

# Bridging the Hydropower Policy-Implementation Gap (BPIG)

Communications and Feedback Mechanisms  
to Improve Participation in Decision-Making

24 October 2014.



# Context: Lao PDR

- Hydropower development in Lao

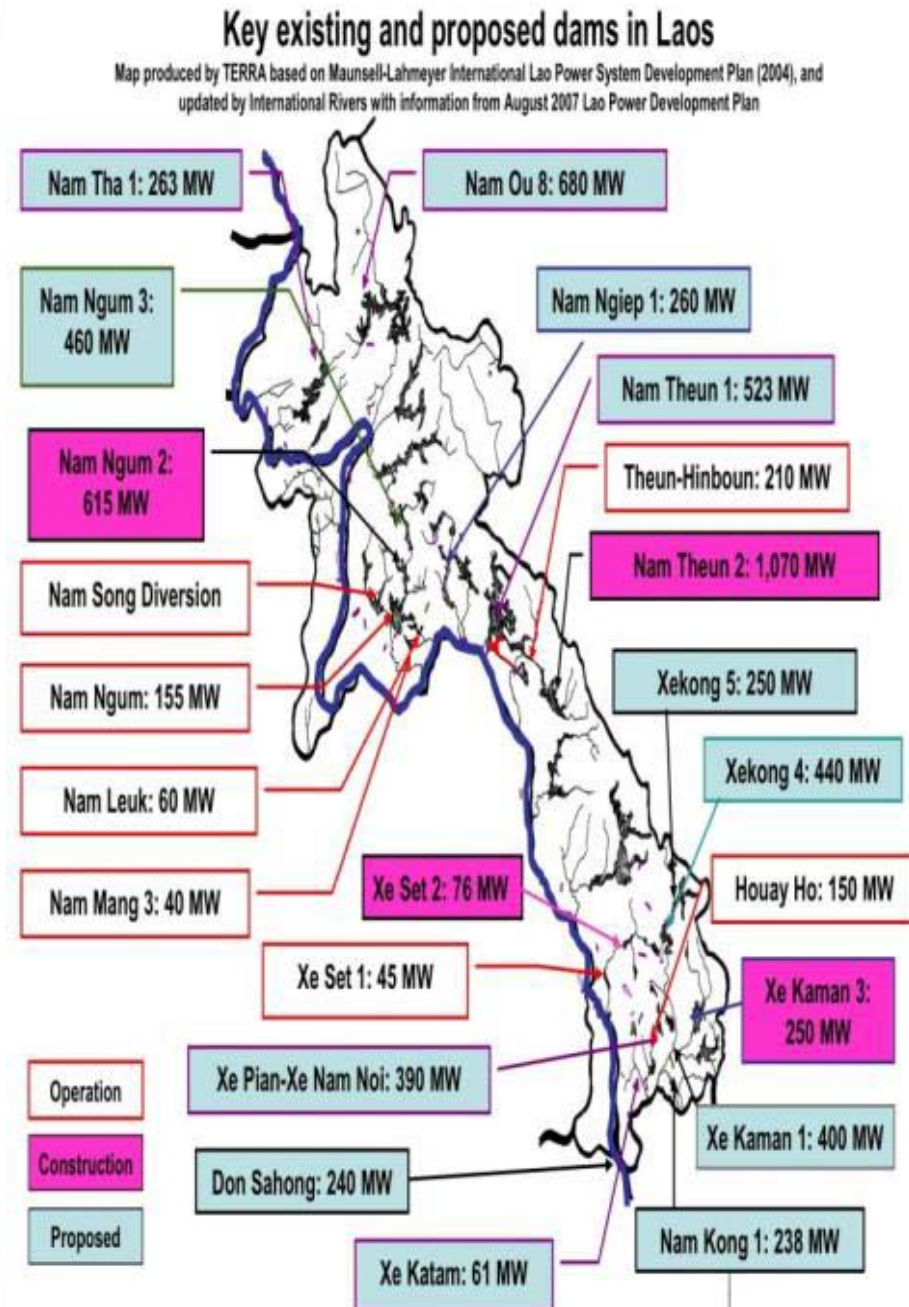
- ✓ 17 Operational 3200 MW
- ✓ 27 Under construction 6,540 MW
- ✓ 23 planning 3200 MW
- ✓ 42 Feasibility study 12,500 MW, EIA, IEE plan for 10 year in 2020

Total = 102 Dam

(International River 2011)

- Policy relevant to Hydropower development

- ✓ Law, Policy, Recommendations, Decrees, Technical guidelines



# Project Objectives

- To improve communication systems to promote better understanding among primary stakeholder groups on how hydropower governance processes consider land and water use and entitlements.
- To develop and pilot a local governance feedback mechanism regarding stakeholder participation in hydropower decision-making, planning, and management.

