

My Ly - Nam Mo Hydropower JSC



Environmental and Social Impact Assessment


MY LY HYDROPOWER PROJECT

VOLUME V
Public Communication and Disclosure Plan (PCDP)
29 September 2017

ENVIRO-DEV

Volume V

Environmental and Social Impact Assessment My Ly Hydropower Project

Date 2017	Revision History	Document No. and Name	Issued by Name and Signature
30 June	First Issue	ENVIRO-DEV Doc 004-2017: Volume V Public Communication and Disclosure Plan (PCDP)	Previously signed
29 September	Final Issue	ENVIRO-DEV Doc 004-2017: Volume V Public Communication and Disclosure Plan (PCDP)	 Shivcharn Dhillion
International Consultant: ENVIRO-DEV			ENVIRO-DEV
Contact: Nordstu Olsberg, Olsbergsveien, N-2510 Tyllidalen, Norway env-dev@online.no ; +47 90267958			

DISCLAIMER: This report has been prepared by ENVIRO-DEV with all reasonable skill, care and diligence with the terms of the Contract with the Client. We disclaim any responsibility to the client and others in respect of any matters outside the scope of work, and if containing any error or omission which is due to an error or omission in data supplied to us by other parties. This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof is made known. Any such party relies on the report at their own risk. This document contains confidential information and proprietary intellectual property. It should not be shown to other parties without consent from us and from the party which commissioned it.

TABLE OF CONTENTS

Chapter 1	Purpose	1
Chapter 2	The Project Background	4
2.1	The project.....	4
2.2	Location and accessibility	4
Chapter 3	Land Requirement	5
Chapter 4	Social Baseline and Impacts of the Project	6
4.1	Socio-economic profile of project-affected villages.....	6
4.2	Main social impacts.....	8
Chapter 5	National Regulations and requirements	10
5.1	Relevant state regulations - the Government of Vietnam	10
5.1.1	Legal framework.....	10
5.1.2	Applicable guidelines for consultation and disclosure	10
5.1.3	Resettlement guidelines for hydroelectric projects.....	10
5.1.4	Applicable guidelines for ethnic minorities	11
5.2	Relevant state regulations - the Government of Lao PDR.....	11
5.2.1	Legal framework.....	11
5.2.2	Applicable guidelines for consultation and disclosure	11
Chapter 6	Relevant International Policies, Guidelines and Protocols.....	13
6.1	The World Bank Group requirements.....	13
6.1.1	Relevant MIGA policies and guidelines	13
6.1.2	Performance Standards (PS)	13
6.1.3	Guidance Notes (GN).....	14
6.1.4	Public Consultation and Disclosure	14
Chapter 7	Public Consultation and Disclosure conducted.....	1
7.1	Prior to 2017	1
7.1.1	Conclusions from the consultations	3
7.2	Consultations in 2017 for this ESIA.....	4
7.2.1	Baseline information collection in January 2017	4
7.2.2	FPIC process, June 5 – 16, 2017	4
7.2.3	Future modes of communication	8
Chapter 8	Stakeholders.....	12
8.1	Stakeholder definition	12
8.2	Stakeholder categories in My Ly HPP	12
Chapter 9	Public Consultation and Disclosure Program	19
9.1	Key principles for the Public Consultation and Disclosure Program	19
9.2	Information requirements	20
9.3	Modes of communication and information provision.....	21
9.4	Place and methods of consultation	22
9.4.1	Project Affected People	23

9.4.2 Residents of affected settlements..... 23

9.4.3 Government, Financial Institutions, media, NGOs 23

9.5 Representation institutions..... 23

9.6 Record of consultations 23

9.7 Response 23

9.8 Periodicity of Public Consultation 23

9.9 Tasks for an effective PCDP 24

Chapter 10 Time Table..... 26

10.1 Resources and responsibilities 28

10.2 Corporate organization and structure 28

10.3 Project Office Organization Structure 28

Chapter 11 Budget 33

Chapter 12 Grievance Redress Mechanism 36

Chapter 13 Reporting 38

LIST OF TABLES

Table V. 1. Land use and main cover of Project Direct Impact Area (DIA)..... 5
Table V. 2. Population, ethnicity and poverty in project affected villages 6
Table V. 3. PAP consulted in the villages to be relocated or losing land..... 5
Table V. 4. List of the modes of communication that have been utilized and those that may be used in the future 9
Table V. 5. Stakeholders in My Ly HPP 12
Table V. 6. Continued, planned and proposed modes of communication that will be used and explored in the future 21
Table V. 7. List of Tasks that are to be performed during the project leading up to the construction period..... 24
Table V. 8. Proposed time-line for public communication and disclosure related to the social and environmental issues and resettlement plans..... 26
Table V. 9. Suggested itemized budget posts for PCDP October 2017 –2022 33
Table V. 10. Comments and requests of villagers and village heads recorded during the FPIC process in the DIA areas of My Ly HPP 39

LIST OF FIGURES

Figure V.1. Proposed organizational structure..... 32
Figure V. 2. Proposed core steps in the Proponent’s grievance redress handling procedure ... 37

LIST OF PLATES

Plate 1. Village specific information flyers prepared in English and translated into Vietnamese and Lao used for the FPIC process..... 10
Plate 2. Line map over the areas to be affected by My Ly HPP handed out to villagers. 11

ABBREVIATIONS AND ACRONYMS

Abbreviations / Acronyms	
ABP	Awareness Building Plan
AP	Affected People
BCS	Broad Community Support
CDO	Community Development Officer
CEO	Chief Executive Officer
CHC	Commune Health Centre
CLO	Community Liaison Officer
CPC	Commune People’s Committee
CRS	Corporate Social Responsibility
DARD	Department of Agriculture and Rural Development
DIA	Direct Impact Area
DONRE	Department of Natural Resources and Environment
DPC	District People’s Committee
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
FPIC	Free, Prior and Informed Consent
GM	General Manager
GN	Guidance Notes
GoL	Government of Lao PDR
GoV	Government of Vietnam
GRM	Grievance Redness Mechanism
GRP	Grievance Redness Process
GRU	Grievance Redressal Unit
HH	Household
HIV/AIDS	Human Immunodeficiency Virus Infection/Acquired Immune Deficiency Syndrome
HPP	Hydropower Project
IC	International Consultant
ICP	Informed Communication and Participation
IFC	International Finance Corporation
IFI	International Finance Institution
Lao PDR	Lao Peoples Democratic Republic
MAF	Ministry of Agriculture and Forestry
MARD	Ministry of Agriculture and Rural Development
MEM	Ministry of Energy and Forestry
MIGA	Multilateral Investment Guarantee Agency
MOIT	Ministry of Industry and Trade
MONRE	Ministry of Natural Resources and Environment

Abbreviations / Acronyms	
NGO	Non-governmental organization
PAF/PAP	Project Affected Family/Project Affected Person
PCDP	Public Communication and Disclosure Plan
PECC1	Power Engineering Consulting Joint Stock Company 1
PECI	Power Engineering Consulting and Investment Joint Stock Company
PPC	Province People's Committee
Project AI	Project Area of Influence
PS	Performance Standards
RAP	Resettlement Action Plan
REMLRP	Resettlement and Ethnic Minority Livelihoods Restoration Plan
RLRD	Resettlement and Livelihood Restoration and Development
RLRDU	Resettlement and Livelihood Restoration and Development
RP	Resettlement Plan
RPF	Resettlement Policy Framework
RS	Resettlement Specialist
SEMD	Social and Environmental Management Division
SIA	Social Impact Assessment
VL	Village leader
VND	Vietnamese Dong

CHAPTER 1 PURPOSE

This document outlines the Public Consultation and Disclosure Plan (PCDP) for the My Ly Hydropower Project (HPP) as proposed by My Ly – Nam Mo Hydropower JSC, henceforth referred to as the “Proponent”. The Project Proponent¹ is required to develop and implement a PCDP for a project identified as a “Category A” project based on criteria of the Multilateral Investment Guarantee Agency (MIGA). The Policy on *Access to Information, Policy on Environmental and Social Sustainability* (MIGA 2013), *Performance Standards* (MIGA 2013)² and *Guidance Notes* (IFC, 2012) have guided the public consultation and disclosure procedures.

The PCDP³ aims to:

- Identify key local stakeholders and ensure there are adequate mechanisms for stakeholder feedback and information sharing;
- Carry out *meaningful consultation*⁴, encapsulated by the practice of Disclosure of Information, Consultation and Informed Communication and Participation (ICP) of the MIGA PS (Box 1) in a mutually acceptable process between the client and affected communities of ethnic minorities (MIGA PS7).
- Provide a framework for consultation at the local, national and international levels.
- Ensure that issues raised by key stakeholders are addressed in the ESIA report as well as in the project decision-making and detailed design phase;
- Provide mechanisms that ensure the formulation of the RAP based on the framework RPF (entitlements) prepared as part of the My Ly HPP ESIA;
- Identify the level of resources required to implement the plan and procedures to monitor implementation;
- Outline principles for grievance mechanism for local stakeholders;
- Ensure project benefits for the affected people through gender-balanced participation of different stakeholder groups.

Box 1. From the Performance Standard 1 of the MIGA, 2013 (slightly adapted for terminology)

Indigenous Peoples (Ethnic Minorities)

32. For projects with adverse impacts to Indigenous Peoples, the client is required to engage them in a process of ICP and in certain circumstances the client is required to obtain their Free, Prior, and Informed Consent (FPIC). The requirements related to Indigenous Peoples (Ethnic Minorities) and the definition of the special circumstances requiring FPIC are described in Performance Standard 7.

Disclosure of Information

¹ The terms “Proponent” or “Client” are used in this plan as per practice by some International Finance Institutions (IFI) including MIGA (PS 2013). It refers to the term “Sponsor” as is often the term used in IFC documents.

² MIGA (2013) and IFC (2012) Performance Standards are identical and MIGA applies Guidance Notes of IFC (2012).

³ This PCDP is prepared for the Proponent by the consultant ENVIRO-DEV, an international consulting company (Responsible for the preparation of the PCDP are Dr. S.S. Dhillon and Ms. T. R. Granfelt). env-dev@online.no

⁴ Meaningful Consultation. A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues (ADB. Safeguard Policy Statement, 2009).

29. Disclosure of relevant project information helps Affected Communities and other stakeholders understand the risks, impacts and opportunities of the project. The client will provide Affected Communities with access to relevant information on: (i) the purpose, nature, and scale of the project; (ii) the duration of proposed project activities; (iii) any risks to and potential impacts on such communities and relevant mitigation measures; (iv) the envisaged stakeholder engagement process; and (v) the grievance mechanism.

Consultation

30. When Affected Communities are subject to identified risks and adverse impacts from a project, the client will undertake a process of consultation in a manner that provides the Affected Communities with opportunities to express their views on project risks, impacts and mitigation measures, and allows the client to consider and respond to them. The extent and degree of engagement required by the consultation process should be commensurate with the project's risks and adverse impacts and with the concerns raised by the Affected Communities. Effective consultation is a two-way process that should: (i) begin early in the process of identification of environmental and social risks and impacts and continue on an ongoing basis as risks and impacts arise; (ii) be based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information which is in a culturally appropriate local language(s) and format and is understandable to Affected Communities; (iii) focus inclusive engagement on those directly affected as opposed to those not directly affected; (iv) be free of external manipulation, interference, coercion, or intimidation; (v) enable meaningful participation, where applicable; and (vi) be documented. The client will tailor its consultation process to the language preferences of the Affected Communities, their decision-making process, and the needs of disadvantaged or vulnerable groups. If clients have already engaged in such a process, they will provide adequate documented evidence of such engagement.

Informed Consultation and Participation

31. For projects with potentially significant adverse impacts on Affected Communities, the client will conduct an Informed Consultation and Participation (ICP) process that will build upon the steps outlined above in Consultation and will result in the Affected Communities' informed participation. ICP involves a more in-depth exchange of views and information, and an organized and iterative consultation, leading to the client's incorporating into their decision-making process the views of the Affected Communities on matters that affect them directly, such as the proposed mitigation measures, the sharing of development benefits and opportunities, and implementation issues. The consultation process should (i) capture both men's and women's views, if necessary through separate forums or engagements, and (ii) reflect men's and women's different concerns and priorities about impacts, mitigation mechanisms, and benefits, where appropriate. The client will document the process, in particular the measures taken to avoid or minimize risks to and adverse impacts on the affected people.

This PCDP presents stakeholder consultation and engagement activities that were undertaken during the preparation of the Environment and Social Impact Assessment (ESIA) for the My Ly HPP. This PCDP also provides an outline of planned stakeholder consultation and engagement activities that are to be undertaken leading up to and during the construction of the HPP. The planned activities are to be done in association with various plans proposed in the ESIA, including the Resettlement and Ethnic Minority Livelihoods Restoration Plan (REMLRP) and the Environmental and Social Management Plan (ESMP).

An EIA to meet national requirements will be prepared for the associated transmission line project⁵ by a different consultant.

In line with MIGA policies, as noted above, the PCDP is intended to enhance community benefits and related environmental issues by minimizing negative effects through engaging the community. The purpose of community engagement is to build and maintain over time a constructive relationship with communities. The nature and frequency of community engagement will reflect the project's risks to and adverse impacts on the affected communities. Through functioning as a means to fully integrate with all phases of the project

⁵ The consultant for the GoV transmission line EIA is identified as PECC1 of EVN, Vietnam.

- planning, design and implementation - the PCDP goes beyond only describing what has already been undertaken and is thus proactive in nature. It more saliently sets out a roadmap for achieving the aims of the community plans, and guides the overall long term social and environmental management systems of the project.

The PCDP builds upon public consultation and disclosure procedures carried out since January 2017 during the ESIA period. It is also based on project area information that had been collected in 2015-16 and then verified through information gathering and through consultations conducted in January and June 2017. A wide range of stakeholders were consulted particularly at the local community and commune/district levels. To be consistent with MIGA policies, if communities may be affected by risks or adverse impacts from the project, the proponent is expected to provide communities with access to information on the purpose, nature and scale of the project, the duration of proposed project activities, and any risks to and potential impacts on such communities. The Proponent has obtained public views on the My Ly hydropower project and concerns of potential impacts, and ways to mitigate such impacts. Based on this input, the Proponent has assessed alternative ways of mitigation and considered raised concerns in its decision-making process and will continue to do so. Public consultation and disclosure procedures have been (1st half of 2017) and will continue to be carried out in an ongoing, transparent, consistent, up-to-date and equitable manner. Relevant project information has been and will be made accessible in a timely manner and in a language understandable to the groups being consulted. Broad community support through a FPIC process has been confirmed for this project and follow up of this process is required. The Proponent will explore a range of modes of communication during the future project period. Information included as part of this process has been considered in the preparation of the ESIA Report and associated plans and safeguard documents (e.g., the ESMP and REMLRP).

The Proponent plans to build CSR capacity and a strong synergy will be developed between the PCDP and CSR activities. A common communication strategy and program will be developed in line with this proposed PCDP.

CHAPTER 2 THE PROJECT BACKGROUND

2.1 The Project

The governments of Vietnam and Lao PDR have an agreement to develop hydropower projects on the Ca river located in Nghe An Province of Vietnam with parts of it within the Lao territory in Houaphanh and Xiangkhoang Province. This is an essential part of Vietnam's master plan for a hydropower power cascade development along the Ca river system.

In March 2016, a meeting between the two governments took place to craft the terms of the agreement and content of the cooperation⁶. Prior to the meeting there have been numerous studies to determine the feasibility of the hydropower scheme, and further detailed studies were carried out after the signing of the agreement. My Ly-Nam Mo Hydropower Joint Stock Company (JSC), a private Vietnamese enterprise owned by Vietracimex was incorporated to develop the Project.

