

Contents

Chapter I Introduction 0

- 1. Objectives and target.....0
 - 1.1 Objectives.....0
 - 1.2 Target..... 1
- 2. Policy and law and regulations.....1
- 3. Scope of use of the guidelines1
- 4. Definitions.....2

CHAPTER II..... 3

PROCESS OF THE PUBLIC INVOLVEMENT 3

- 1. The public involvement during the data collection and drafting IEE and EIA report4
 - 1.1 The public involvement in the process of Initial Environmental Examination (IEE)4
 - 1.2 The public involvement in the process of environmental impact assessment (EIA)8
 - c.Consultation8
- 2. The public involvement during the project’s construction and operation or mining and mineral processing phases.....12
- 3. The public involvement during the project decommissioning phase12

CHAPTER III

PLANNING OF THE PUBLIC INVOLVEMENT 13

- 1. Dissemination of information of the project and defining the involved people13
- 2. Activities of the involvement.....14
- 3. Identification of the time14
- 4. Responsibility of parties.....15
- 5. Implementaton methodology15

6. Defining the budget.....	15
CHAPTER IV	
METHODOLOGY OF CONDUCTING THE PUBLIC INVOLVEMENT	16
1. Information dissemination.....	16
2. Consultation and involvement in decision making process.....	18
3. Issues and conflicts solution	19
CHAPTER V	
EXPECTED OUTPUTS OF THE INVOLVEMENT OF STAKEHOLDERS.....	20
1. The project affected people.....	20
2. The Government organizations.....	21
3. The project developer	21
4. Other involved people	21
CHAPTER VI	
DIVISION OF RESPONSIBILITY OF THE PUBLIC INVOLVEMENT.....	21
2. Natural Resources and Environment Offices of the District, DONRE of Province and Capital	21
3. Related line agencies	22
4. Ministry of Natural Resources and Environment	22
5. The project developer	22
CHAPTER VII	
THE IMPLEMENTATION.....	23

Preface

The socio-economic development has been gradually growing in Lao PDR. The domestic and foreign investment has also rapidly increased in various sectors such as : energy, mining, industry, agriculture and forestry, infrastructure, services and tourism sectors. The development of these investment projects have contributed to increasing the national income, created job opportunities for local people which have led to poverty reduction. In addition, if these investment projects are not properly managed, these will generate impacts on environment and society. For instance : depletion of natural resources, environmental degradation and impacts on livelihood of local people. Therefore, in order to protect and minimize these impacts, it is required to properly manage the investment projects and ensure sustainable development.

The Government has regarded the public involvement as one important process in the process of environmental and social impact assessment for consideration of project to ensure sustainable development. Therefore, before commencing the construction and implementation of the project, the project developer should conduct environmental and social impact assessment with conducting the right process of public involvement.

In order to conduct the public involvement correctly based on procedures, regulation, technique and ensuring the transparency, Ministry of Natural Resources and Environment (MONRE) has developed the Public Involvement Guidellines to integrate into the process of environmental impact assessment of investment project in accordance with the Environmental Protection Law, Decree on EIA and Decree on Compensation and Resettlement of Local People from Development Project, Policy on environmently and socially sustainable hydropower deveelopment sector and directive of building province as strategic unit, district as integrated planning unit and village as development unit in the natural resources and environment sector. The Guidelines are a tool for stakeholders including the project developer to be effectively used for implementation of public involvement in the process of environmental impact assessment of investment project. It is to ensure that the affected project people have involveled in the planning process and make decision on the expected benefits and solutions of environmental and social impacts of investment project.

All stakeholders including the Government line agencies and the project developer can use these Guidelines to ensure their correct implementation of public involvement and reflect the regulation, principle, transparency and full coverage particularly the involvement of the project affected people in the above involvement process.

Chapter I Introduction

1. Objectves and target

1.1 Objectives

The objectives of these Guidelines are to:

- a. Ensure the correct implmentation of the public involvement and reflect regulation, principles, transparency and full coverage particularly the involvement of the project affected people in the above involvement process;

- b. Ensure that the project affected people have fairly received reasonable solutions of impacts resulting from investment project.