# Implementing team

## Central

- VFI (NGOs)
- NUOL-FES
- MEM-DPP
- MONRE—NREI
- PMO-PRD

## Local Government

- Provincial
- District

# Site selection

- Jointly-established criteria for Selecting Two Complementary Sites
- Pre-selection with all central partners
- Confirmation at each site with full agreement of local governments
- Collaboration agreements (central and local level)



# Research Locations



Nam-Ou2 River Hydropower development project, 120 MW, Northern Laos, LPB Province



Namlik1 river Hydropower development project. 65 MW, Central Laos. Vientiane Province



# Policy requirements related to communications and feedback

- National Policy workshop
- District workshops

Example policies considered:

- Regulation on Environmental and Social Impact Assessment
- Technical Guidelines on Compensation and Resettlement in Development Projects
- Concession Agreements
- Prescribed roles and responsibilities of all relevant parties
- Decrees and regulations related to Resettlement & Compensation
- Guidelines on Public Involvement in ESIA



# Practice Comparison

- Community consultations
- Analysis: Difference between policy and realities observed
- Two projects
- 16 officials from 4 line ministries & local governor's offices at district and provincial levels fully participated
- 6 Villages over 800 people



# Study Tours



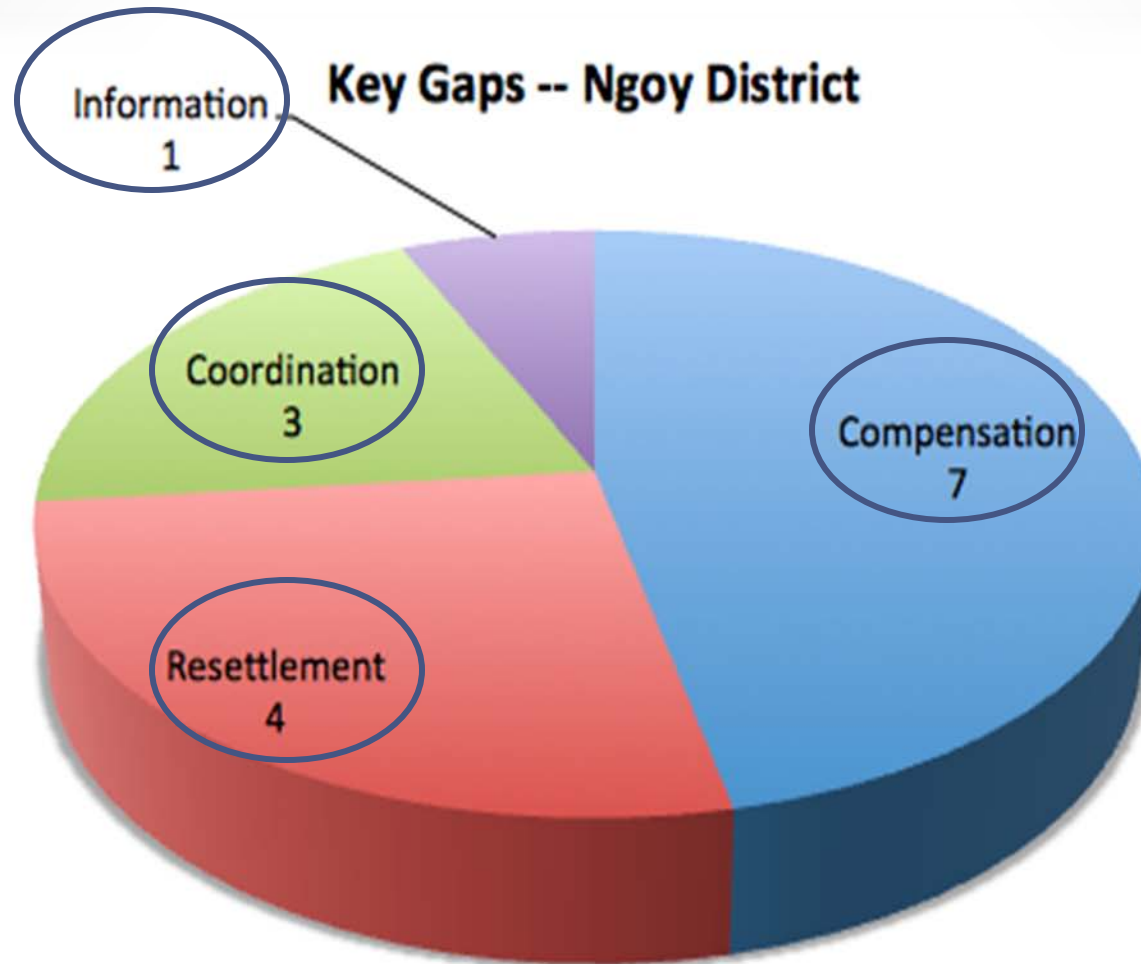
Exposure to other projects for Village, District, Provincial, and Central partners