2.2 Location and accessibility

The 180MW My Ly Hydropower Project is located in the boundary area of Vietnam - Lao PDR on the Ca River. The main components and auxiliary areas are located about 1.6km from the national border in My Ly commune, Ky Son district, Nghe An province, Vietnam. The planned dam will be 118.6 high and create in the river upstream the dam wall a 42 km long reservoir lake that will reach into the upstream Keng Du commune area in Vietnam. 38.4 km of the reservoir left bank will be located in the Houaphanh and Xiangkhoang Provinces of Laos. All project facilities and infrastructure will be in the Vietnamese territory.

The area of the project is one of the most remote and poorest ones in the two countries. It lies isolated in a forested, mountainous, international border area that is sparsely populated and provides local people with few livelihoods options apart from upland cultivation and utilization of forest and aquatic resources. Social and livelihoods services delivery, trade and market access are highly deficient due to poor transportation infrastructure with villages connected by earthen roads that are not accessible year round, and most of the area outside the national electricity network in both countries.

⁶ The First Negotiation Round. Agreement Between the Government of the Lao Peoples Democratic Front and the Government of the Socialist Republic of Vietnam. 11 March 2016.

CHAPTER 3 LAND REQUIREMENT

The Project will require a land area of 13.34km² (1,333.8ha) of which 9.88 km² is the reservoir area. The total land take of the HPP can be seen in Table V.1 below.

Table V. 1. Land use and main cover of Project Direct Impact Area (DIA)

No.	Land use and cover (land take of project)	Permanent Area (ha) – DIA		Temporary (ha) ¹ in DIA	Total (ha)	Buffer Area (ha)
		Reservoir	Main works			
I	Total Vegetated area	988.3	31.25	47.26	1066.51 (80%)	692.8
a	<i>Forests</i>	629.3	17.51	22.46	282.2	150
b	<i>Scrub and grassland</i>	327.0	13.44	17.60	104.1	45
c	<i>Shrub/bamboo/cultivated/uncultivated land</i>	32.0	0.3	7.2	282.7	230
II	Built-up areas/residential/others	51	0.2	3.4	54.6 (4%)	12
III	River/stream	208	2.7	2.0	212.7 (16%)	2.7
Total		1,247	34.1	52.7	1,333.8	707.7

There is no exact data on the location or the size of agricultural land in the Project AI, because agriculture is practiced on rotational fields that are prepared through slash-and-burn method in the forests. Each household cultivates annually an average plot of 1-2ha, which after 1-2 years is left fallow for 2-6 years.

CHAPTER 4 SOCIAL BASELINE AND IMPACTS OF THE PROJECT

The social and environmental baseline and the impacts of the project are covered in detail in the ESIA report. Provided here are briefly the impacts of the project as relevant to the PCDP.

The major socio-economic impacts of the project will include:

- Loss of private property
- Loss of assets including farmland and allocated forests
- Loss of livelihoods and income directly linked to the above two losses
- Loss of public infrastructure
- Other indirect losses

4.1 Socio-economic profile of project-affected villages

All the affected households are poor and near-poor as classified by the GoV⁷ and GoL⁸. They live in remote and isolated villages with poor infrastructure and accessibility. All the affected households are farmers, living on upland swidden rainfed agriculture, forest resources utilization and fishery in the river and its tributaries, and livelihoods opportunities apart from these are very few. Seasonal or permanent labor out-migration of especially younger people from some of the affected villages is high.

Population in project-affected villages

Totally 2,401 people in 524 households in 9 villages Vietnam and Laos will be affected by reservoir inundation and relocation. Average household size in the villages in Vietnam is 4 persons, in Laos the size of household varies between different villages from 4 up to 6-7 persons. The affected households, population, household poverty percentage and ethnicity in the project affected villages can be seen in Table V.2 below.

Table V. 2. Population, ethnicity and poverty in project affected villages

MY LY HPP VILLAGES TO BE RELOCATED				
Village	HH	Pop.	HH poverty %	Ethnicity
Keng Du Commune – Vietnam				
Keng Du	46	183	78	Thai
My Ly Commune – Vietnam				
Cha Nga	97	435	60	Thai
Xop Duong	61	224	90	Thai
Xang Tren	174	688	84	Thai

⁷ The official poverty line in Vietnam 2016–2020 issued through the GoV Decision No. 59/2015/QD-TTg *Promulgating multidimensional poverty levels applicable during 2016-2020* is for urban areas 900,000VND/capita/month and for rural areas 700,000VND/capita/month. 1USD=22,700VND (22 Sep 2017).

⁸ The official poverty line in Laos 2010–2015 issued through the Decree No.285/Proponent *Poverty and development standard 2010-2015* is for country level 192,000 LAK/capita/month, for urban areas 240,000 LAK/capita/month and for rural areas 180,000 LAK/capita/month. 1USD≈8,300LAK (22 Sep 2017).

Subtotal My Ly Commune	332	1,347		
Total Vietnam	378	1,530		
Kouan District – Laos				
Phiangxang	9	36	100	Kho mu
Sopsan	16	89	88	Thai (Lao Loum)
Sopkang	48	320	63	Thai (Lao Loum)
Kengkor	29	150	100	Kho mu, Thai
Phiangthat	44	276	93	Kho mu
Total Laos	146	871		
Total My Ly HPP	524	2,401		

Ethnic minority composition

The PAP are in Vietnam recognized as ethnic minorities and in Laos belonging to the ethnic groups of Thai, Kho mu and Hmong. All the affected people in Vietnam are Thai and Kho mu ethnic minority people, and the affected people in Laos are related to the Vietnamese across the border river. In most of the villages all the inhabitants identify themselves to the same ethnic group.

Food sufficiency status

Food sufficiency status is poor in the inundation zone. In most villages insufficient of rice occurs every year during 2-3 months before the annual harvest.

Land holding pattern

Farming land is located in upland forested area on steep slopes. Farmers prepared cultivation fields by burning down forest plots, which are cultivated 1-2 years and then left fallow for 4-8 years.

Forest and water resources use

Forest resources are of crucial importance for household food and economy. It is estimated that 50% or more of the livelihoods of the households in the project area comes from the forest. Forest products provide the basis for daily nutrition through wild growing vegetables, fruit, leaves, roots, mushrooms, bamboo shoots that are collected by women, added to rats, birds and other small wildlife hunted by men. Timber is both taken into construction in the villages and sold to traders to generate household cash income. Animals are grazing in the forests.

River is another important source of household food; most households are fishing in the river and its tributaries.

Main crops and livestock

Agriculture is upland swidden rainfed cultivation, the main crop is rice, which is the staple food of all households in the project area. Other most important crops are maize and cassava, which are mainly grown for animal fodder. There are few home gardens because edible vegetables are collected from the forest. Some households have fruit trees in the village or near the river.

All households keep poultry (chicken and ducks) for food, most households have pigs mainly for family festivities and for selling and cows for selling. A few households have buffaloes that together with cows are kept for selling and generating cash.

Sources of drinking water

Drinking water of all the affected communities is taken from mountain streams and tributaries to the Ca River close to the village. Water is lead through pipes to water tanks in village, usually 6-10 households share a water tank.

Main sources of energy

There is no grid electricity in the project-affected villages. In Vietnam, each household has its micro-hydro generator (pico-hydro generators) in the river or in a tributary near the village for electricity provision. In the Lao villages, people produce their energy both through micro hydropower generators and solar panels.

Energy for cooking is firewood which is collected in the forest, along the riverbank and environment surrounding the village.

Transportation

Waterway is the most important transportation route for villages with poor standard road that is not accessible year round. Most households have boats to travel along the Ca River. Vietnamese traders with boats use the river to reach villages for selling household goods and for buying available products from villagers both in Vietnam and in Laos.

Leadership and decision making

The village leader (VL) is the administrative head and representative of village and its communication channel with the commune/district-level government administration. VL coordinates the documentation of village level baseline data on population, land use and productivity, livestock numbers, etc. He⁹ receives government information and instructions through commune or district level administration and has the responsibility to inform and mobilize villagers as required. Village leader is the decision-maker, collects opinions of villagers, organizes village meetings, and brings village opinions and concerns to commune or district level attention.

In ethnic minority villages, ethnic leader or a group of elders play a significant unofficial role in village-level decision making and as persons of authority who can influence the opinions of villagers. They retain ethnic cultural knowledge and are respected based on their age and experience. Their role is to settle any disputes and conflicts within their village and with other villages or persons outside the village.

4.2 Main social impacts

The main social impacts will be relocation of communities and loss of land that is used for livelihoods activities.

The reservoir will inundate eight villages along the river and its tributaries that will be part of the reservoir in Vietnam and Laos. All private residential land, houses and assets, and all public infrastructure and structures will be inundated. The reservoir will inundate the entire villages including:

- (1) Private family houses and all the related household assets;

⁹ Virtually all village leaders in Vietnam and Laos are men, female VLs are rare.

- (2) Residential land around the family houses with garden and fruit trees;
- (3) Family electricity supply with micro hydro generators in the river and related power lines;
- (4) Public infrastructure: (i) Public water tanks with related water pipes for household water supply; (ii) intra-village roads; (iii) village cultural house; (iv) kindergarten (in Vietnam), (v) school.

The reservoir will further inundate land and water that is used for food production and livelihoods activities. Cultivation and forest land that is used for livelihoods will be inundated. The HPP will impact on fish availability and fishery that is important for household nutrition. the reservoir will become a barrier for access to areas cross the river, e.g., agricultural fields and forest areas that are important for livelihoods and household food.

The dam will cut off river transportation between up- and downstream the dam, which will have a high impact on connectivity of the villages.

Moreover, the reservoir will inundate forest areas that are considered culturally sacred, and graveyards near the river will be submerged under the water.

In Vietnam, one village that is located by the dam site in the midst of the project structure and activity area will be highly impacted by the construction and related activities and, therefore, has to be relocated. Totally nine villages have to be relocated in Vietnam and Laos.

CHAPTER 5 NATIONAL REGULATIONS AND REQUIREMENTS

5.1 Relevant state regulations - the Government of Vietnam

5.1.1 Legal framework

The legal framework regarding land acquisition, compensation and resettlement in Vietnam is based on the Constitution of the Socialist Republic of Vietnam (2013) and the Land Law 2013, and other relevant decrees/guidelines. The major principal legal documents to be considered include:

- Land Law 2013 which is effective from Jul. 1st, 2014
- Decree No. 01/2017 / ND-CP amending the decree guiding the Land Law
- Decree No.44/2014 of the Government regulating land prices
- Decree No. 104/2014/ND-CP on land prices
- Decision No. 34/2010/QĐ-TTg of Apr 8,2010, promulgating the Regulation on irrigation and hydropower project-related compensation, support and resettlement
- Circular detailing a number of articles of the government's decree no. 43/2014/NĐ-CP and decree no. 44/2014/NĐ-CP dated May 15, 2014
- Decree No.47/2014/NĐ-CP of the government of May 5th, 2014 on compensation, support and resettlement upon land expropriation by the State, which is effective from Jul. 1st, 2014
- Circular No. 37/2014/TT-BTNMT of June 30th, 2014 on detailed regulations on compensation, support, and resettlement upon land expropriation by the State
- Decision No. 1956/QĐ-TTg on approving the scheme on vocational training for rural laborers up to 2020
- Decision No. 52/2012/QĐ-TTg of November 16, 2012 on employment and vocational training support policies for laborers subject to agricultural land recovery

5.1.2 Applicable guidelines for consultation and disclosure

Land Law Article 67 requires state agencies to notify the affected people about land acquisition before issuing decision on land acquisition, within 90 days for agricultural and 180 days for non-agricultural land. Land Law Article 69 stipulates that the affected people be consulted on the draft plan of compensation and resettlement. The compulsory land acquisition process implies that all activities of compensation and resettlement are designed and carried out by the responsible agencies of local government and then presented to project-affected people with details on losses, compensation values, and resettlement plan. There is no policy to put the people to be displaced in the center of decision making process. Article 21 of Decision 34/2010/QĐ-TTg declares that affected persons have the right to inspect and supervise the implementation of compensation assistance, and resettlement scheme; however there are no clear guidelines to include members from affected communities in the committees preparing compensation and resettlement at the district level, and all members in the resettlement committees tend to be recruited from project developers and local government agencies.

5.1.3 Resettlement guidelines for hydroelectric projects

The same legal policies are applicable to all type of projects requiring land acquisition and resettlement. Unclear guidelines and poor implementation of GoV policies have led to many grievances from people affected by hydropower projects, and the Prime Minister in 2010 issued a specific Decision 34/2010/QĐ-TTg in order to develop a clearer framework for compensation, support and resettlement policies for hydropower and irrigation projects.

5.1.4 Applicable guidelines for ethnic minorities

The GoV recognizes that the economic gap between the majority population and the ethnic minorities in remote rural and mountainous areas remain despite the rapid economic development of the country. Ethnic minorities are recognized as poor and vulnerable, and there are various government programs for poverty reduction and development of remote areas with ethnic minority populations. Ethnic minority people are accordingly eligible for special government allocations and there are numerous GoV special programs focused on remote, rural and ethnic minority communities. Among the GoV programs with largest coverage in ethnic minority areas are e.g. The Program for the Socio-Economic Development of Extremely Difficult Communes in Ethnic, Mountainous, Boundary and Remote Areas (Decision 135/1998/QD-TT) with beneficiaries from 22 different ethnic minority groups with the aim to reduce poverty, to provide adequate clean water, to increase the proportion of school age children attending school, further train poor people in production, control dangerous and social more, diseases, construct roads to inter-commune centers, and develop rural markets. Furthermore, GoV programs for ethnic minority development include, e.g., the Program of Rural Transport, the Program of Universalization of Primary Education and Anti-Illiteracy in mountainous areas, the Program for Electrification in Rural Areas, the Program for Elimination of Communes having No Health Service available, the Program for Irrigation in Agricultural Areas, and the Program for Safe Water in Rural Areas.

5.2 Relevant state regulations - the Government of Lao PDR

5.2.1 Legal framework

Established in 2005 and revised in 2016, *Decree on Compensation and Resettlement of People Affected by Development Projects* (Decree No. 84/GOL, 2016) provides the principles, mechanisms and procedures to mitigate adverse social impacts and to compensate damages that result from involuntary land acquisition or repossession of land and fixed or movable assets. The Decree is pursuant to the Land Law (2003) and the Law on Protection of the Environment (2012), and provides principles, regulations and standards on the management, monitoring and compensation of losses and management of resettlement. It aims to ensure that PAP and PAH are compensated and assisted to improve or maintain their pre-project incomes and standard of living, and are not made worse off than they would have been without the project. The provisions will be applied during the preparation and implementation of the social impact assessment (SIA), the social impact mitigation and monitoring plans, resettlement plans and livelihoods rehabilitation plans. The Decree is largely consistent with the main principles of the World Bank's Involuntary Resettlement policy (OP/BP 4.12).

The *Policy for Sustainable Hydropower development in Lao PDR* (2015) states the requirement of comprehensive EIA, and includes the need for a comprehensive social impact assessment to safeguard the interests of the project affected people.

5.2.2 Applicable guidelines for consultation and disclosure

The Decree No. 84 Article 17 states the rights and obligations of the Project owner, including information disclosure and participation of the affected people. Article 18 details the rights and obligations of the affected people to be informed, participate in consultations and cooperate with the Project owner and other relevant implementing parties.

Article 20 of Decree 84 stipulates the rights and duties of Provincial/City committee for compensation and resettlement, including providing information to the affected people and other stakeholders on the project development, its benefits and impacts, and the progress of compensation, resettlement and livelihoods rehabilitation implementation throughout the project time. Article 22 of the Decree further contains the rights and duties of the Operation

unit of compensation and resettlement, including information to the affected people and other stakeholders.

The sustainable hydropower development policy states the need of transparent consultation that will also consider ethnic languages if applicable, resettlement and compensation as well as gender development plan. It also states the revenue and benefit sharing through community funds.