1.2 Target

- a. To give opportunity for the public to involve in planning and decision making on issues with regard to investment project including the solution of environmental and social impacts and fair benefits receiving from the project and avoiding or minimize conflicts associated with investment project;
- b. To give opportunity for the public to propose opinions of the project implementation including learning and lessons learned exchange with stakeholders in development of occupation, local economy, protection and management of natural resources and environment.

2. Policy and law and regulations

These Guidelines on public involvement in the process of environmental impact assessment are formulated based on key legislation as follows:

- a. The environmental Protection Law states that all procedures of environmental impact assessment are needed for involvement of local administration, mass organizations, and the project affected people;
- b. Decree on environmental impact assessment has defined mandate and duty of the project affected people and other stakeholders including defining the procedures of public involvement;
- c. Policy on environmentally and socially sustainable hydropower sector development has defined the local people to involve in the process of environmental and social impact assessment by listening to the opinion of local people before making decision on approval of the project;
- d. Decree on compensation and resettlement of local people indicates to ensure that the project affected people, local administration, and related stakeholders have received information and fully involved in consultation, consideration of their concerns by the project development in all processes, particularly in the planning stage and implementation of land acquisition, land value assessment, and resettlement process. The project developer should disseminate the information with regard to the objectives of the project, options of the compensation and other compensation resulting from the project which is regarded as a part of the resettlement process through media such as: newspapers, radio, television, consultation meeting with local people and other means to inform the local administration at provincial, district, village levels and mass organizations including the project affected people and concerned people for necessary information.

3. Scope of use of the guidelines

These Guidelines will apply for investment project which already defined in the Decree on environmental impact assessment and Agreement on a list of investment projects subject IEE and EIA .

Involvement is proceeded in all stages of development project starting from information collection, and drafting IEE report including prevention and mitigation measures of environmental and social impacts or EIA report, environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP), construction, operation or extraction and processing until decommissioning phases.

4. Definitions

- a. **Public involvement** means the consultaion process, information dissemination of investment project to get opinions from the stakeholders which have potential impacts or receive benefits from the investment project as well as interested persons concerned with the investment project to be used a reference for formulation and consideration of the IEE report or EIA report, EMMP, SMMP. Public involvement is demonstrated as in attending meetings by involved people of different levels including the project affacted people in each time period.
- b. **The project affacted people** means a person, identity or organization which are directly or indirectly impacted by the investment project due to land aquisition or real estate based on the law, the changes of land use, impacts on ecosystem and environment in the area where they settle and make for a living.
- c. **Target groups** means groups of people (Youth, women, ethnic minoirity, disadvantage people) who live in the area of investment project or surrounding the project who receive benefits or are impacted by the investment project.
- d. **Disadvantage people** means any group of people who got severe impacts in terms of permanent assets and mobile assests, other assets and primary production or risks causing poverty resulting from resettlement. Disadvantage people consist of:
 1. Family with head of family is devorced women – widow which has a person to take care and has low income;
 2. Family with person of mental problem or handdicraft;
 3. Family with income lowered than the defined standards of Ministry Labour and Social Welfare or the person who has no land for cultivation;
 4. Family of elderly people who are lacking of support and care.
- e. **The public** means a person, identity, groups of people (Youth, women, ethnic minority, disadvantage people) or any organization in society who has received benefits and/or got impacts from the investment project.
- f. **The involved people** means a person, groups of people (Youth, women, ethnic minority, disadvantage people) or any organization which is interested in the investment project due to these person or groups of people are related to or affacted by the investment project.
- g. **Ethnic minority** means any ethnic minority which has unique of clothing, language speaking, way of life, local wisdom, culture and belief of that specific minority.
- h. **Te project developer** means a person, identity or any organization from the public or private sectors which has been allowed to study, survey, design, construct, operate or extraction-processing minerals.
- i. **Investment project** means a project carrying out any activity which has potential direct and indirect impacts on the environment and society.