Key opportunities identified:

- Compensation
- Resettlement-RMU
  - District – communities – company
- Livelihood development
- Grievance

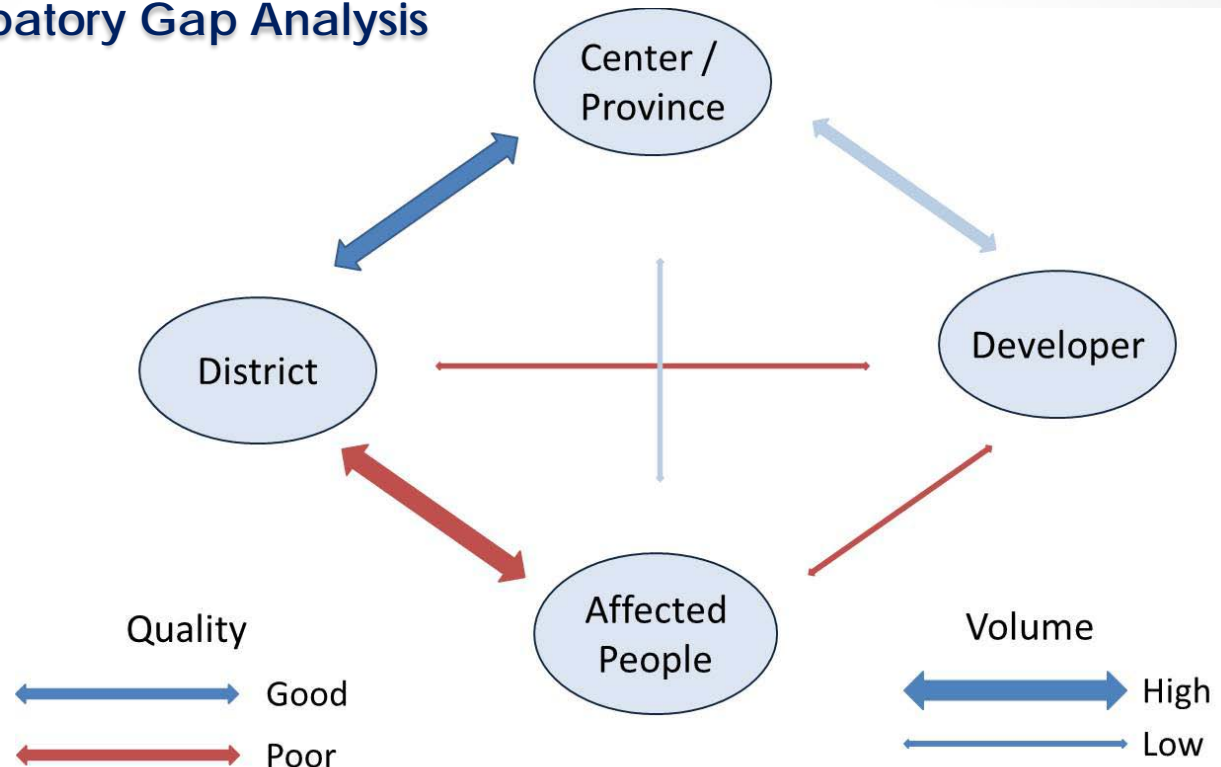


# Results of Participatory Gap Analysis



# What are the gaps?

## Results of Participatory Gap Analysis



1. Information (Compensation, Resettlement, Process)
2. Communication among Hydropower stakeholders
3. Process (Resettlement, Management, Grievance committees)



# Policy-Implementation Gap



# Why are there GAPs?

- Government lacks experience, resources, and clear mandates
- Development companies are not prepared to handle communication and coordination responsibilities
- Sub-contract arrangements obscure responsibility and accountability
- Villagers are not educated about the process and do not have skills to dialog and negotiate with developers

# Implications of the GAPS

- Community losses: less participation, less understanding, less buy-in
- Local government losses: Increased time and effort to manage crises and lost development opportunities
- Investor / Developer losses: Increased long-term expenses and less local buy-in