CHAPTER 6 RELEVANT INTERNATIONAL POLICIES, GUIDELINES AND PROTOCOLS

6.1 The World Bank Group requirements

The World Bank Group organizations have policies on disclosure, environmental and social sustainability and *Performance Standards* (IFC 2012 and MIGA 2013). The latter are supported by *Guidance Notes* (IFC 2012). These policies and standards have guided the public consultation and disclosure procedures, and formulation of the PCDP.

6.1.1 Relevant MIGA policies and guidelines

The Multilateral Investment Guarantee Agency (MIGA and IFC have similar policies and PS) in compliance with its Policy on Environmental and Social Sustainability (2013), applies the Performance Standards (PS) and associated Guidance Notes (GN) to manage social and environmental risks and impacts (more details of the requirements are in the ESIA). Key standards (both MIGA and IFC) include:

Performance Standards on Social and Environmental Sustainability (MIGA 2013)¹⁰; and, Guidance Notes on Performance Standards (IFC 2012)

6.1.2 Performance Standards (PS)

The most relevant Performance Standard for the PCDP is the following:

Performance Standard 1: Social and Environmental Assessment and Management Systems. (relevant sections on Information disclosure, Consultation, FPIC (Free, Prior, and Informed Consent), Informed Participation, Grievance redress mechanism, External Reporting and Management System).

In addition, Performance standards that add perspective to Performance Standard 1 are:

Performance Standard 2: Labor and Working Conditions (relevant section on consultation)

Performance Standard 3: Pollution Prevention and Abatement (relevant section on Information disclosure)

Performance Standard 4: Community Health, Safety and Security (relevant section on Information disclosure)

Performance Standard 5: Land Acquisition and Involuntary Resettlement (relevant sections on Information disclosure, Informed Consultation and Participation)

Performance Standard 6: Biodiversity Conservation and Sustainable Natural Resource Management (relevant information on Consultation)

Performance Standard 7: Indigenous Peoples (relevant sections on Information Disclosure, Consultation and FPIC, Informed Participation, and Good Faith negotiation)

Performance Standard 8: Cultural Heritage (relevant sections on Consultation; Informed participation and Good Faith negotiation)

In addition to meeting the requirements under the Performance Standards, the PCDP complies with applicable national laws, including the laws implementing host country obligations under international law.

¹⁰MIGA PS are identical to IFC PS (2012).

6.1.3 Guidance Notes (GN)

Within the environmental and social policies, procedures and guidelines of the IFC and MIGA, there are guidance notes, which provide key explanations and processes. IFC (2012) has prepared a set of Guidance Notes (MIGA has reference to GN), corresponding to the Performance Standards (PS) on Social and Environmental Sustainability. These Guidance Notes offer helpful guidance on the requirements contained in the Performance Standards, including reference materials, and on good sustainability practices to improve project performance. These Guidance Notes are not intended to establish policy by themselves; instead, they explain the requirements in the Performance Standards.

6.1.4 Public Consultation and Disclosure

During the ESIA process for Category A projects the project proponent is required to conduct meaningful consultation with relevant stakeholders including affected groups, non-governmental organizations (NGOs) and local authorities about the project's environmental and social aspects and take their views into account. The project sponsor initiates such consultations as early as possible. For meaningful consultations, the project sponsor provides relevant information in a timely manner and in form and language that are understandable and accessible to the groups being consulted.

For Category A projects the project proponent consults the relevant stakeholders at least twice:

1. during scoping and before the terms of reference for the EA is finalized; and
2. once a draft ESIA report is prepared

Following the consultation on the draft ESIA or impacts and likely mitigation, the project proponent supplements the ESIA by adding details of the public consultation process, including the proponent responses to concerns raised by the various stakeholders and details of measures taken to incorporate these concerns into project design and implementation. The project sponsor continues to consult with relevant stakeholders throughout the project construction and operation, as necessary, to address ESIA related and other issues that affect them. IFC and MIGA requires the proponent to report on ongoing consultations as part of its annual reporting requirements.

In this project the Proponent had already completed the national EIA for both GoV and GoL, the former approved, thus the sequence of consultations had to be adapted to previous stakeholder communication conducted.

Disclosure of Information - for Category A projects the proponent gives public notification and makes a draft ESIA report available at a public place accessible to the project stakeholders as early as possible. In this project the FPIC was initiated towards the end of the completion this ESIA and its disclosure will be done as soon as meeting MIGA requirements. The document should include all supplements to the ESIA report requested by MIGA and the responses to the public consultation process. In addition, a non-technical ESIA report summary in the local language shall be proactively disseminated to the local stakeholders by the proponent.

The Proponent recognizes the following aspects of consultation and information disclosure complying with requirements (adapted below from MIGA Performance Standards and IFC Guidance Notes).

Community engagement is an on-going process involving the proponent's disclosure of information. When local communities may be affected by risks or adverse impacts from a project, the engagement process will include consultation with them. Community engagement will be free of external manipulation, interference, or coercion, and intimidation, and conducted on the basis of timely, relevant, understandable and accessible information.

Disclosure of relevant project information helps affected communities understand the risks, impacts and opportunities of the project. Where the proponent has undertaken a process of Social and Environmental Assessment, the client will publicly disclose the Assessment document.

If affected communities may be subject to risks or adverse impacts from a project, the Proponent will undertake a process of consultation in a manner that provides the affected communities with opportunities to express their views on project risks, impacts, and mitigation measures, and allows the Proponent to consider and respond to them.

Effective consultation: (i) should be based on the prior disclosure of relevant and adequate information, including draft documents and plans; (ii) should begin early in the Social and Environmental Assessment process; (iii) will focus on the social and environmental risks and adverse impacts, and the proposed measures and actions to address these; and (iv) will be carried out on an ongoing basis as risks and impacts arise. The consultation process will be undertaken in a manner that is inclusive and culturally appropriate. The client will tailor its consultation process to the language preferences of the affected communities, their decision-making process, and the needs of disadvantaged or vulnerable groups.

For projects with significant adverse impacts on affected communities, the consultation process will ensure their free, prior and informed consent and facilitate their informed participation.

There is no one right way of undertaking consultation. Given its nature, the process will always be context-specific and adapted during the course of the project development.

The proponent will respond to communities' concerns related to the project. The proponent will establish a grievance mechanism to receive and facilitate resolution of the affected communities' concerns and grievances about the proponent's environmental and social performance. The proponent will inform the affected communities about the mechanism in the course of its community engagement process. All contractors (including construction) will need to adapt a grievance

Relevant to consultation and disclosure is also that the *Policy on Social and Environmental Sustainability (2006) and PS7 (IFC and MIGA)* which provide requirements for community engagement. Of particular interest is the specification that the engagement process involves *free, prior and informed consent (FPIC)* with the affected communities leading to confirmation of *broad community support (BCS)* of affected communities for the project. The concepts of *free, prior and informed consent* are explained below:

- **Free** – the proponent or its representatives have not coerced intimidated or unduly incentivized the affected population to be supportive of the project;
- **Prior** – Consultation with project-affected communities must be sufficiently early in the project planning process; and,
- **Informed** – Consultation with all project-affected communities on project operations and potential adverse impacts and risks, using methods of communication that are inclusive, culturally appropriate and adapted to the community's language needs and decision making.
- **Consent** – consultation with all project-affected communities based on the above concepts and the project receives *board community support*, that is documented and confirmed.

The IFC defines "Broad Community Support" as a collection of expressions by the affected communities, through individuals or their recognized representatives, in support of the project. There may be BCS even if some individuals or groups object to the project. It is the MIGA's responsibility to determine and verify whether there is BCS for the project, not the

project proponent. The Proponent assures that a FPIC process is adopted for the communities likely to be affected.

CHAPTER 7 PUBLIC CONSULTATION AND DISCLOSURE CONDUCTED

The Proponent hired national consultants in Vietnam and Laos had several meetings with the local authorities at commune and village levels about the proposed project during 2012–2016. People in the villages to be affected by the project were also informed about the possibility of the HPP in a few instances. There is no proper documentation of the information provided to the affected people, nor if any information was disclosed to people or to local authorities. In July 2016, PECC1 arranged a meeting with local authorities and leaders in all the villages that were expected to be affected by the HPP. In some villages even affected household representatives participated in meeting with the PECC1 consultants. PECC1 delivered a 30-page ESIA summary to the local authorities, which contained technical information of the project, its environmental and social impacts and applicable resettlement policy on land acquisition and resettlement. This document was provided to local government and village representatives. These consultations were arranged in a manner that did not meet the requirements for ICP processes.

7.1 Prior to 2017

There have been a range of communication activities which have taken place since 2012 through January 2017. These are listed below (Box 2).

Box 2: Communication taken place with project stakeholders during 2012–2016

The Project Owner (Proponent) hired Vietnamese consultants have undertaken meetings and investigations in the planned project areas in 2012, 2015 and 2016. The Proponent representatives accompanied the different consultant teams and presented the proposed projects in the meetings with commune and village representatives. In 2017, the international consultant collected baseline data. The communication meetings are listed below.

In 2012, PECI (Power Engineering Consulting and Investment JSC) undertook an assessment in the project areas for preparing an EIA, during which some meetings were held.

In August 2015, PECI worked in the project area for an updated EIA¹¹. The Proponent provided a document (209/ML-TD of 14 Aug 2015 by ML & NM1 JSC) presenting the Project in the meetings with commune officials and a few village leaders.

In July-August 2015, Nghe An Consultant worked in the project areas for preparing a resettlement plan according to the GoV requirements, during which meetings with commune, village and mass organizations leaders are recorded to have taken place.

In July 2016, PECC1 (Power Engineering Consulting Company 1) undertook an updated assessment in the communities in the HPP project area covering all the villages identified to be directly affected in both countries.

In the Lao territory, 2016, ASA Consultant prepared an Environmental and Social Impact Assessment on the areas identified to be affected by the planned HPP.

PECC1 consultants visited Kouan District capital in December 2016 in order to collect

¹¹ The EIAs for both hydropower projects were approved by MONRE, Nov. 20 2015. (MONRE-Ministry of Natural Resources and Environment, GoV).

baseline environmental and social data. This trip still remains to be reported in full.

Details on the communication meetings listed above:

In 2012, PECEI (Power Engineering Consulting and Investment JSC) undertook an assessment in the project areas for preparing an EIA for the hydropower project, during which meetings with a few commune and party officials and mass organization representatives are recorded to have taken place in the communes to be affected by the planned HPPs.

In August, 2015 PECEI worked in the project area for updating the EIA. The Proponent provided a document (209/ML-TD of 14 Aug 2015 by ML & NM1 JSC) presenting the Project in the meetings with commune officials and a few village leaders to inform them about the Project.

The following content of the meetings was reported by PECEI:

- Proponent summarized the EIA results;
- Positive and negative impacts on the environment and health of communities in the project area;
- Mitigation measures of negative impacts on the environment during construction and operation;
- Opinions of the participants;
- Conclusions from the meeting;
- Agreement on the project;
- Proponent will ensure mitigation of negative environmental impacts;
- Agreement about the environmental mitigation measures that Proponent proposed;
- Proponent will confirm that the construction site will be restored to be clean and beautiful after the project.

In July-August 2015, Nghe An Consultant worked in the project areas for preparing a resettlement plan according to the GoV requirements, during which meetings with commune, village and mass organizations leaders are recorded to have taken place. The issues dealt with in these meetings were the expected Project impacts, land losses, compensation, resettlement and agreement of suitable areas for relocation of each affected village. The consultant team also undertook a survey among the households that were identified to be relocated by the Project, covering the household living standards, size and standard of their houses and other structures, land areas and crops cultivated.

The Resettlement Plan (RP) for My Ly HPP (Nghe An Forestry planning Division 2015) that were prepared based on the assessment in the project areas include the villages in the Vietnamese territory that are expected to be relocated by the respective project, but not those affected by land loss only. The RP contains no information about communication with local stakeholders, except for reporting as the survey and interview methods “quick interviews with families, hearing comments from community and authorities at various levels about their expectations on compensation and resettlement”, and as “method of study with community co-operation: the proposed resettlement options have been made available to authorities, unions of villages and commune so as they can jointly discuss and exchange wishes, comments on resettlement options”. There is no further reporting over how the local authorities and the affected households were consulted or what information about the Project they received. The RP contains no information of the expectations, wishes and comments of the local people. To date, the prepared RP is awaiting approval by Nghe An Province authorities.

In July 2016, PECC1 (Power Engineering Consulting Company 1) undertook in Vietnam and Laos an updated assessment of the communities in the HPP project area covering all the villages identified to be directly affected. PECC1 distributed a summary EIA to commune

representatives and Village leaders. Copies of this document were handed out to each commune and each village leader. PECC1 and Proponent representatives had meetings in each commune and in each affected village, where information was conveyed to participating commune and mass organization leaders and household representatives. In these meetings the Proponent and PECC1 consultants presented the same issues as in the Summary EIA document. PECC1 consultants also conducted key informant interviews with the commune chairmen, village leaders, commune health center staff, village Women's Union chairpersons as well as focus group meetings with fishing households in a few villages, for collecting information on land use and livelihoods, and health and poverty situations. PECC1 also undertook a household socio-economic sample survey on approx. 25% of the households to be directly affected by the HPP (as identified in the RP). This work was not analyzed or reported.

In the Lao territory, 2016, ASA Consultant prepared an Environmental and Social Impact Assessment on the areas identified to be affected by the My Ly HPP. The ESIA report that the consultant undertook household surveys and focus group discussions with people in the villages to be affected by the HPP. It is reported that any issues that were raised during household interviews were brought to a panel of village representatives for further discussion. It is further reported that most people learned about the project from the consultant team and from the local authorities, and they were worried over the inundation of their villages, and in that case preferred to move up to higher location. The consultant provided data and detailed cost estimates over the losses of houses, land, crops and other assets as well as a cost estimates for relocation and livelihoods restoration, but no information on what kind of information was conveyed and how to the local stakeholders, what kind of communication that took place during the preparation of the ESIA's.

PECC1 consultants visited the Kouan District capital in December 2016 in order to collect baseline environmental and social data from provincial authorities. The content of these consultations was not documented.

7.1.1 Conclusions from the consultations

The information that has been provided to local leaders and communities has been mostly technical, added to presenting in general terms the expected positive and potential negative impacts from the project on people and the environment, and the GoV general policy requirements concerning mitigation of negative environmental impacts, land acquisition and resettlement. Commune and village leaders have been told about the positive impacts the HPP will bring to the communities such as roads, electricity, and economic development, and they have been informed about the reservoir impacts on villages that need to be relocated. Local leaders and villagers are recorded to have agreed to the project implementation and the mitigation to be provided by the Proponent. However, the discussions with village level stakeholders in January 2017 revealed that majority of them knew about the project only through hearsay; they had heard that there will be a HPP and that some households or maybe all the village will be relocated, but they had no knowledge about when the project will start, if and where they will be relocated, and what other impacts the project cause. Lack of information led to worry and insecurity among the people in the affected villages.

Neither the prepared ESIA for the My Ly HPP in the Lao territory nor the RP for the affected villages in the Vietnamese territory contain any documentation of the stakeholder communication that is referred to as methodology used for preparing these documents. There is no documentation of what information the affected communities received and how they were consulted.

These meetings in villages appear not to have been arranged in a way that would have made it possible for the affected people to understand the project impacts and mitigation measures and provide them with opportunities to ask questions, express their views and concerns and receive response to their concerns.

