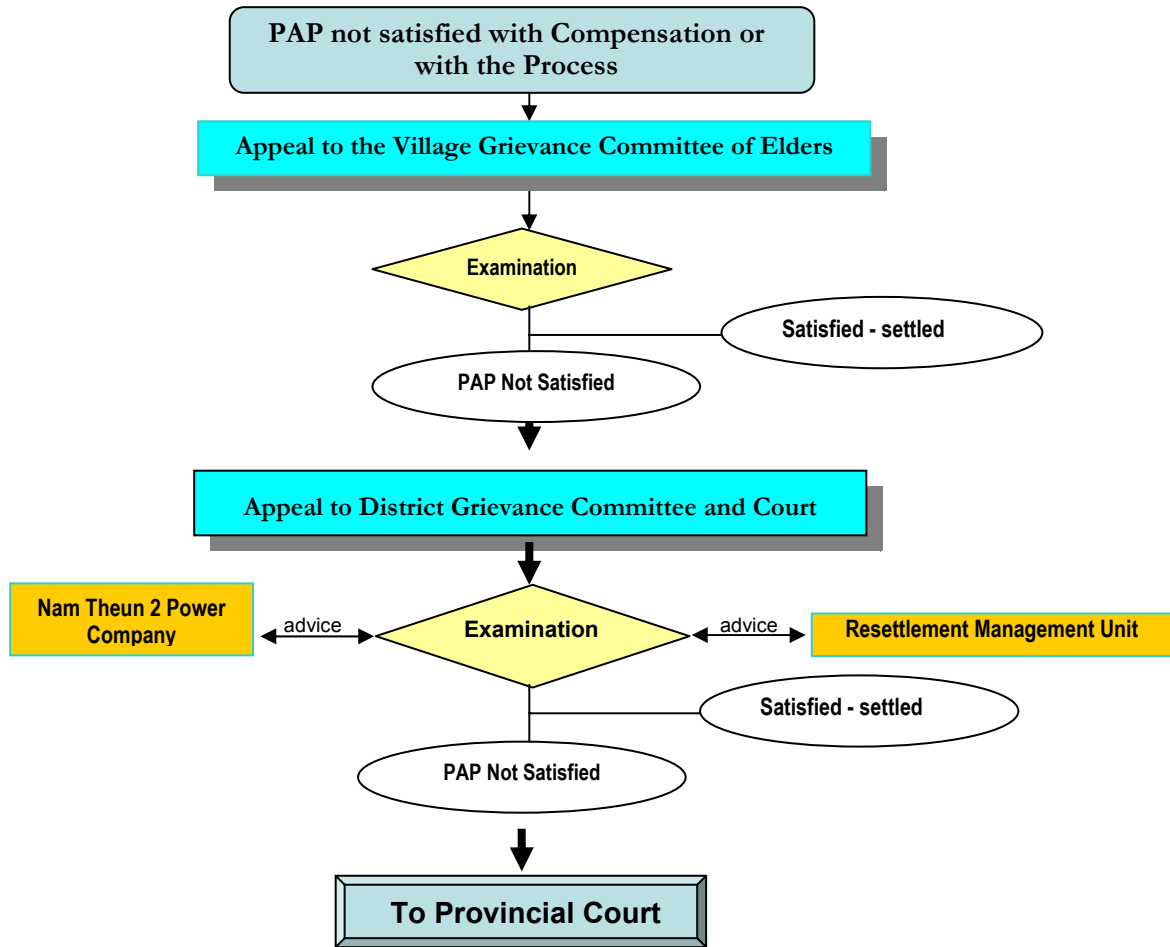
The project will fund the engagement of a local advisor and counsel to PAPs who wish to make a grievance. This will be especially the case as many of the PAP affected by Project Lands may not be able to read or write. A grievance submission to the Village Grievance Committee will most likely be submitted and reviewed verbally - although a written report of each such adjudication must be written. However, a grievance submittal to the District or Province must be submitted on paper, and thus the counsel will assist the PAP to commit their grievance to paper. This counsel team will be composed of (a) a part time international community development TA, (b) a full time Lao female community development advisor, and (c) a full time Lao male community development advisor

The District Grievance Committees, to be at least 50 % female, will be composed of:

- (i) District judge
- (ii) District and Provincial Officers of the social welfare office
- (iii) District or Provincial Officer of the LNFC
- (iv) Independent appointee agreed to by both NTPC and GOL

This DGC will receive regular training and advice from the engaged NGO counsel and will be funded by the NT2 Project. A flow diagram, illustrating the general grievance redress mechanism, is presented as Figure 6-1 on the following page.

Figure 6-1: Flow Diagram Illustrating the General Grievance Redress Mechanism



6.9 DISCLOSURE

Disclosure of Project Land documents to PAPs and the public will be in accordance with the general disclosure policy of the NT2 Project (see Section 4.12 in Volume 1). Specifically for Project Lands the following information will be made available:

- Full English versions and Lao summaries of Volume 4 in the Vientiane and Thakhek Offices
- Full English versions and Lao summaries of Volume 4 in district offices and information centres in Gnommalath and Nakai
- Lao summaries in Village Information Centres in all affected villages
- Full Lao version of Entitlements matrix distributed to each PAP

As of January 2004, information has been disseminated on project impacts and compensation and resettlement options to all PAPs. More detailed consultations on determining the exact livelihood restoration package, urban planning and other aspects is ongoing and will continue throughout 2005.

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