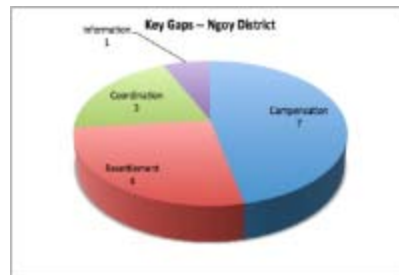
# Process Summary

Policy

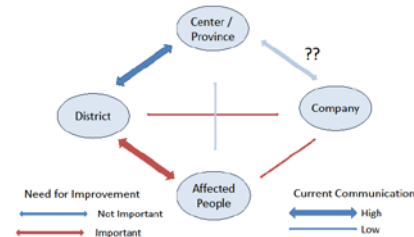


People Impacted by Development Projects

Gap Analysis



Feedback / Communication GAPS

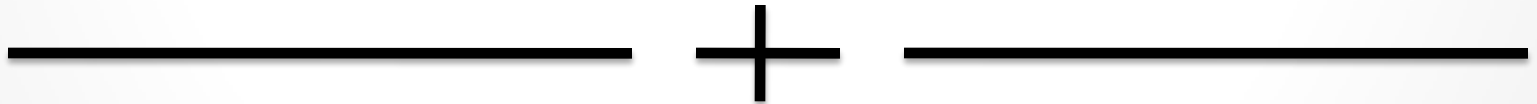


- Compensation
- Resettlement
- Information
- Coordination

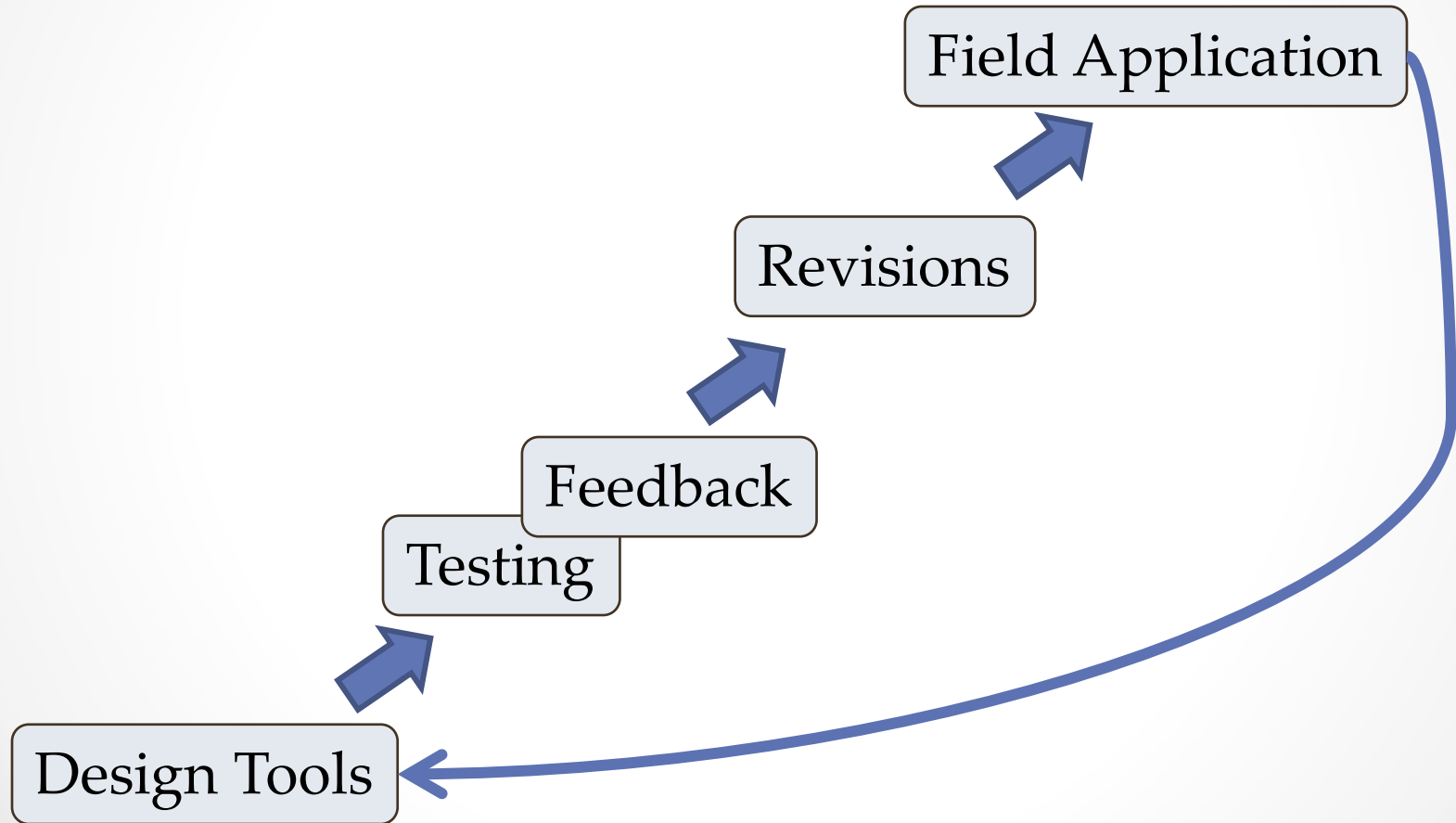
Gap-Closing Tools



# Bridging the Policy-Implementation GAPs

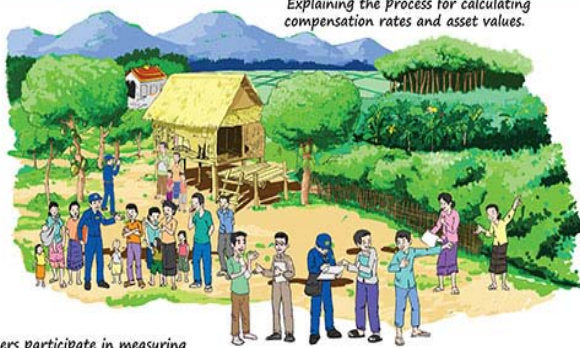


# Participatory Tool Development



# 1. Posters--Facilitating Dialog

## Compensation

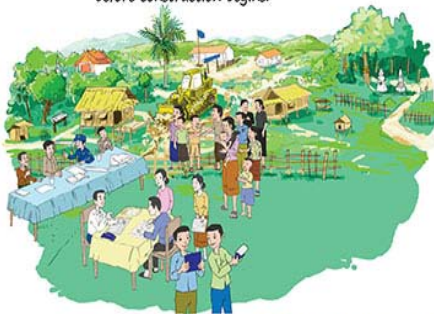


Villagers participate in measuring impact area and taking inventory.

Providing information about compensation rates and individual assets to be compensated



Full compensation should be completed before construction begins.



## Livelihood Development

lement site.



The new site should have access to food production and collection areas.



Market area for exchange and sales.



## Resettlement

communities participate in site selection and resettlement planning



new site.



the developer is responsible transport costs.



ent area.



should be close to if possible.

Villagers evaluate resources and opportunities in potential resettlement site.



Community participation in site selection.

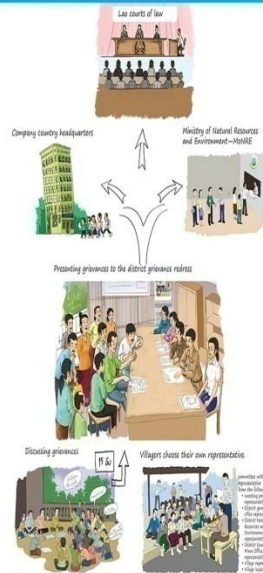


Resettlement area preparation.



Villagers should be able to resettle before they are impacted by the project.