7.2 Consultations in 2017 for this ESIA

7.2.1 Baseline information collection in January 2017

In January 2017 the International ESIA consultant with PECC1 and its sub-consultant team implemented complementary baseline information collection in all the villages to be affected by the My Ly HPP. They undertook five types of thematic focus group discussions (agriculture, forestry, fishery, ethnic leaders, gender) and key informant interviews (village leader, village health worker, teacher, extension worker) in the villages both in Vietnam and across the river in the Lao territory. In Vietnam, the Consultant also had meetings in every commune office for gathering basic population, socio-economic and land use data. Additionally, the team interviewed commune health center and school staff where available. In a brief meeting with villagers preceding the focus group discussions and key informant interviews in each village, the project and its location was explained, the consultant team was introduced and the purpose of its visit was explained to the villagers. The consultant also handed out a short leaflet (in Vietnamese) to the villagers with basic information about the project, the ongoing ESIA preparation and the purpose of the team's visit to the village. The consultant avoided conveying any information about the expected project impacts and potential mitigation measures, but instead asked the villagers what information and how (through which information channel) they so far received about the planned HPP, what they knew about the project, and what kind of information and through which information channel they would prefer in the future.

7.2.2 FPIC process, June 5 – 16, 2017

Consultation process based on MIGA PS1 and PS7 requirements on Free, Prior and Informed Consent (FPIC) for affected indigenous communities (ethnic minorities) were initiated in June 2017 with an independent Vietnamese communication team hired by the Proponent according to advice from and designed by the IC to undertake informed consultations in all the villages to be affected by the HPP. These consultations were aimed to be the first step in the FPIC process to be continued throughout the Project planning and design, implementation, monitoring and evaluation.

Villagers were provided information about the planned project, its impacts and proposed mitigation measures in a way and using communication methods that were understandable for them (see Plate 1). Their questions, opinions, views and concerns on the project impacts and proposed mitigation were discussed and recorded in a village consent document in each village to be relocated. In those villages that will lose riverside land but not be relocated, the consultant had similar consultations with the Village leader.

7.2.2.1 Methodology

The aim of the consultations was, firstly, to provide to the PAP clear and understandable information of the HPP planning, expected schedule, impacts and proposed mitigation measures. All households in each village to be affected by the reservoir inundation and dam construction received an information leaflet which, added to the general Project information, explained the specific expected impacts of the Project on their village, the proposed relocation site for the village and the proposed mitigation measures (see Plate 1). Every household also received a project impact area map showing the dam site, the reservoir and all the villages and communes to be affected (see Plate 2). This information was presented and explained by the consultant in a meeting in each village, and all the information was also provided in large format flip charts hanged up along the walls in the village meeting hall.

All affected communes commune offices and all the Village leaders in the villages to be affected by relocation or by land loss also received an Information leaflet presenting the Project, its reach, inundated villages and other impacts and proposed mitigation measures. Importantly, both information leaflets also contained information of the Project developer and the expected planning and implementation schedule.

Secondly, being informed, the PAP had an opportunity to discuss the Project, its impacts and proposed mitigation measures. The views and opinions, questions, worries, concerns and proposals of the villagers were discussed and recorded by the consultant team. Every village agreed or disagreed to the relocation and the mitigation proposed, and all the issues that had come up in the consultation meeting were written down in a village consent document that was then signed by the Village leader representing the villagers.

7.2.2.2 Participation

The consultations took place during a time of the year when villagers, who all are farmers, were busy with agricultural activities. Many people were working in the upland fields, and from some villages, farmers had moved up to the cultivation areas far from the village in order to stay there for the entire cultivation season. The consultant team had to be flexible with the consultation arrangements, and in some villages a meeting took place first in the evening when farmers were back from the day’s work in the fields. Household representation varied from 41% to 100% between the different villages as can be seen in Table V.3 below. Totally 59% of all the households to be relocated by My Ly HPP participated in this round of consultations. Household representatives were both men and women, varying from village to village.

Table V. 3. PAP consulted in the villages to be relocated or losing land

Commune/ District	Village	Total HHs	Consultation participants		
			HHs	Persons	% HHs
Keng Du	Keng Du	57	57	57	100
	Huoi Phuon 2	138		1*	
	Huoi Phuon 1	93		2*	
	Hat Ta Ven	130		1*	
	Huoi Xui	138		1*	
My Ly	Cha Nga	97	47	47	49
	Xop Duong	61	29	29	48
	Xang Tren	174	87	87	50
Kouan	Phiangxang	9	9	9	100
	Sopsan	16	16	16	100
	Sopkang	48	26	26	54
	Kengkong	29	29	30	100
	Phiangthat	44	18	18	41
Total relocation villages		535	318	319	59

* Only Village leader

Added to villages to be relocated, the consultant team had consultations with Village leaders in the villages that are not going to be affected by relocation but only inundation of land areas near the river. Consultant team shared information about the Project and the participants also received Project information leaflets explaining the Project, its expected schedule, location, main impacts, villages to be affected, and proposed mitigation measures. Village leaders for the affected villages signed an agreement that documented the concerns raised by the affected villagers.

7.2.2.3 Outcome from the consultations

Village consent

In all villages the PAP agreed to the Project and to be relocated – on the condition that all the proposed mitigation and compensation measures will be realized in a proper way. Villagers expressed many issues of concern and requirements on the available resources in the relocation site and on the procedures for a feasible resettlement that they can agree to. Their views are recorded in village consent documents, signed by the Village leader in each

village. In the document villagers state that they have been informed about the project, its impacts and proposed mitigation measures, that based on that information, they have had an opportunity to discuss and express their opinions, and that their views, concerns and suggestions have been recorded in the consent document and will be brought to the attention of the Project Owner for further planning of the Project.

Villagers know about relocations that have taken place for previous HPPs such as Ban Ve HPP, and they are aware of the often difficult living conditions of the relocated households. The people to be affected by My Ly HPP are therefore vigilant and demanding, and they want to ensure that their living and production conditions will be stable after the relocation.

Main feedback, concerns and suggestions from the PAP

The most important issues of concern for the PAP are naturally dealing with the proposed relocation site, its location, geography and available resources for daily living and livelihoods. Cultivation land and forest resources are villagers' critical concern. Compensation payment procedures and timing of the relocation are a great worry for all villagers. The other key issues are related to construction and type of village as well as private infrastructure including houses, roads, electricity and water supply systems. Of great concern is the loss of river fishery and the importance of fish resources for both household food and income. Culturally proper procedures for dealing with the cultural heritage to be inundated are also of vital concern for the PAP. The main frequently expressed concerns are listed below.

The Project proponent (project owner) has to follow up these concerns in future communication with the affected communities and bring them into the planning and design of the compensation and mitigation measures together with the PAP.

There are also several issues that proponent needs to negotiate with relevant local authorities, such as land availability, reallocation of land between administrative areas, potential reclassification of land, etc.

1. Proposed relocation site

Villagers emphasize that they should be involved in choosing the location for their own resettlement village. Preferred type of resettlement village is a flat land area, so that houses can be built in rows and not on a slope land.

All households should be relocated together to the same village. However, Xang Tren villagers propose construction of two hamlets with connecting infrastructure due to land scarcity; additionally, in case land area is not sufficient, some households should be supported for finding another area to move to by themselves.

The villages in Laos each required more time to have a definite opinion about the relocation site - after receiving proper information about the reach of the reservoir inundation area. However, in Phiangthat village, about 30% of the villagers agree to be relocated to the proposed site, while the rest prefer to move 400km to another province where cultivation land is available. They request support from the Project for negotiating with the local authority and financial support for relocation.

2. Basis for compensation and payment procedures

In all villages, the PAP emphasize that compensation has to be sufficient, covering all the losses, damage and relocation costs, so they will be able to rebuild their lives and livelihoods in the new place after relocation. Villagers request that compensation is paid in full to the affected people before relocation can take place. Compensation values of land, crops, trees and different assets have to be based on applicable local market prices. Villagers were also very definite in that compensation payment should be made directly from the Project Owner to each affected household without any intermediaries, and local commune authority acting as witness only. People also require the entire compensation amount to each household to be paid in only one or two payments, not in several small payments.

3. Village participation in design and construction monitoring of the relocation site

The PAP request that village representatives participate in the design of the resettlement area and its public infrastructure and that they participate in construction monitoring. Village area and public infrastructure construction has to be completed before relocation of people can take place.

4. Required village infrastructure

Villagers reminded that village infrastructure has to follow the standards of the GoV program of building a new countryside 2010-2020 (New Rural Development Program), e.g. toilets, animal raising cages, concrete roads from commune to village, etc. In Laos, village infrastructure has to follow the criteria of the GoL New Rural Development Program.

All villages expect village access road and intra-village roads to be built of concrete.

All households should be connected to the national grid and have free electricity for a number of years. Some villagers additionally requested free electricity for the entire operation life of My Ly hydropower plant.

All villages expect the resettlement village to have at least the same kind of public water supply system as the existing village, in some villages that the water supply should be extended to each private house as well.

Same public infrastructure as in the existing village, i.e. kindergarten, primary school and village meeting house, are expected to be provided by the Project in the resettlement village.

Each resettlement village should have a graveyard outside the village area, the location to be chosen by villagers. Likewise, each village should have a spirit house.

5. Private houses and residential land of households

Villagers have various priorities concerning private house type, and suggest that each household will design its preferred house and advise Project planning in the construction. Some households prefer to relocate their existing wooden houses, and request Project support for relocation costs. In several villages, most of the PAP request the Project to only prepare the basement of their new private houses and provide financial compensation, thereafter households themselves will construct their houses.

It is important that each household receive an ownership certificate for its new residential land.

There should be sufficient space for each household to have an animal shelter, rice storage and drying yard in front of the family house.

6. Cultivation, forest and animal grazing land

Lost land should be compensated with land in the same area and of equal quality. In case suitable land is not available, lost land has to be compensated in cash, based on the current market value of different types of land. Reallocation of protection forest to be used for production may also be an option.

Land compensation may become a problem in Vietnam, because in the affected communes all suitable land has already been allocated to villages and households to utilize. Land to be inundated is important for household livelihoods even in the villages that will not be affected by relocation, especially in Hat Ta Ven village.

Animal grazing land should be made available in connection to or in the vicinity of the resettlement villages.

In Vietnam, villages have been allocated protection forest for the whole village to protect and manage. Annually each village receives a forest protection fee and a payment for environmental services which together make an important income for the village community and individual households. Forest with the same area/equivalent income for the affected

villages has to be allocated in the relocation areas, or if there is no suitable forest available, Project has to allocate long-term compensation to the affected villages that is equivalent to the income lost from the forest protection and management tasks.

7. Fishery and aquaculture

In most all villages, livelihoods and household nutrition depend on river fishery. Villagers therefore request support for developing lake fishery in the reservoir and fish raising in ponds when river fishery will no more be possible.

Some villages have a wharf by the river, and request a similar wharf to be constructed by the reservoir lake, with an access road from the village.

8. Special land requests

Several villages have a special area for sports and/or festivities, and villagers request a similar area to be available in the relocation site.

9. Cultural heritage

Each village has a graveyard and a spirit forest area of approx. 2-5ha outside the village, and a spirit house in the outskirts of the village. These areas and structures are vital for the PAP in the relocation site as well. Great majority of the PAP will not relocate their graves but expect compensation from the Project for organizing ceremonies to invite the spirits to the new place. A few households may wish to relocate their family graves and expect accordingly support from the Project. Villagers themselves together with their spiritual leaders request to identify suitable location for a new spirit forest, graveyard and spirit house, and the required ceremonies in the existing sites should take place one year before relocation of the village.

10. Livelihoods, food and income security

Many PAP are worried about having sufficient food during the relocation period when they cannot work and produce food. They request food support during and after relocation, until their livelihoods are stable again.

Villagers are interested in working in the HPP construction, so the Project should support job creation for local workers.

A summary over the specific requirements and concerns in each affected village can be seen in Table V.10.

7.2.3 Future modes of communication

PS7 (MIGA 2013) requires the documentation of the mutually accepted process between the client and affected communities and obtain *broad community support* for the development of the Project. The Proponent obtained an agreement with each affected village about relocation and the general mitigation measures in a document of consent that was signed by each Village leader in June 2017. The communication process between the Proponent and the affected communities will continue to (i) presentation of the ESIA, mitigation measures, relocation sites and project time-line, (ii) detailed planning and consent concerning impact mitigation measures, (iii) resettlement and compensation with each household to be relocated and (iv) monitoring and evaluation. Disclosure of Project information and development will be part of the process adopted here, adhering to FPIC (PS7).

People in all the affected villages expressed their appreciation on the clear written and pictorial information that helped them to understand the Project. Their preferred future communication methods, added to printed information, are village and group meetings and information through the Village leader.

Table V.4 below gives an overview of the modes of communication that have been utilized and those proposed to be used in future communication.

Table V. 4. List of the modes of communication that have been utilized and those that may be used in the future

No.	Mode of communication	Utilization and when	No.	Mode of communication	Utilization and when
1	Public notices-announcements	ND	5	Focus Group Discussions	To be conducted when needed throughout the project cycle.
2	Public Consultations	Will continue into the detail design phase.	6	Information Office (contact office) in the Project Area	Will be proposed to the Proponent.
3	Specific written project information for consultations	Shared with respective villages when needed. Disclosure issues to be discussed with Lenders and Proponent.	7	Provision of internet address for enquiries. Setting up of a project website.	Mainly for stakeholders who have access to internet, thus GoV and GoL offices (at province, district and commune level), a few village leaders and villagers.
4-a	A village specific flyer in Vietnamese/Lao (no. 01, also available in English)	All villages to be relocated in the DIA, reservoir and construction area. FPIC consultations June 2017.	8	Summary of the ESIA in English, Vietnamese and Lao	Non-technical summary will be disclosed and shared with different stakeholders.
4-b	A commune level flyer in Vietnamese. (no. 01, also available in English)	Meant for a wider range of stakeholder and for only-land-loss villages. FPIC consultations June 2017.			
5	Brief project introduction flyer	For FGDs and KIIs. Jan 2017.			

Information about the planned My Ly Hydropower Project to Phiangthat Village in Kouan District



My Ly Hydropower Project is being planned in the Ca River with the damsite in My Ly Commune in Vietnam 1.5km upstream from Xang Tren Village. The planned dam will be 118.6m high and create in the river upstream the dam a large reservoir lake that will inundate the villages of Cha Nga and Xop Duong in My Ly Commune and Keng Du Village in Keng Du Commune in Vietnam. The five villages of Phiangxang, Sopsan, Sopkang, Kengkor and Phiangthat in Laos will be inundated by the planned reservoir.



Expected impacts on Phiangthat Village: The village, all the houses and other structures, roads, graves and land areas along the river will be inundated. The entire village has to be relocated.

Instead of the river there will be a big lake. The current access to the river and land along the river will be lost. The hydropower dam will cut off boat transportation downstream.

Proposed Resettlement: Village will be moved higher up from the river. If the HPP will be constructed, a village Resettlement Plan with a Compensation Plan for each household will be prepared. All households will be consulted for planning the resettlement and compensation.

The project will cover all the costs for relocation and households' establishment in the new village.

Proposed Mitigation measures: The purpose is that the lives and livelihoods of the affected households will be ensured at least at the current level during and after the relocation. A new village will be constructed with new homes, school, village cultural house, roads and other structures. Land area will be made available for a graveyard in the new location upon request from the villagers.

Each household will have a new house and new land use certificates will be provided for the residential area.

The resettlement village will have water and electricity supply.

There will be a vehicle accessible road to the new village.

How livelihoods will be ensured: During the relocation households will receive cash compensation for buying food until their livelihoods have been stabilized so that production and income are at least at the same level as before relocation.

Villagers will have land for upland cultivation in areas that will not be flooded. Land will be provided to compensate the land that will be submerged in the reservoir, both forest, upland cultivation and garden land, and land for fish ponds.

Livelihoods development programme improving crops cultivation and livestock breeding, and fish raising will be implemented after the resettlement has taken place.

Reservoir fishery programme will be implemented after the hydropower dam construction.

Expected project schedule: Planning phase 2017-2018, construction start in the end of 2018, resettlement of villages will take place before the construction start.

Construction will start only if the required planning documents are approved and the project receives funding from an international finance institute.