## Grievance Mechanism





## 2. Pamphlets--Aiding clear policy dissemination

### KEY POINTS

'Project owners shall compensate project affected people for their lost rights to use land and for their lost assets (structures, crops, trees and other fixed assets) affected in full or in part, at replacement costs.' (PM Decree 192, Article 6, Par 1)

'Assessment of compensation for affected fruit/nut trees shall be based on the average yield of the trees in the area.' (PM Decree 192, Article 6, Par 2)


### REFERENCES

Land Law. 04/National Assembly. 21 October 2003

Prime Minister Decree No. 192/PM 7 July, 2005 Decree on the Compensation and Resettlement of People Affected by Development Projects.

Regulations for Implementing Decree 192/PM on Compensation and Resettlement of People Affected by Development Projects. Prime Minister's Office Science Technology and Environment Agency (STEA)

### COMPENSATION



### KEY POINTS

'This decree aims to ensure that project affected people are compensated and assisted to improve or maintain their pre-project incomes and living standards, and are not worse off than they would have been without the project.' (PM Decree 192, Article 1)

'All relocating APs shall receive adequate subsistence allowance in food rations or their cash equivalent during the transition period until the full restoration of livelihood in line with the targets set forth in the RP.' (Implementing Regulations, Article 22, Paragraph 9)

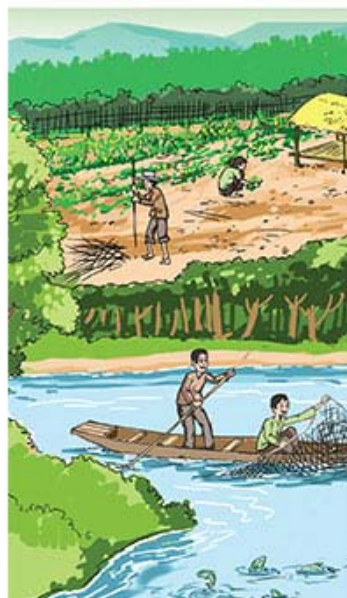
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### LIVELIHOOD IMPROVEMENT



### KEY POINTS

'APs displaced and/or affected due to the loss of income and livelihood shall be provided with the following assistance until their income levels and living conditions can be stabilized: (a) Transport allowance or assistance in kind to transfer to the resettlement site or their choice of relocation; (b) Food allowance, in cash or in kind to compensate for income lost, during the transition period; (c) Suitable development assistance after displacement during the transition period until they are able to restore their incomes and living standards or reach the targeted level of household incomes on a sustainable basis.' (PM Decree 192, Article 7)

'All replacement land for agriculture, residential and businesses shall be provided with secured land titles and certificates and without any additional cost, sales taxes, fee, and surcharge to the APs at the time of transfer.' (PM Decree 192, Article 10, Paragraph 2) (Also: Article 24, Paragraph 3, Implementing Regulations)

'During planning, construction and operation periods, project owners shall consider local cultural and religious properties, practices and beliefs.' (PM Decree 192, Article 11, Paragraph 1)

'Subsistence Allowance: All relocating APs shall receive adequate subsistence allowance in food rations or their cash equivalent during the transition period until the full restoration of livelihood in line with the targets set forth in the RP.' (Implementing Regulations, Article 22, Paragraph 9)

'Resettlement transition period will be minimized and the acquisition of assets, compensation, resettlement and rehabilitation activities for a segment/section or phase... will be completed at least one month prior to the initiation of construction work under the respective segment/section or phase thereof.' (Implementing Regulations, Article 12, Paragraph 3)

### REFERENCES

Land Law. 04/National Assembly. 21 October 2003

Prime Minister Decree No. 192/PM 7 July, 2005 Decree on the Compensation and Resettlement of People Affected by Development Projects.


Regulations for Implementing Decree 192/PM on Compensation and Resettlement of People Affected by Development Projects. Prime Minister's Office Science Technology and Environment Agency (STEA) No 2432/STEA.

Guidelines on Public Involvement in Environmental and Social Impact Assessments. Ministry of Natural Resources and Environment, Vientiane, 2013.


Technical Guidelines on Compensation and Resettlement in Development Projects. Prime Minister's Office Science Technology and Environment Agency (STEA). November 2005.

#### Contact us

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### RESETTLEMENT



# 3. Grievance Mechanism Primer— Improving Coordination

## Grievance Committee Primer (Short Guidelines)



CPWF Mekong



March 2014

## Set of Grievance Mechanism Forms

← For  
Villagers

← For Village  
GRC

← For Distri  
ct  
GRC



# A Series of Tools

- To Improve communication among hydropower stakeholders at the local level
- Reduce conflict frequency and seriousness
- Improve coordination, efficiency, and effectiveness of compensation, resettlement, and livelihoods activities

# Bridging the Hydropower Policy-Implementation Gap-BPIG (MK11)

Communications and Feedback Mechanisms to Improve Participation in Decision-Making for Local Land and  
Water Use