Project Proponent: My Ly – Nam Mo Hydropower JSC

Address: 926 Đường Bạch Đằng, Quận Hải Bà Trưng, Hà Nội

Contact person: Nguyen Dang Khach (Mr. Khach), Hydropower department

Tel: Mr. Khach: 0986913649; Office number: 04 36334194



Information about the planned My Ly Hydropower Project to Xang Tren Village in My Ly Commune



My Ly Hydropower Project is being planned in the Ca River with the damsite in My Ly Commune 1.5km upstream from Xang Tren Village. The planned dam will be 118.6m high and create in the river upstream the dam a large reservoir lake that will inundate the villages of Xop Duong and Cha Nga in My Ly Commune and Keng Du Village in Keng Du Commune. Other villages with land areas that will be affected along the river are: Huoi Phoun 1, Hat Ta Yen and Huoi Xui in Keng Du Commune. Also the five villages of Phiangxang, Sopsan, Sopkang, Kengkor and Phiangthat in Laos will be inundated by the planned reservoir.

Expected Impacts on Xang Tren Village: The village will have a major impact from the dam construction: It is located in the middle of the planned project construction areas, and the construction will entirely disrupt the environment and lives of people in the village. Some 3,000 construction workers are anticipated to be located right next to the village, and construction roads and transportations will take place right beside the village.

Instead of the river there will be a big lake upstream the dam. The dam will cut off boat transportation upstream. Boat transportation and fishery downstream the dam can continue, however the amount of fish may be affected and be less during the dry season.

Proposed Resettlement site: 1.5km downstream opposite Yen Hoa Village. If the HPP will be constructed, a village Resettlement Plan with a Compensation Plan for each household will be prepared. All households will be consulted for planning the resettlement and compensation.

The project will cover all the costs for relocation and households' establishment in the new village.

Proposed Mitigation measures: The purpose is that the lives and livelihoods of the affected households will be ensured at least at the current level during and after the relocation.

A new village will be constructed with new homes, kindergarten and school, village cultural house, roads and other structures. Land area will be made available for a graveyard in the new location if requested by the villagers.

Each household will have a new house and new land use certificates will be provided for the residential areas.

Water supply with new water tanks will be built in the new village.

The new village will have grid electricity.

Village will have a vehicle accessible road and travel to My Ly commune centre will be easy along the hydropower project construction road.

How livelihoods will be ensured: During the relocation households will receive cash compensation for buying food until their livelihoods have been stabilized so that production and income are at least at the same level as before relocation.

Villagers will be able to continue cultivating the upland fields that will not be flooded. Land areas that will be inundated by the reservoir or taken by the project construction will be compensated with new land areas.

Livelihoods development programme for improving agriculture and livestock breeding will be implemented after the resettlement has taken place.

Reservoir fishery programme will be implemented to enable continued fishing upstream the dam after the hydropower project construction.

There will be labour opportunities for local unskilled workers in the hydropower project construction.

Expected project schedule: Planning phase 2017-2018, construction start in the end of 2018, resettlement of villages will take place before the construction start.

Construction will start only if the required planning documents are approved and the project receives funding from an international finance institute.

Project Proponent: My Ly – Nam Mo Hydropower JSC

Address: 926 Đường Bạch Đằng, Quận Hải Bà Trưng, Hà Nội

Contact person: Nguyen Dang Khach (Mr. Khach), Hydropower department

Tel: Mr. Khach: 0986913649; Office number: 04 36334194



Plate 1. Village specific information flyers prepared in English and translated into Vietnamese and Lao used for the FPIC process.

Examples from Phiangthat village in Laos and Xang Tren village in Vietnam.

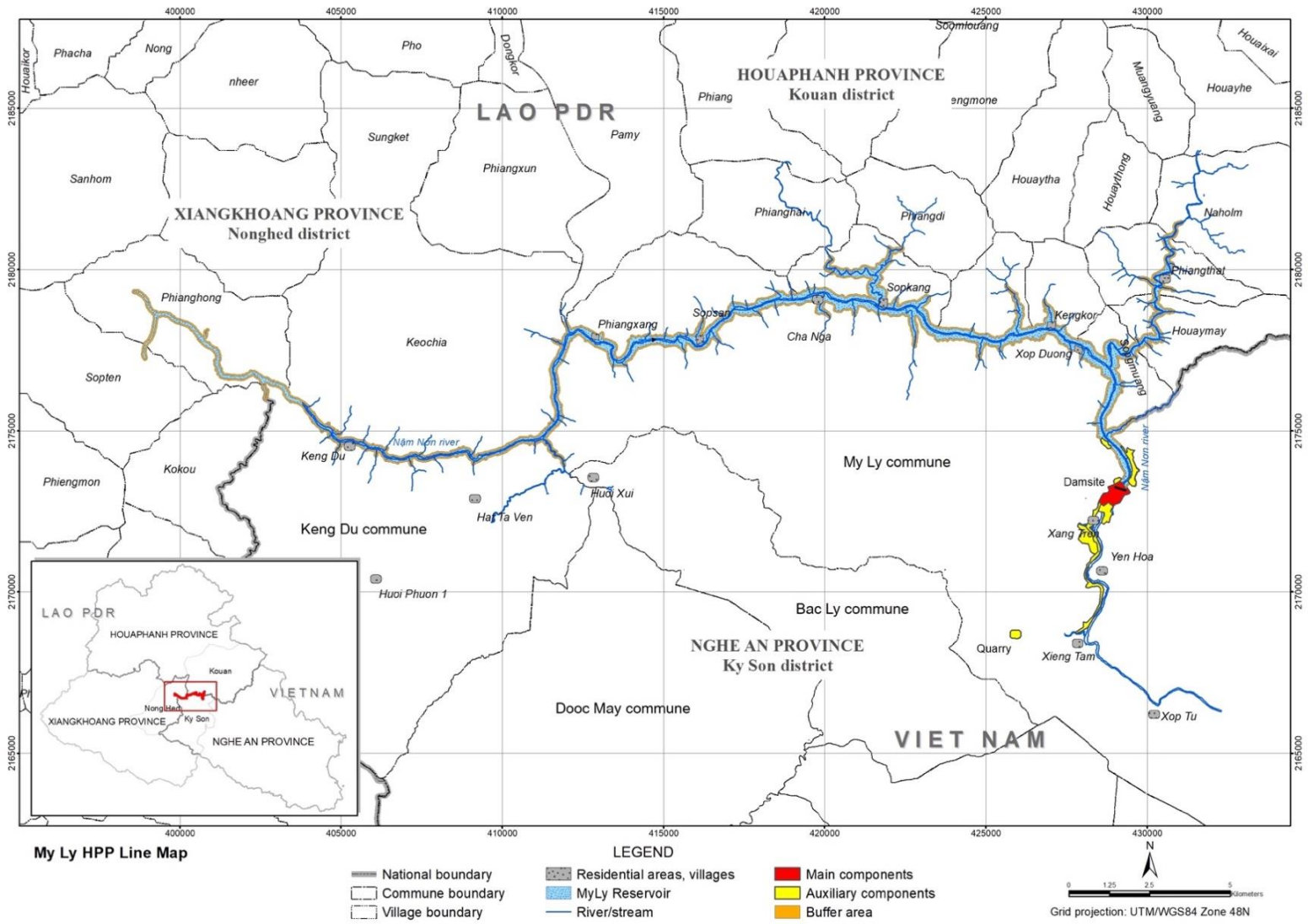


Plate 2. Line map over the areas to be affected by My Ly HPP handed out to villagers.

CHAPTER 8 STAKEHOLDERS

8.1 Stakeholder definition

Stakeholder refers to a person, group or agency/organization that is affected by a proposed program or project, or has an interest in the project and/or its outcome and may play a role in influencing the project policy, planning, implementation and outcome. The success of a public consultation process depends on accurate identification of the stakeholders and their concerns and expectations.

8.2 Stakeholder categories in My Ly HPP

My Ly HPP involves stakeholders at several different locations and administrative levels from villagers in the Project AI through the affected communes and districts to provinces where the HPP is located and up to national ministries and potentially interested national and international parties. These people and organizations have different roles, responsibilities and rights related to the Project, and their power to influence the Project varies. Table V.5 summarizes the major and potential stakeholders who have to be considered during different phases of the Project, based on their role/responsibility, power to influence and their rights in the Project. The role and communication required with stakeholders in the different categories is then elaborated below.

Table V. 5. Stakeholders in My Ly HPP

STAKEHOLDER CATEGORY/GROUP	ROLE / RESPONSIBILITY, POWER AND RIGHTS
Local/ Village level	
Affected people in DIA villages to be relocated	Primary stakeholders for ongoing public consultation and disclosure procedures throughout the entire Project time. APs lack power to directly influence the Project, but own the right and responsibility to participate in regular, scheduled information exchange and communication with Proponent for resettlement planning and implementation, and they have the right to complain any compensation measures through Grievance Redress Mechanism (GRM).
Village leaders/chiefs in DIA villages to be relocated	Role and responsibility as village administrator, to organize, inform and represent villagers; village communication channel with outside agencies/organizations. Owns decision-making power and power to influence villagers' opinions. Role to participate in resettlement committee, receive and process complaints and grievances from villagers to the responsible body for grievances.
Ethnic minority leaders/elders in DIA villages to be relocated	Elder persons with ethnic cultural knowledge and authority, respected by villagers. Elders' role is to settle conflicts between villagers and conflicts between different villages within the same ethnic group. Have significant power to influence villagers' opinions and village decision-making.
Affected people in the DIA losing land	Villages/households whose land will be inundated in the reservoir lack power to directly influence the Project, but they have the right to be informed and consulted and compensated for the land lost, and they have the right to complain in case they are not satisfied with the compensation measures, or in case they experience any further negative impact from the Project.
People losing access to fishing and river	People maybe residing outside the DIA who are fishing in the river for family food and/or for selling, and using the river as a transportation

STAKEHOLDER CATEGORY/GROUP	ROLE / RESPONSIBILITY, POWER AND RIGHTS
transportation	<p>route.</p> <p>No power to influence the Project, but have the right to be informed and consulted and request compensation if the Project is assessed to have a significant impact on their food supply and livelihoods.</p>
Mobile boat traders and river transportation providers doing business with riverside villages	<p>Traders providing major part of household consumption goods and agricultural materials to the riverside villages.</p> <p>Have no power to influence the Project, but have the right to be consulted concerning loss of livelihoods and compensation for needed restructuring, e.g., change from river-based to road-based trade business.</p>
People in downstream villages	<p>People in downstream villages who potentially will be affected by downstream water regime/water fluctuations.</p> <p>Have little power to influence the Project, but have the right to be properly informed and consulted, and their concerns to be brought into the planning of the HPP operation regime.</p>
Villagers and business owners in villages along Project transportation roads	<p>People living and/or doing business (e.g. shop and restaurant owners) along the Project transportation roads, including the Quarry, who will be affected by noise, dust, pollution, vibration and traffic risks caused by project-related transportations.</p> <p>Have the right to be informed ongoing about the transportations throughout the Project time, and the right to be consulted concerning mitigation measures for minimizing the Project transportation impacts.</p>
Commune level (Vietnam, no commune level in Laos)	
Commune People's Committee (CPC)	<p>Commune-level governance and executing body of commune development. CPC Chair is the official commune representative, and CPC is responsible for contacts with district and province level agencies. CPC is responsible for land management within the commune area.</p> <p>CPC will assign commune officials to assist in resettlement planning and implementation; assist in compensation agreements with APs, and in grievance resolution.</p> <p>Has power in the commune area but according to decisions and instructions from District level..</p>
Gov. offices such as Commune land office, Forest Protection Office	<p>Commune Land Office responsibility is to record the land and land-use status and manage land in the commune area. Forest Protection Office responsibility is to coordinate and support forest development in the commune area. They are administrative and implementing units under CPC and District level offices without decision-making power.</p>
Commune Health Centre (CHC)	<p>CHCs are the only health services and information providers in the Project AI, and it is their responsibility to provide assistance in any incidence of accident or disease outbreak. Operating with very limited resources.</p> <p>CHCs have to be informed about the Project and to be consulted in all Project phases in order to be prepared to the increasing pressure on CHC services due to an influx of people into the Project area. CHCs' role is also to provide preventive health information and education to people – the need of which will increase during the Project time, especially concerning HIV/AIDS and other sexually transferred infections prevention.</p>
Commune mass organizations (Women's Union, Farmer's Association, Youth Union,	<p>Have the role to inform and mobilize people, provide capacity building in focused areas, support village level activities.</p> <p>Have the right to be informed and consulted concerning the project;; could be involved in relevant project implementation activities together with District level mass organizations.</p>

STAKEHOLDER CATEGORY/GROUP	ROLE / RESPONSIBILITY, POWER AND RIGHTS
Fatherland Front)	Have some power to influence people’s knowledge, opinions and involvement.
District level	
District People’s Committee, DPC District Party Committee (Laos)	District-level governance and decision-making body over all issues related to the district area development under PPC governance and decisions. Approve resettlement compensation plans; appoint District Resettlement Committee; resolve grievances
District Land office, District Forestry Office; District Agriculture and Forestry Extension Office (Laos) Agriculture extension center, District veterinary services.	Execute land and forest administration and management, including land allocation, forest protection in the district area under decisions and instructions from province level offices and DPC. Executing power under province administration and DPC. Extension service providers to local farmers for developing their livelihoods, e.g. provide seeds and animal vaccination services.
District Forest Management Board	Responsibility to allocate protection forest areas to each village for protection and management, and has to be informed and involved in any required forest reallocation due to the Project.
Operational unit for compensation and resettlement (Laos)	Consists of representatives from district authorities and chiefs of affected villages. Task to facilitate RP implementation, settle requests related to resettlement and compensation, and provide information to affected HHs.
District Resettlement Committee/ Resettlement Board (Vietnam)	Consist of DPC Vice chair, representatives from DONRE, DARD, Dept. of Finance, district level mass organizations. Task to organize, plan and implement compensation and resettlement implementation; consultation and disclosure activities; design and implement livelihoods restoration programs.
Border Military	The Ca River makes the national border between Vietnam and Laos, and border military has border guard stations in the Project AI in both countries. Some border guard stations need to be relocated from the reservoir area. The agency and its staff on the ground should be informed ongoing of the project activities in the different phases of the project. Border military is responsible for border security, including action against illegal smuggling. Influx of people due to the Project will impact on its workload. Has the right to be informed ongoing of the project activities.
District hospital/health centre, District Infectious Diseases unit	Responsibility to provide health services and information for people in the district area. Infectious Diseases unit provide HIV/AIDS testing and information. Should be informed and consulted concerning the health-related impacts of the HPP, prevention and preparedness for infectious diseases.
District mass organizations (Women’s Union, Farmer’s Association, Youth Union, Fatherland Front)	Have the role to inform and mobilize people, provide capacity building in focused areas, support commune and village level activities. Have the right to be informed and consulted concerning the project; could be involved in relevant project implementation activities together with Province level organizations. Have some power to influence people’s knowledge, opinions and involvement.