## Grievance Redress Committee:

A Short Primer

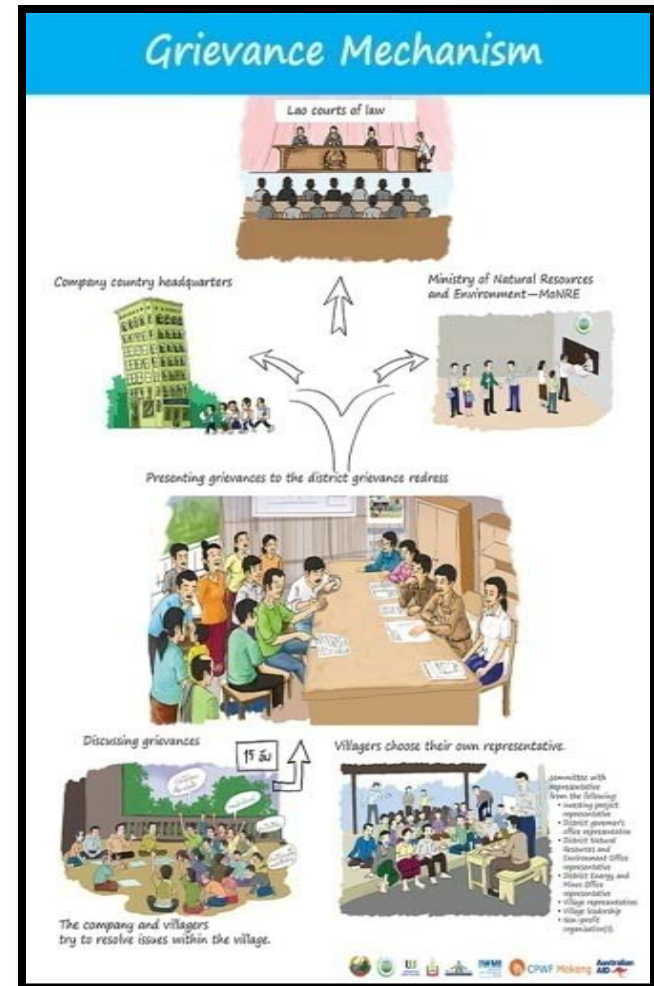


CGIAR Challenge Program on  
**WATER & FOOD**  
Andes • Ganges • Limpopo • Mekong • Nile • Volta

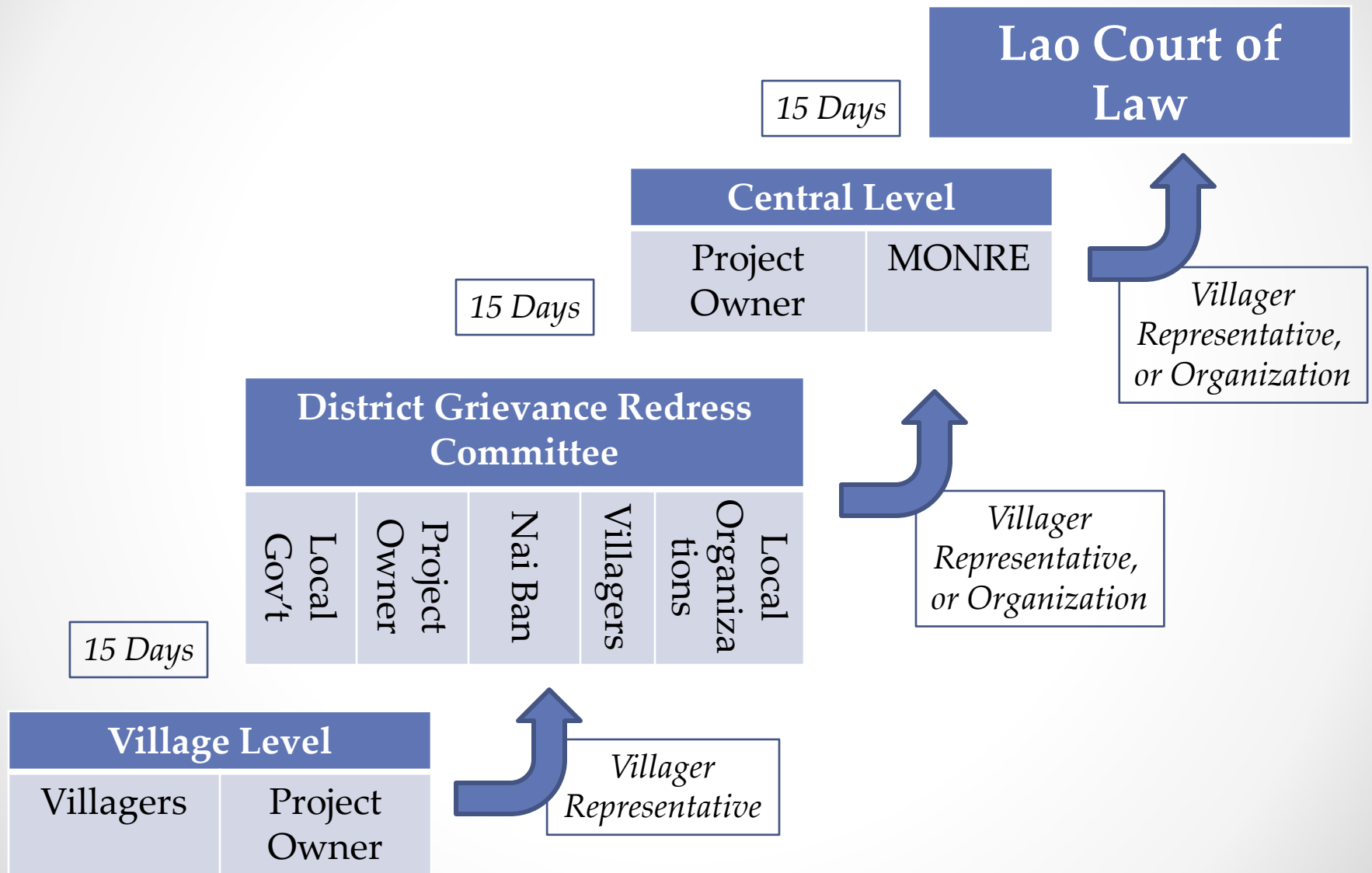
# Objectives

The grievance mechanism, implemented by the grievance committee, will do the following:

1. Provide feedback to company representatives and government officials.
2. Improve the harmonious implementation by addressing potential problems early and preventing conflict.
3. Improve cooperation among the companies, government, and communities.
4. Help ensure project implementation follows the Lao Law and policies to maximize benefit for local people.



# Grievance Process



# Membership

## DONRE

- Establish & coordinate GRC
- Maintain records
- Facilitate participation of all parties
- Follow-up resolution / forward complaints

## Project Owner (company)

- Request formation of the GRC
- Cover operating costs
- Work with villagers to reach consensus
- Provide necessary information to the GRC

## Villagers

- Select representative to GRC (not Nai ban)
- Participate, work towards consensus

## Local Government

- District Governor's Representative
- DEM
- Other as appropriate
- Participate as members of GRC

## Nai Ban and Other Orgs

- Including village elders, mass organizations, non-benefit organizations
- Present written or oral concerns
- Form meetings at village level to compile villager concerns for presentation to GRC

# Key Requirements

## Transparency

- Company should provide information: inventories, entitlements, compensation rates
- Conduct business in public locations such as meeting halls
- Report back to villagers on the results of meetings and next steps

## Easy Access to All

- Villagers can present orally or in writing
- Provide regular opportunities for discussion

## Consensus

- Project and villagers first try to resolve through mutual agreement in the village
- All members should agree before a resolution is reached
- If not accepted, the complaint is forwarded to the higher level

## Written Records

- Maintain written records of all complaints
- Make reports available for public dissemination
- Provide reports to appropriate authorities

## Project Pays

- All administrative and legal fees
- Villagers bear no financial costs, including up to the highest level.



# Timing and Village Participation

- The GRC should be formed when?
  - After the project is approved
  - Before the project implementation begins
  - Before resettlement and compensation is decided

# Additional Information in the Primer

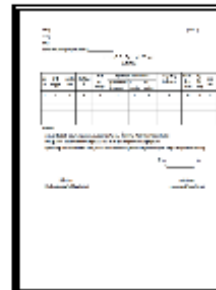
- Step-by-step process for establishing the GRC at the district
- Village-level activities to establish and initiate the GRC
- Acceptable formats for village-level grievance submission
- How to prepare grievances for submission

# Set of Grievance Mechanism Forms

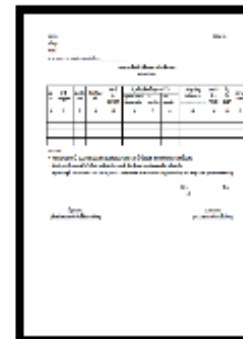
## Set of Grievance Mechanism Forms

This is the first form in the set, titled 'Grievance Mechanism Form'. It contains fields for 'Name', 'Address', 'Phone', and 'Email'. It also has a section for 'Grievance Details' with a table for recording the grievance, and a section for 'Resolution' with a table for recording the outcome.

For  
Villagers

This is the second form, titled 'Grievance Mechanism Form'. It contains fields for 'Name', 'Address', 'Phone', and 'Email'. It also has a section for 'Grievance Details' with a table for recording the grievance, and a section for 'Resolution' with a table for recording the outcome.This is the third form, titled 'Grievance Mechanism Form'. It contains fields for 'Name', 'Address', 'Phone', and 'Email'. It also has a section for 'Grievance Details' with a table for recording the grievance, and a section for 'Resolution' with a table for recording the outcome.This is the fourth form, titled 'Grievance Mechanism Form'. It contains fields for 'Name', 'Address', 'Phone', and 'Email'. It also has a section for 'Grievance Details' with a table for recording the grievance, and a section for 'Resolution' with a table for recording the outcome.

For Village  
GRC

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For Distri  
ct  
GRC

# More Information



## **Village Focus International**

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