STAKEHOLDER CATEGORY/GROUP	ROLE / RESPONSIBILITY, POWER AND RIGHTS
Province level	
Province People's Committee (PPC) / Provincial Party Committee (Laos)	Decision-making body representing province and with power for influence all different areas of province development and approve development plans including budgets prepared by Provincial departments. Among tasks is to approve development project plans, including resettlement plans, and issue decisions concerning land status and land valuation. Appoint and assign responsibilities to district level administration and committees.
Gov departments: DONRE, DARD, Province Land Office, Province Forest Management Board, DOIT. Agriculture and Forestry Office (Laos)	Province ministerial departments that plan and issue decisions concerning province development interventions under PPC concerning land and forest resources, allocation, status and use in the province area. Issue decisions and instructions to district level administration and implementation. Province level government office under the Ministry of Agriculture and Rural Development (MARD).
Province HIV/AIDS prevention center	Coordinate HIV/AIDS prevention, testing and public information. Can provide capacity building and implement information campaigns.
Provincial Committee for Compensation and Resettlement / Management Unit of Compensation and Resettlement (Laos)	Supervise and manage resettlement, compensation and livelihoods rehabilitation; approve ESMP; define compensation levels; provide information to affected HHs.
National level	
Ministry of Natural Resources and Environment (MONRE); Ministry of Agriculture and Rural Development (MARD); Ministry of Industry and Trade (MOIT) (Vietnam). Ministry of Natural Resources and Environment (MONRE); Ministry of Agriculture and Forestry (MAF); Ministry of Energy and Mines (MEM) (Laos)	Relevant ministries and national government agencies hold power to prepare and issue laws and decrees, decisions and instructions on their sphere of responsibility, which also influence the mandate and responsibilities of province and district and government agencies and their development tasks and activities. Responsible for screening and approving project plans including ESIA's and impact mitigation plans. Appoint relevant committees for projects and monitor implementation of projects. GoL agencies to be consulted are e.g. Department of Lands (MONRE); Dept. of Forestry, Dept. of Agriculture and Dept. of Livestock and Fisheries (MAF); hydropower projects under the mandate of MEM.
REDD+	Programs (under MONRE) should be consulted for coordination with existing projects and initiatives, and potential cooperation in the HPP AI in both Vietnam and Laos.
NGOs	National and International NGOs operating in the two countries have high interest in environmental and social sustainability of projects, impacts mitigation and the rights of different stakeholders, especially the affected people. ML HPP should pay attention to making available correct and transparent public information on the project in its different phases in order to promote correct understanding of the Project.

STAKEHOLDER CATEGORY/GROUP	ROLE / RESPONSIBILITY, POWER AND RIGHTS
	NGOs should be informed and, whenever relevant, Project development and mitigation activities harmonized with their ongoing initiatives.
International level	
MIGA	Project has to comply with the sustainability requirements of MIGA, provide regular information and reporting of the Project progress and make adjustments according to advice from MIGA.
INGOs	International NGOs may have interest in hydropower development and transboundary rivers, environmental, social and minority groups issues and they may draw international attention to national projects. Proponent should pay attention to correct and transparent information availability on the project in its different phases in order to promote correct understanding of the Project.
Academia	Universities and research institutions may have interest in the HPP as a case study and in its wider context of, e.g., energy development, mitigation of environmental and social impacts, transboundary development, etc.

Affected people in DIA villages to be relocated are the primary stakeholders who will be mostly affected by the project and its outcome. They have the right to be consulted throughout the project in all its phases. Proponent has to reach consent with each affected village community and with each household on the specific resettlement and compensation measures and procedures. The affected people have to be informed of their rights to compensation and grievances, and Proponent has to ensure that they understand the Grievance Redress Mechanism (GRM) that will be set up in each village. Special attention has to be paid to the methods of communication and information so that it is understandable for the ethnic minority people with low education level and little communication outside the local area.

Village leaders/chiefs in each DIA village to be relocated has the communicator role between the villagers and any party outside the village. Village leader has the authority to inform villagers, influence their opinions, take decisions on behalf of the community and also negotiate and sign consent documents for the entire village community. Village leader's role is also to participate in the resettlement committee, as well as to receive and process complaints and grievances from villagers to the responsible body for grievances. VL is therefore a central person for ongoing information and communication in all phases of the project.

Ethnic minority leaders/elders in the DIA villages are elder persons with cultural knowledge and authority, and therefore with power to influence people in their own ethnic group. Depending on the ethnic group, both men and women may be included in the elected group of elders, however, men have considerably higher decision-making power than women. The traditional role of the elders is to settle any disputes between the villagers and also with outside parties like people from other villagers. Their involvement in the GRM should therefore be considered.

Affected people in the DIA losing land have the right to be informed about the project and consulted concerning the compensation of their lost land areas. Their preference is land for land, however, there is lack of cultivation land in many areas in the project affected communes in Vietnam, which may lead to a cash compensation option. It is important to reach consent on the compensation measures based on each local situation.

People losing access to fishing and river transportation are those people, maybe residing outside the DIA, who are utilizing the river fish resources for family food and/or for selling, and all the people who rely on the Ca river as a transportation route. The HPP will have a great permanent impact on their food supply and transportation of goods and people, therefore they have the right to be consulted concerning compensation measures for ensuring their food and livelihoods status, as well as regarding future transportation means.

Mobile boat traders and river transportation providers doing business with riverside villages. The current road access to the riverside villages is very poor, and major part of the transportation of household and agricultural goods takes place waterway. Traders selling and buying goods and providing transportation services by boat will lose their livelihoods due to the construction of the dam that will cut off the river transportation way. They have the right to be properly informed and consulted, and they are eligible for compensation of lost livelihoods.

People in downstream villages will potentially be affected by the downstream impacts like reduced water flow/dry river parts during the dry season. They have the right to be informed and consulted about the Project, and their concerns have to be brought into planning of the dam operation regime.

Villagers and business owners in villages along Project transportation roads and around the Quarry will be affected by negative impacts from the trucks and other vehicles related to the Project, and accident risk along the roads will increase. People residing and undertaking regular business activities in these areas have the right to be informed ongoing about the regular transportations and of any especially heavy and large upcoming transportations. These affected people have the right to be consulted and their concerns to be brought into measures for minimizing the impacts from Project-related transportation. Proponent has to confirm that Project contractors know about information requirements and mitigation measures to reduce negative impacts from transportations on people.

Commune level stakeholders in Vietnam (there is no commune level administrative unit in Laos) consist of the Commune People’s Committee (CPC) and the government offices, most importantly the Land Office and the Forest Protection Office. CPC as the executing body for development in the commune has to be consulted and informed about the Project progress. Commune Health Centre should also be consulted and potentially involved in information dissemination and health services cooperation for the influx of people into the commune area in search of different opportunities related to the Project. Commune mass organizations have a role in information education and opinion building in the commune, therefore they should be informed and consulted about the Project and potentially involved in project implementation cooperation related to their activity areas.

District level People’s Committee (DPC) and government agencies should be informed and consulted in areas of their respective responsibility and in their roles related to the Project impacts and mitigation measures, especially concerning land and forest issues and resettlement and livelihoods of the affected households. Other district level stakeholders to be informed and consulted include the Border Military, health services providers and the mass organizations.

At province level, the Province People’s Committee/Provincial Party Committee and relevant government agencies need to be informed and consulted by the Proponent in relevant issues related to their roles and responsibility areas in development schemes in the province area. Province level health service agencies and mass organizations could potentially be involved in a cooperation with the Project to provide information on, e.g., HIV/AIDS and human trafficking prevention and traffic safety.

At national level, ministries responsible for screening and approving the Project in its energy production, technical and environmental aspects have their interest in the Project. They also provide decisions and instructions and appoint committees and bodies at lower level with roles related to the Project and its progress. Due to the Project AI being a remote

mountainous forest area the role of MONRE and forest-related programs under the ministry, especially REDD+, should be consulted with and Project mitigation measures design be harmonized with any ongoing or planned relevant projects and activities in the Project districts.

Public information availability and transparency is important for providing a correct picture of the Project to the public, including **national and international** non-governmental organizations (NGOs) that may pay attention to the environmental and social impacts of the Project and the sufficiency of mitigation measures. Proper public information of the Project and its progress will facilitate correct understanding and hold back misunderstandings, that may e.g. lead to negative publicity from NGOs.

CHAPTER 9 PUBLIC CONSULTATION AND DISCLOSURE PROGRAM

9.1 Key principles for the Public Consultation and Disclosure Program

This section outlines the key principles applied in the development of the PCDP, and those guiding the consultation and disclosure activities of the proponent. These principles are in conformity with GoV, GoL and MIGA guidelines suitably modified to align with the cultural specificities of the impact area.

The principles are:

- Stakeholders must be consulted and be involved in a two-way communication with the project Proponent: in a mutually accepted process between the Proponent and the affected communities of ethnic minorities (indigenous people, PS7).
- Men and women must be included in the communication.
- The consultation should be preceded by providing all the relevant and accurate information.
- Consultations should be a continuous process to allow the participants to know whether their concerns are being addressed by the project proponent, particularly in the final project design and the construction periods.
- Supply of information and consultation with different stakeholders should be in a language and using a medium they are comfortable with.
- The formulation of the final RAP is based on the meaningful consultation and the framework RFP, ideally done after all consultations and disclosure on the entitlement framework is complete and agreed upon.
- In certain cases, for example, the land acquisition process, where the information provided by the government is not easily understood by the people, the proponent should take responsibility for simplifying and ensuring that the whole process is understood by the project affected persons. In the case of My Ly HPP the proponent will facilitate communication with the affected people so that a common understanding of the resettlement and compensation process is achieved through an ICP/FPIC process (PS7).
- There ought to be a specific and transparent mechanism for recording of grievances and a feedback mechanism to inform the action taken by the project proponent.
- Clear enunciation of responsibility and accountability procedures, qualified and trained personnel and resource availability for effective implementation of PCDP.

Based on these principles, the plan for information sharing and consultation for the different stakeholders is given below:

9.2 Information requirements

For a public consultation to be effective, it is important that relevant and comprehensive information is disseminated to all the stakeholders. The following are the key issues on which information has been and will be disseminated:

General

- Based on the phase of the project a summary of project information sheet containing the main elements of the project, its proponent, project costs where relevant, location, a description of the project and a brief summary of environmental and social impacts and the proposed mitigation of measures is to be prepared. This information is shared with the relevant stakeholders (e.g., government, the affected people and the public at large). In the past consultation activities of 2017, written 1 to 2-page sheets were used.
- An Environmental and Social Impact Assessment report with details about potential environmental impacts of the proposed project must be made available to all the stakeholders and kept at designated places for easy accessibility to the public.

Assets and resettlement

- Extent and location of land and other assets to be acquired from each affected person. This information will be shared with the households that will lose land and / or income due to the acquisition process. A process of securing correct information will be outlined in the Resettlement Action Plan when it is formulated based on the framework Resettlement and Ethnic Minority Livelihoods Restoration Plan (REMLRP, Volume VI). A list of people with the percent of landholdings and assets lost will be prepared.
- Explanation and detailed information on land acquisition process, the principles used for determination of compensation amount, the amounts due as compensation, method and procedure for transference of compensation money and other entitlements.
- Information on availability of land in surrounding areas and other avenues for productive utilization of compensation money to ensure proper rehabilitation and restoration of income levels.
- Information dissemination on rehabilitation and community development.
- measures proposed by the project authorities. Information on training, probable employment and income generating program.

Environment

- Detailed information on ESMP. This information should be updated by disclosing briefs on plans, responsible organizations, and monitoring.
- Specific actions taken for the management and conservation of natural resources, conservation important species and vulnerable catchment areas should be shared with the stakeholders.

Grievance redressal and other information

- Information on the appropriate project authorities that can be contacted for information and grievance redressal.
- For consultations between the project proponent and the government and district administration the following information is required: project report, land plan, collaboration plans/agreements.

9.3 Modes of communication and information provision

The choice of medium for specific stakeholders is determined by their familiarity with a particular medium and their need for the specific information. The project will continue utilizing the following modes of communication for providing information to various stakeholders:

Project Information and a summary of the Environmental and Social Impact Assessment Report will be made available in written once approved. Project information brochures will be made available in the local languages. These will be shared with all the stakeholders including government officials, financial institutions and media. For the residents of project affected settlements information will be placed in the commune/district offices, schools, health centers and village meeting/community houses for reference of the local people. The proponent will provide information on labor recruitment issues and process to local communities and at the national level. Information will include recruitment principles, the likely scale and duration of employment, skills required, and the level of demand that is anticipated. Regular communication will be maintained with key stakeholders via a communication plan which will be elaborated upon based on this PCDP and the different project phases and activities.

A website will be maintained and dedicated to information on all the Proponent (operator) project documents disclosed (project summaries and updates, public consultations), past and planned consultations, and associated public documents, throughout the project period.

Documents and information on the web will be mostly in English, however local language options will be available, and addresses will be provided so that users will be able to obtain paper and CD copies, and local language versions where available. The Proponent is responsible for making information available and accessible.

The Proponent will continue to provide information and engage stakeholders through a number of communication avenues. See Tasks and Time Table for more details.

Table V. 6. Continued, planned and proposed modes of communication that will be used and explored in the future

No.	Mode of communication	Status	No.	Mode of communication	Status
1	Public announcements	Continue when required	8	Summary Reports in English and Local language (Vietnamese, Lao) when public hearing outcomes are included in ESIA	Consider
2	Public Consultations	Continue	9	Summary reports in English and Local language (Vietnamese, Lao) on EMP and RRP status (update through pre-construction, construction and operation period)	Consider
3	Specific written project information for consultations	Continue with updates	10	Model of Project	Used in public hearings and displayed

No.	Mode of communication	Status	No.	Mode of communication	Status
4	Brochures in English and Local language (Vietnamese, Lao)	Continue with regular updates	11	Video	Consider for Website
5	Focus Group Discussions	Continue			
6	Information Office in the Project Area	Continue and open new offices			
7	Website Internet address for enquiries	Create and update regularly			

- Project Information and the ESIA Report will be made available in written form. As conducted previously the brochures and, when required, project information will also be made available in the local languages by the Proponent. These will be shared with the government officials, financial institutions and media. For the residents of project affected settlements it will be placed in the Information Office, schools, health centers, village meeting/community house for reference of the local people.
- The information regarding affected families and information on compensation and entitlements will be provided to each affected family through specific written documents.
- Public announcements will be made on the procedure related to resettlement.
- There will be pamphlets on the alternative income generation programs and training offered by the project, if these are planned.
- Focus Group Discussions help to disseminate information to specific sections of the population. Focus Group Discussions will be held separately with women and with the vulnerable groups to inform them about the Project, its impacts, compensation and entitlements and obtain feedback about feedback on their concerns and expectations.
- Theater may be considered as an alternative mode of communication. Plays set up in villages are an effective means of information sharing for both the literate and illiterate population.
- Video shows may be arranged in commune centers and other locations with grid electricity.
- Consultations with the ministry and government departments will be a held as a focused meeting in the presence of the appropriate representatives of the project authorities, where required by the GoV and GoL.

9.4 Place and methods of consultation

The place and methodology for consultation has to be decided keeping in view the appropriateness of the place for specific stakeholders, the ease and comfort in free expression of their views, and acceptability of the place. There is also need to consider the difficulty in access due to the hilly terrain, absence of vehicle accessible roads to the affected villages, affected people’s lack of transportation means, etc.

Taking these factors into consideration, the place and method of consultation for various groups of stakeholders has been chosen in the following manner:

9.4.1 Project Affected People

Household level information will be provided either in individual houses or gatherings that will be organized in village meeting/community houses, schools, open spaces like fields, depending on the category of the affected people present for the consultation. All the people in the affected villages are family farmers, and there are no agricultural laborers in the Project AI.

Separate discussions using focus group discussion method will be held with women in culturally appropriate places.

9.4.2 Residents of affected settlements

Meetings will be organized in the villages, in village meeting/community house, Village leader's house, school building, considering the availability and suitability of space in specific villages and choice /convenience of villagers. The method will be focus group discussions and using brochures. Where it is required, the Proponent will assist in providing travel means to meetings.

9.4.3 Government, Financial Institutions, media, NGOs

Meetings will be conducted in their office or the local project office of the proponent, or in a hired locality. The meetings will be one-to-one discussions on the basis of previously supplied reports and documents on environmental and social issues; focus group discussions or meetings

9.5 Representation institutions

The representative members of the affected villages (e.g., village head) along with representatives of the Project affected persons will be present for the consultations.

The project proponent will organize separate consultation sessions with the government officials from the relevant GoV and GoL agencies if required.

Proponent representatives will be present for the consultation sessions. Community Liaison officer will be present in all consultations with the project affected families and public in general, while the Manager (social & environment) will be present in key consultations with the project affected persons.

9.6 Record of consultations

All records of public consultation sessions will be maintained and made available for public access at the district office, village school and/ or Proponent's office in the project area.

9.7 Response

A response will be provided to all queries and grievances at the next meeting else reasons will be explained for delays with the provision of a possible time frame for redressal.

9.8 Periodicity of Public Consultation

- For the directly affected people, those who are losing land and income, a regular and continuous process of consultation will be held throughout the land acquisition and relocation process.
- For the public in general, the frequency of the consultations and their focus will vary with the changing project phases.

- The consultations before the construction stage should be held at regular fortnightly or monthly, where appropriate, intervals to apprise the people regarding the land acquisition process, the compensation amount, other entitlements, alternate employment/agricultural training opportunities, training programs, mitigation plans and land purchase assistance.
- In the beginning of the project, discussions will be held with villagers for restoration and rehabilitation of cultural sites, if any of concern, as will rehabilitation/ restoration/ relocation and conservation of erosion risk areas, protection forests, and planned safeguard, mitigation and safety plans.
- Temporary workers impacts will have to be addressed.
- At a later stage, when the residential colony (permanent housing) is occupied by project staff and free movement of outside public starts due to new road, consultations will be held with the (settlements) residents to mitigate impacts on social and cultural environment. For instance, safety and security of women and children, in settlements, who are left alone when men may be in the field due to temporary migration of men may be a concern.
- After the plant is commissioned, issues of waste disposal from plant operations and to a limited extent from residential colony will be discussed with villagers.
- The project proponents should maintain a regular process of dialogue and information sharing at least every quarter with other stakeholders such as the government officials and district administration.

9.9 Tasks for an effective PCDP

A task list is provided below in Table V.7 to facilitate effective implementation of the PCDP. Some tasks will continue beyond this period, see Time Table.

Table V. 7. List of Tasks that are to be performed during the project leading up to the construction period

No.	TASKS
1	Elaborate PCDP tasks and time line in detail and continue district level consultations in relation to ESMP and REMLRP to initiate pre-construction phase program. Review aspects which may need monitoring.
2	Select and appoint implementation and advisory/monitoring agencies/committees.
3	Continue consultations with key stakeholders and information dissemination, FPIC. DIA, downstream stretch where use and river dependence has to be monitored to determine mitigation required, if any.
4	Consolidation of land use (agricultural and forest) information. Land use on a family or clan basis needs to be completed and the database with use and ownership (land certificates) information must be updated. Potential relocation sites.
4.1	Land area, forest and agriculture.
4.2	Assets, livelihoods and cultural aspects: HH, groups of HHs (clans) and village-level assets.
5	Develop and use alternate media to disseminate key project features.
6	Dissemination of information on entitlement framework to PAP. Entitlement framework should be properly disseminated among affected population.
6.1	Consultations with PAPs on entitlement framework. Public consultation will take place with SPAFs in order to review and adjust the proposed entitlement framework.

No.	TASKS
6.2	Consultations with women. Women will participate in separate consultation activities about compensation and rehabilitation plans.
6.3	Consultations with vulnerable groups. Single headed HHs, disabled, elder and other vulnerable persons will participate in separate consultation activities about compensation and rehabilitation plans.
7	Final relocation sites. Providing information about land acquisition/allocation process, including selection of relocation sites. The land acquisition/allocation process will be properly disseminated in the project affected families/HH and villages.
7.1	<p>Consultations about land (agriculture and forest) allocation. The process will be properly disseminated in the project affected HHs/villages and consultations will be conducted to clarify concerns among the beneficiaries.</p> <p>Under this task the missing land use information should be gathered, information gaps will be covered and conflicting ownership information will be clarified. Clan or joint usage of upland land for agriculture, grazing and forest must be clarified.</p>
7.2	Dissemination and consultations about the availability of alternate land and allocation assistance.
7.3	Consultation and dissemination about employment opportunities and income generation programs.
7.4	Providing information about grievance redressal process and dispute settlement mechanism Compensation and rehabilitation measures will be properly disseminated and adjusted in order to fulfil their objectives. The Proponent grievance redress mechanism (GRM) would be needed.
7.5	Consultations on proposed environmental and social mitigation program/ plans, ESMP, RAP-REMLRP, safeguard documents, and plant operations.
8	Detailed expansion and formulation of all plans and mitigation in the ESMP.
9	Formulation of Resettlement Action Plan (RAP) based on the framework entitlement policy. The formulation of the RAP can take place after the inventory of land use areas and inventory of assets are gathered, updated; and after the results of the dissemination and consultations rounds mentioned above are available.
10	Land Allocation (agricultural, forest), Compensation and rehabilitation.
11	Information dissemination and consultations on compensation utilization.
12	Develop and use alternative media for dissemination of development plans, ESMP (all plans).
13	Dissemination and consultations for mitigation programs and action plans (final).
13.1	Grievance redressal process related to RAP. The grievance redressal process will start simultaneously with the relocation and asset compensation process and will continue for a pre-decided (6 months at least) period after relocation is completed.
14	Grievance redressal process for general project activities and plans.
15	Consultations for evaluation (monitoring).

CHAPTER 10 TIME TABLE

Table V. 8. Proposed time-line for public communication and disclosure related to the social and environmental issues and resettlement plans

The tasks headings listed in the table below are shortened, see earlier section for full list of tasks.

	TASKS	2017			2018					2019					2020					...2021.....2022								
		O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
1	Elaborate PCDP tasks	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
2	Advisory/Monitoring Agencies				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
3	Consultations with stakeholders & dissemination	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
4	Consolidation of land use/allocated information. Relocation Site identification								●	●	●	●																
4.1	Land area, forest and agriculture																											
4.2	Assets and Livelihoods – inventories																											
5	Develop and use alternate media to disseminate features				■	■	■	■	■	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
6	information on entitlement framework to PAP				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
6.1	Consultations with PAP on entitlement framework				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
6.2	Consultations with women				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
6.3	Consultations with special vulnerable groups				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7	Providing information about land acquisition process				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7.1	Consultations about land acquisition / allocation				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

TASKS	2017			2018					2019					2020					...2021.....2022								
	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
7.2																											
7.3																											
7.4																											
7.5																											
8																											
9																											
10																											
11																											
12																											
13																											
13.1																											
14																											
15																											

10.1 Resources and responsibilities

The Project Proponent will establish dedicated units for environment and social issues within the ESMP and RAP institutional structure to address all social and environmental impacts of the Project, as well as ensure proper implementation of the public consultation and disclosure programs, REMLRP (eventual RAP) and ESIA programs and plans included in the ESMP.

Apart from the institutional support to be provided by the Proponent's staff, an implementing agency (one or two effective consulting environmental and social organization/ institution/ company and/or an NGO) should be appointed for the implementation of the safeguard documents (ESMP, REMLRP, FPIC process, etc.) and for consultation and participation with the local communities. It is vital that an international consultant team should be used to closely guide the implementation of the above plans in line with MIGA practice. Note that based on experience from several projects, the team used for communication/public consultations should be separate from the ESMP, as the ICP requires specialized expertise and ability to take a neutral stand.

10.2 Corporate organization and structure

At the corporate level, the Proponent will set up a section for Resettlement, Mitigation and Enhancement which will be headed by a General Manager (GM) or the Chief Executive Officer (CEO). The GM will be responsible for a Division called Social and Environment Management Division (SEMD).

This corporate unit will have the following key functions:

- Setting up appropriate institutional arrangements at the project site to oversee implementation of social and environment mitigation action plans.
- Appointing an independent Monitoring and Evaluation agency
- Establishing village development funds from the project in each of the villages where the REMLRP and all other relevant plans will be planned and implemented.
- Monitoring the RAP (as part of the REMLRP) and ESMP activities.
- Address grievances not addressed by the project office
- Ensure that the RAP is implemented in accordance to the guiding policies of the Proponent and IFC/MIGA, and coordinated with the Proponent's CSR program, when prepared.
- Arrange training programs for officers to be involved in the RAP, and follow-up.
- Explore and develop corporate linkages with financial institutions and banks to facilitate financing of income generating schemes for the PAFs.

10.3 Project Office Organization Structure

At the project office level, a post of Manager of the Social and Environment Management Division (SEMD) will be created, who will co-ordinate the RAP, ESMP and other project programs/plans. He/ she will report to the General Manager, locally in-charge of the entire project implementation. A Community Liaison Officer (CLO, preferably from a social science background, job description follows) who will be responsible for the RAP implementation, The CLO processes will report to the Manager (Social and Environment). He/ she will coordinate the functioning of a cell (with several on the ground officers) and regularly interact

with different stakeholders, specially the PAF. In addition he will work closely with the ESMP Unit.

Below the CLO will be responsible for one dedicated cell on Land Acquisition/allocation. The CLO will this head the unit on Resettlement and Livelihood Restoration and Development (RLRDU), and work closely with the ESMP Unit.

In addition to the RLRD will be a Grievance Redressal Unit and a Monitoring and Evaluation Unit. (see the flow chart at the end of this section, Figure V.1).

The RLRDU will have a Resettlement/Social Specialist (RS), a Community Development Officer (CDO) and, at least, 4-6 support staff (both men and women) who would oversee the entire individual and community resettlement/rehabilitation and development and can have presence in the project area of influence. Directly working with the RS and the CDO will be the implementing agency (either an NGO or institution/organization) that will manage the income restoration and skill up-gradation options. It is estimated that the services of the implementing organizations (including advisory consultants) will be required for 3-6 years (including beyond the detailed planning and construction phases), within which the environment and social impacts are proposed to be mitigated. The hired organization should have adequate capacity to have a regular field presence in the villages, specially of community workers and women staff members. In addition the organization will have a dedicated senior person who will be overall in-charge of the implementation of the resettlement plan.

Given the general lack of experience among implementing agencies in with the process proposed in the PCDP and the ESMP and safeguard plans at-large it may be necessary to have an overall international consultancy/agency to guide and monitor the above process through-out the different project phases and help in the preparations of reports.

The main responsibilities of the implementing agency will be to:

- Establish rapport with the community and hold public consultation and disclosure sessions as required by the PCDP.
- Act as a agency facilitating the formation of local committees: for assisting in land acquisition, grounding of the action and safeguard plans (in ESMP) in the local setting (facilitating agreement and acceptance), and for settling disputes related to compensation.
- Act as a contact point for grievance redressal and dispute settlement at the village level.
- Assist in the resettlement process, payment of compensation, training and income generation program.
- Facilitating the villagers and other organizations (e.g., cooperatives, user groups, women groups) in the preparation of village livelihood enhancement plans and their implementation.
- Establish linkages with labor co-operatives and local employment exchanges to identify potential employment opportunities for Project affected persons and families.
- Develop linkages with ongoing Government programs and/or International funded (donor, IFI) development project at the province, district and village levels.

The organization for the consultation processes will be selected through a transparent and competitive evaluation of its capabilities and capacities. The contract will specify the responsibilities and accountability, reporting patterns and financial arrangements.

Community Liaison Officer¹² – job description

IFC encourages the hiring of a Community Liaison Officer to arrange and facilitate consultation and public communication activities (examples listed in job description below). For My Ly HPP a Community Liaison Officer will be selected to run the program in the project area. He/she should be national of Vietnam ideally with a number of years of experience working with Local organizations/NGOs in Vietnam and must have a good understanding of effective methods of consultation with local communities. The same would apply for an expert for the implementing safeguard plans in Laos, where a Laos national speaking the language would be requirement in addition to on the ground staff forming a part of Units. He/she must have (or acquire) solid good knowledge of the Project, and thus work closely with technical experts on the Project. He/she acts on the behalf of the Proponent (Operator), reporting to the Project Manager. His/her specific responsibilities are to:

- Continue public consultation with local communities affected (or that will be) by the Project, using appropriate communication processes including consideration of gender cultural issues;
- Hold regular meetings; Provide input for the ongoing communication plans (Public Consultation and Disclosure Plan, PCDP; CSR strategy and plan);
- Provide the local communities with project information and related issues;
- Monitor compliance of contractors' recruitment program;
- Survey potential local sub-contractors and suppliers;
- Identify any significant new issues that may arise during project planning, construction and operation periods;
- Work with the proponent (Project Owner), local communities and contractors to resolve any disputes between the parties
- Provide input to the Social Investment and Environmental Investment Programs to ensure effective consultation and involvement of the community;
- Meet settlement leaders and speak at settlement (& commune) meetings prior to construction teams in a given locality, to inform them of the nature and length of activities in their area;
- Discussions and information sharing with informal or traditional institutions, non-elected community leaders and elders, and other informal representatives of the affected community;
- Provide input to how concerns and issues can be incorporated into the project plans. Clear documentation of how incorporation in project plans has been done has to be available;
- Maintain awareness of safety issues among local residents;
- Monitor community attitudes to the HPP. Surveys, questionnaires, etc.;

¹²IFC encourages the hiring of a Community Liaison Officer to arrange and facilitate these activities (examples listed in job description).

- Maintain records of all consultations, collation and preparation of internal and external reports. Maintain all Corporate Relations actions, meeting and plans, relevant to the Project;
- He/she will be present at information centers set in the project area to run 'drop-in' clinics where people can come to discuss any issues that they may have. Brochures will be produced to advertise opening hours and give basic project information. The opening times for the clinic will be posted at the clinic locations and advertises in the local press and radio.

Other methods of consultation should be developed and specific consideration should be given to the involvement of women, youth and marginalized groups (esp. those among PAFs, indigenous and disadvantaged groups, etc).

The CLO and his/her team act as Facilitators.¹³

Project Office Program

A community relations program will be developed with the CSR office/unit of the Proponent organization. In addition, a clear mechanism to handle people's grievances and concerns will be developed, with the CSR unit if present.

¹³ Capable facilitators will support MIGA's project, program, and policy design work. The quality of facilitation—including the design of the process—very much influences the quality of the products that inform MIGA decisions. The role of a facilitator is to assist with a process of information exchange, and to help workshop participants collectively focus on the issues and reach decisions. The facilitator also makes sure that the time invested by participants in the consultation is well-spent.

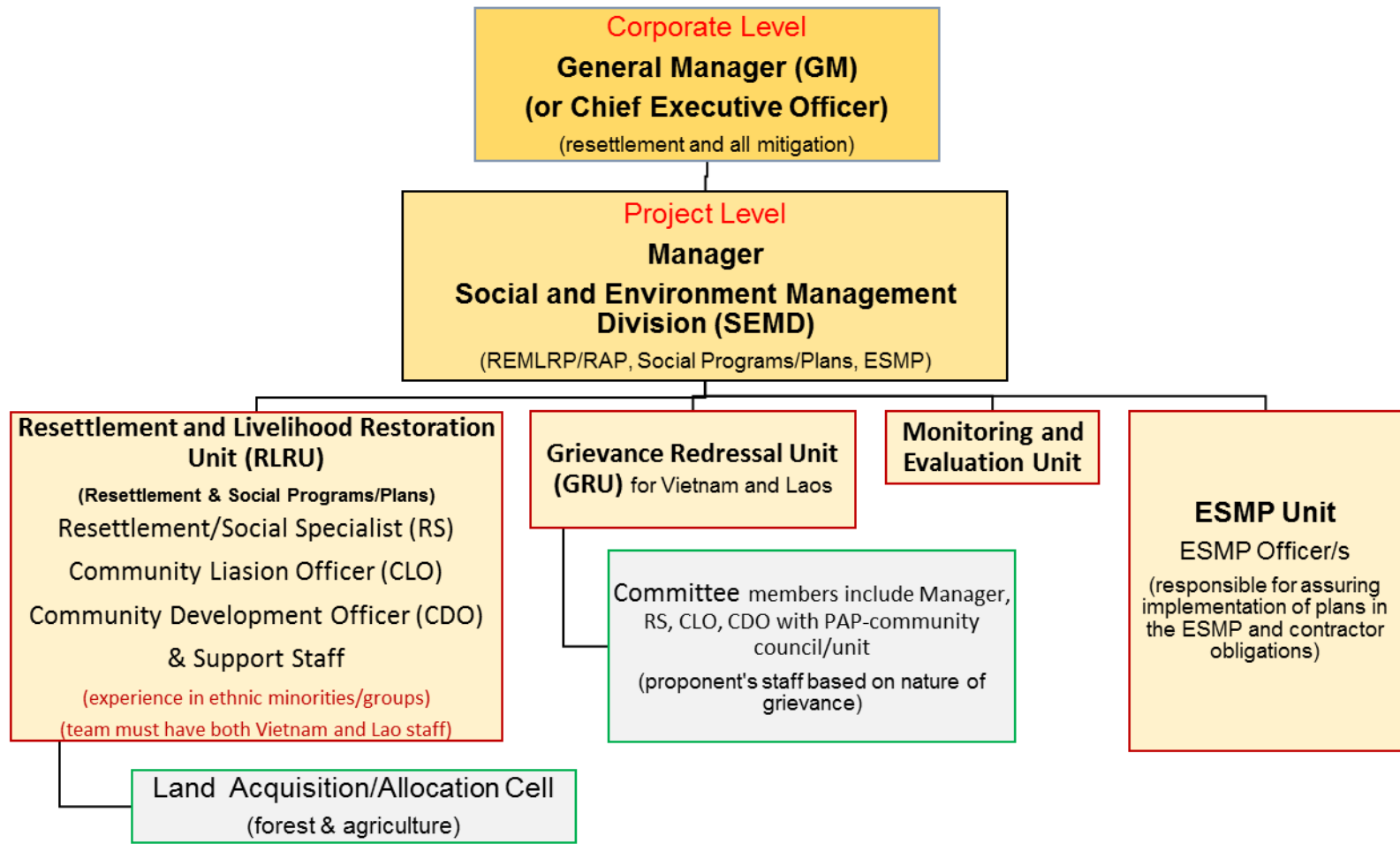


Figure V.1. Proposed organizational structure

CHAPTER 11 BUDGET

A typical budget for the proposed Public Consultation and Disclosure Plan (PCDP) usually has two distinct cost elements:

- Cost of information production in various forms (A in Table V.9)
- Cost of human and institutional resources required for effective consultation process (B, C and D in Table V.9)

A suggestion of cost items in a tabular form is provided below.

While most of the information required to support the public consultation is produced by the project proponents during the course of successful implementation of the project, it is usually not available in a form that is suitable to all the stakeholders. This PCDP has therefore proposed production of information in form of brochures in local languages, videos in languages, a specially dedicated village theatre production (if possible, not budgeted below) and public announcements. This is in addition to various reports (e.g., ESIA), which would be shared with stakeholders who are more comfortable with English as a language and find it easier to read reports. Similarly, the personnel (Proponent’s Staff) responsible for Environmental and Social mitigation are responsible for authenticity of information, transparency in consultation processes and quick redressal of grievances. They often do not necessarily possess the right skills for developing a support with affected communities, counselling and continuity of consultation on a regular basis in-line with best practice. This PCDP has therefore suggested a provision for a support agency (an NGO or any other organization) to complement the efforts of the Proponent’s personnel as well as to provide an independent channel of communication. This budget, therefore, takes into account all the additional costs, but excludes the cost of basic information and Proponent staff/personnel, which would be incurred by the project even in the absence of a PCDP.

A suggestion for an itemized budget list for the PCDP is provided in Table V.9 for a 5-year period, 2017– 2022. A new public consultation program will have to be formulated by the Project Owner for the operation period based on the evaluation of the PCDP and the mitigation and enhancement programs/plans: a budget item list for this period is thus not provided.

Table V. 9. Suggested itemized budget posts for PCDP October 2017 –2022

Items	Unit cost (VND)	Number through Sept 2018 (starting Oct 2017)	Subtotal (through Sept 2018)	Number through Sept 2022	Subtotal (through June 2022)	Total
A. Cost of production of information						
Printing Brochures						
Public Announcements						
Model of the Project Area						
Video						
Basic running cost of Information Centre						
Approximate cost of large-scale consultations (including local help)						

Items	Unit cost (VND)	Number through Sept 2018 (starting Oct 2017)	Subtotal (through Sept 2018)	Number through Sept 2022	Subtotal (through June 2022)	Total
Approximate costs of small-scale consultations						
Reports on Grievances						
Bi-annual Reports						
Quarterly Reports to IFC						
Sub-total						
B. Costs of Officers for units and cells						
Salary for Community Liaison Officer (CLO) (Master's level education, social sciences)						
Salary for Community Development Officer (CDO)						
Misc. Including per diem (in project area travel)						
Sub-total						
C. Cost of Support Agency						
Salary for CLO assistants (e.g., National Consultant team) (around bachelor's level or at least above high school)						
Salary/enumeration for facilitators (basic salary)						
Administration Costs (& overhead)						
Sub-total						
D. Costs of Advisory Experts						
Enumeration (National/local)						

Items	Unit cost (VND)	Number through Sept 2018 (starting Oct 2017)	Subtotal (through Sept 2018)	Number through Sept 2022	Subtotal (through June 2022)	Total
Per Diem and field costs						
Enumeration (International)						
Travel (international)						
Per diem and field costs						
Sub-total						
TOTAL (VND)						
TOTAL (USD)*						

*USD 1 = 22,700 VND; VND 1 = 8,300 LAK

CHAPTER 12 GRIEVANCE REDRESS MECHANISM

In compliance with MIGA guidelines the proponent is to respond to communities' concerns related to the project. If the proponent anticipates ongoing risks to or adverse impacts on affected communities, the proponent is required to establish a grievance redress mechanism to receive and facilitate resolution of the affected communities' concerns and grievances about the Proponent's environmental and social performance. The grievance mechanism should be scaled to the risks and adverse impacts of the project. It should address concerns promptly, using an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, and at no cost and without retribution. The mechanism should not impede access to judicial or administrative remedies. The client will inform the affected communities about the mechanism in the course of its community engagement process.

The Proponents sees that there is need for an effective and efficient grievance redressal mechanism which will respond to people's queries and problems and address key issues, concerns and complaints covering environmental and social aspects of the project (simplified suggestion in Figure V.2. The REMLRP proposed also includes a mechanism to ensure that entitlements are effectively transferred to the beneficiaries and there is proper disclosure of information and consultations with the affected community.

In each affected village to be relocated, a village level Grievances Committee will be formed consisting of two men and two women who are elected by villagers in a village meeting. Village leader/chief should preferably be one of the members. The Committee will be trained in compensation and grievance rights and procedures, and it will assist villagers in filing complaints, which then will be handed over to the Community Liaison Officer in verbal or written form.

In the villages that will lose land, Village leaders and the land owners will be informed of their rights to complain, and any complaints will be filed directly to the Community Liaison Officer.

A Grievance Redressal Unit (GRU) will be established in the Project/ Field Office. It will consist of the committee comprising of the Manager (Social and Environment), Community Liaison Officer, 1 member of the Land Acquisition/Allocation cell, member of the implementing agency and at least two key district government representatives (if possible a person with land judicial expertise). The cell will also have representation from the PAP/PAF. While the representation from district officials is not mandatory, it is definitely a preferred situation as they would be able to swiftly handle grievances related to land acquisition and legal claims. Similarly it would be preferred if forest and agriculture representation is included. All involved should be made aware of the grievance redress process (GRP) and mechanisms for different stakeholders.

The GRU will look into complaints and concerns about ownership disputes, inheritance of assets, distribution of compensation among heirs, missing affected assets and persons in the census etc. The procedure will not replace existing legal processes but will, based on consensus, seek to resolve the issues quickly in order to expedite the receipt of compensation, without resorting to expensive and time-consuming legal actions. The GRU will meet at least once every fortnight in the first 3 months of implementation, and thereafter once every month. At every meeting it will summarize the issues raised in the last meeting and report on action taken against each. When required the GRU will also receive copies of progress reports of the resettlement process, environmental management plan (and plans within) and audits. It would be preferred if the Project Manager (or a representative of his office) would summarize the key issue of concerns raised in these progress reports. Issues that cannot be resolved at the GRU would be referred to the responsible General Manager in the corporate office for resolution. The PCDP will inform the PAF of the GRU structure and processes and encourage PAF to approach this unit with their problems and suggestions. This should be done on a routine basis.

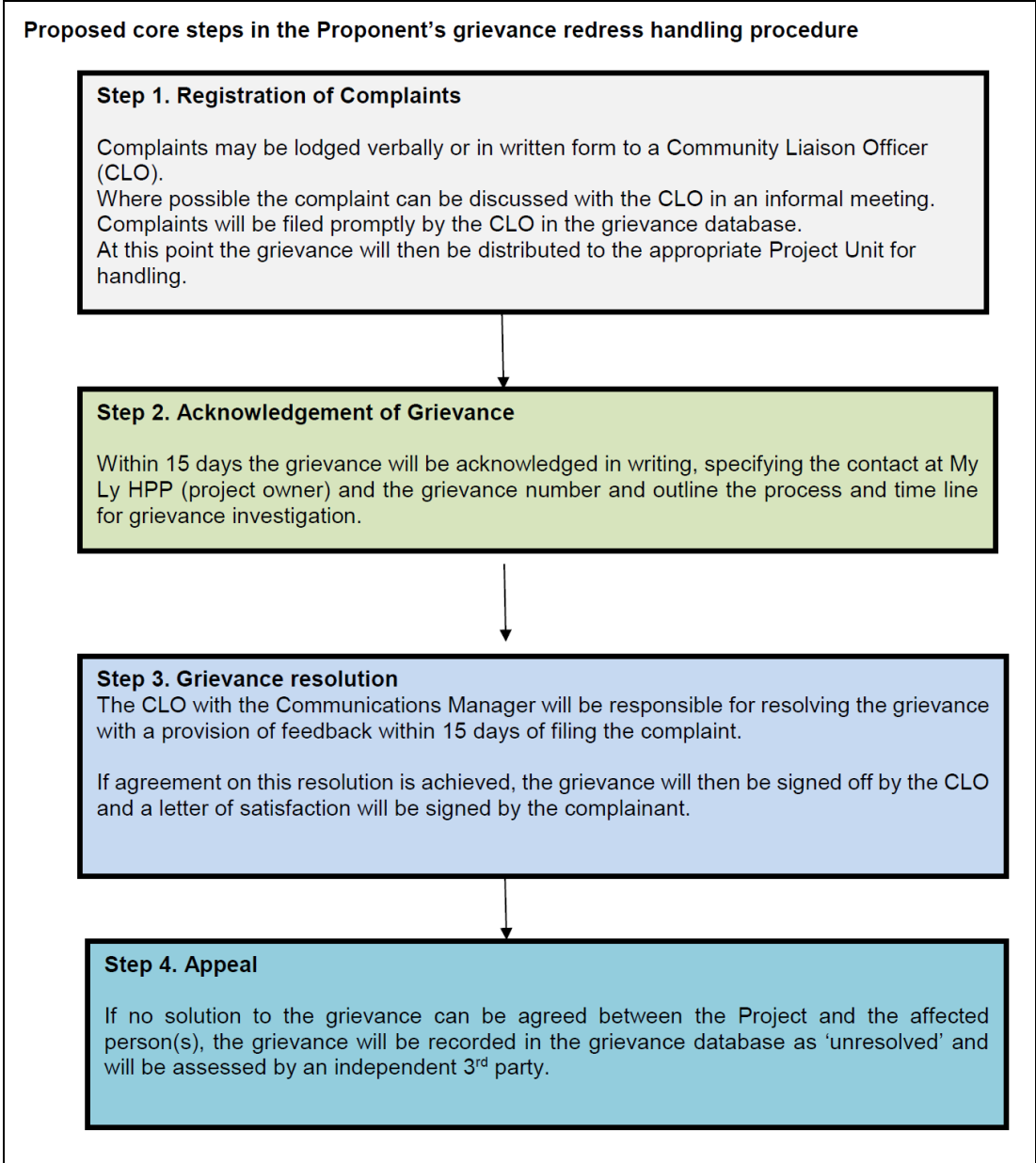


Figure V. 2. Proposed core steps in the Proponent's grievance redress handling procedure

CHAPTER 13 REPORTING

The project proponents will prepare six monthly (twice a year) reports throughout the project phase implementation which shall provide details on the number of consultation sessions held, the kind of information provided to the different stakeholders, the people consulted, the method and place of the consultation sessions, as well details regarding the grievance redressal and conflict resolution mechanism. These reports shall be made accessible to all the stakeholders.

The project proponent shall report the progress of the information disclosure and consultation program to the financial institution on a quarterly basis, providing the details of the number of consultations held, the kind of information disseminated, the stakeholders consulted, the place and method of consultation and the grievance redress and conflict resolution mechanism.

An evaluation report shall be prepared at the end of the project implementation, which shall provide an ex-post evaluation of the entire ESMP and REMLRP/RAP, and effectiveness of the information disclosure and consultation program.

Table V. 10. Comments and requests of villagers and village heads recorded during the FPIC process in the DIA areas of My Ly HPP

Commune Village	Comments and requests from villagers and village heads, My Ly HPP																	
	Agreement on Resettlement					Compensation					Village involvement in planning and monitoring, grievances				Private houses			
	Do not agree to relocate	Satisfied with the proposed site	Propose another site	Need time to consider	Want to relocated with another hamlet/entire village	Want to relocate to another location/province	Land for land (in-kind)	Cash for houses/land	Payment one time or max. two times	Directly from the Project to each household, no intermediaries	Total payment made before relocation starts	Involved in relocation site planning	Monitor village infrastructure construction	Approve village construction before relocation	Grievance mechanism to be set-up	Project to construct houses	Projects to construct house foundation/base only	Want to relocated existing houses
Subject to Relocation																		
Keng Du Commune, Vietnam																		
Keng Du		x				x					x	x						
My Ly Commune, Vietnam																		
Cha Nga		x						x										x
Xop Duong		x				x		x										
Xang Tren			x			x			x			x						x
Kouan District, Lao PDR																		
Phiangxang				x							x		x			x		x
Sopsan			x						x							x		x
Sopkang		x						x										x
Kengkor				x					x	x	x		x			x		x
Phiangthat		x				x												
Land Loss Only																		
Keng Du Commune, Vietnam																		
Hat Ta Ven						x	x											
Huoi Phuon 1						x	x											
Huoi Phuon 2						x	x											
Huoi Xui						x	x											
Commune /	Comments and requests from villagers and village heads, My Ly HPP																	

Village	Livelihood Resources					Special Land Requests			Forest Protection & Env Services		Cultural Heritage						Benefit Sharing		
	Animal grazing land near village	Reservoir fishery / aquaculture	Fishponds	Animal Stalls	Paddy land	Road from village to upland field areas / reservoir/ forest	Sports area	Festivity Areas	Wharf by the reservoir	Equal protection area required	Compensation for lost income from services required if no forest available	Graves to be relocated	Graves not to be relocated but ceremony to be held	Spiritual ceremonies to be held one year before relocation	Spirit forest necessary	Sites for spirit forest, graveyard chosen by villagers	Special location requirements for spirit house	Free electricity requested	Not brought up
Subject to Relocation																			
Keng Du Commune, Vietnam																			
Keng Du						x							x						x
My Ly Commune, Vietnam																			
Cha Nga	x						x	x	x	x		x					x	x	
Xop Duong							x	x	x	x		x	x	x	x	x	x		
Xang Tren	x						x										x		
Kouan District, Lao PDR																			
Phiangxang		x		x									x			x	x	x	
Sopsan						x							x			x			
Sopkang	x							x					x				x		
Kengkor		x		x									x			x		x	
Phiangthat													x						
Land Loss only																			
Keng Du Commune, Vietnam																			
Hat Ta Ven		x																	x
Huoi Phuon 1		x																	x
Huoi Phuon 2		x																	x
Huoi Xui		x																	x