The below information was selected from the EIA Decree 2010

j. Initial Environmental Examination (IEE) means study, survey, and analysis of information to predict the initial environmental and social impact including the impacts on health which may generate from the projects category 1 defined in the Article 2 of this Decree. This also includes the prevention and mitigation measures of impacts which may generate on the environment and society;

k. Environmental Impact Assessment (EIA) means study, survey, and analyze information and predict positive and negative impacts which may generate on the environment and society including the impacts on health both in a short term and long term from the investment projects category 2 which defined in the Article 2 of this Decree including the proposal of selection of appropriate alternative, environmental management and monitoring plan (EMMP) and social management and monitoring plan (SMMP) to prevent and mitigate impacts generated during construction and operation of investment project;

l. Scoping means the process of defining the scope of study of environmental impact and data which are needed to be collected and analyzed to assess the impact on the environment resulting from investment project. This study is required to define the scope of term of reference to draft the EIA report;

m. Tem of Reference means all scope of work to be implemented during conducting environmental impact assessment based on the scope of study for environmental impact assessment;

n. Environmental Management and Monitoring Plan (EMMP) means the workplan which consolidate the key environmental activities, prevention measures, mitigation and solution of impacts on the environment which has studied in the environmental impact assessment report [**EIA report**] including defining the organization chart and responsibility, time schedule, adequate budget for implementation and monitoring of environmental aspect during construction, operation and decommissioning phases of investment project;

o. Social Management and Monitoring Plan (SMMP) means the workplan which consolidate the key social activities and prevention measures, mitigation and solution of social impacts which has studied in the environmental impact assessment report [**EIA report**] including measures for compensation, resettlement and livelihood improvement of the affected people; defining the organization chart and responsibility, time schedule and adequate budget for the implementation and monitoring of social aspect during construction, operation and decommissioning phases of investment project;

CHAPTER II

PROCESS OF THE PUBLIC INVOLVEMENT

The involvement of the public should be conducted to reflect the process of environmental impact assessment which has the details as follows:

1. The public involvement during the data collection and drafting IEE and EIA report

1.1 The public involvement in the process of Initial Environmental Examination (IEE)

a .Data collection and drafting IEE report

The project developer should collect the baseline data of the environmental and social conditions within the project area, data and statistic of villages, district and other information. Of this, it is needed to make a survey of opinions of local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people by using the interview questionnaires, consultation meeting and use other appropriate means.

b. Information dissemination

The project developer should disseminate information of the investment project such as: development plan of investment project, environmental and social impact and benefits which will receive from the investment project by the local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people and other involved people by holding dissemination meeting at village level. In addition, the information dissemination can be conducted based on operating procedures of the public involvement in Chapter IV of these guidelines.

c .Consultation

The project developer should hold a consultation to listen to the opinions of local people or groups of people (Youth, women, ethnic minority, The disadvantage people), the project affected people and other involved people with regard to impacts associated with the project. These opinions will be taken into consideration for drafting and improvement of IEE report including the consideration for approval of the IEE report.

Consultation is conducted in two levels such as at village and district levels as follows:

- **Consultation at village level**

The project developer should hold a consultation meeting at village level for the local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people and other involved people to contribute comments and propose their concerns about the IEE report in which the project developer should bring these comments receiving from the consultation meeting to improve the report. After that it is needed to disseminate the report again to village level for the affected people to be aware of and have comments on the above report.

Conducting consultation meeting at village level should be implemented as follows:

- The project developer proposes to the District Natural Resources and Environment Office to request for holding consultation meeting at village level (Including attachment of the IEE report and presentation and other related documents). This office will coordinate with local administration at village level to define the participants, date, time and the meeting venue. After that it is needed to get approval from District administrative Office. The documents for distribution to the related participants who will attend the meeting, should be sent at least 5 official working days in advance. The participants must consist of: the representative of each family of local people or groups of people (Youth,

women, ethnic minority, The disadvantage people), the project affected people, head of village, mass organizations at village level, related line agencies at district level, and other participants;

- The project developer presents the IEE report at the meeting at village level;
- The District Natural Resources and Environment Office will take lead in conducting the meeting including drafting the minutes of the meeting and share these with the participants. The minutes of the meeting should be certified by related stakeholders such as: the chairman of the meeting, village administration, district natural resources and environment office and the project developer;
- The project developer improves the IEE report based on the comments made at the village level meeting. After that it needs to disseminate the report again to the village level for the project affected people and other stakeholders to give comments and certification again. If necessary, the IEE report must be improved before holding the consultation meeting at the district level.

- **Consultation meeting at the district level**

The project developer submits the revised IEE report based on the comments made at the village level consultation meeting and take it to present at the consultation meeting at the district level to get comments from the local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people and then revise the report based on the comments from the meeting.

Consultation meeting at district level should be implemented as follows:

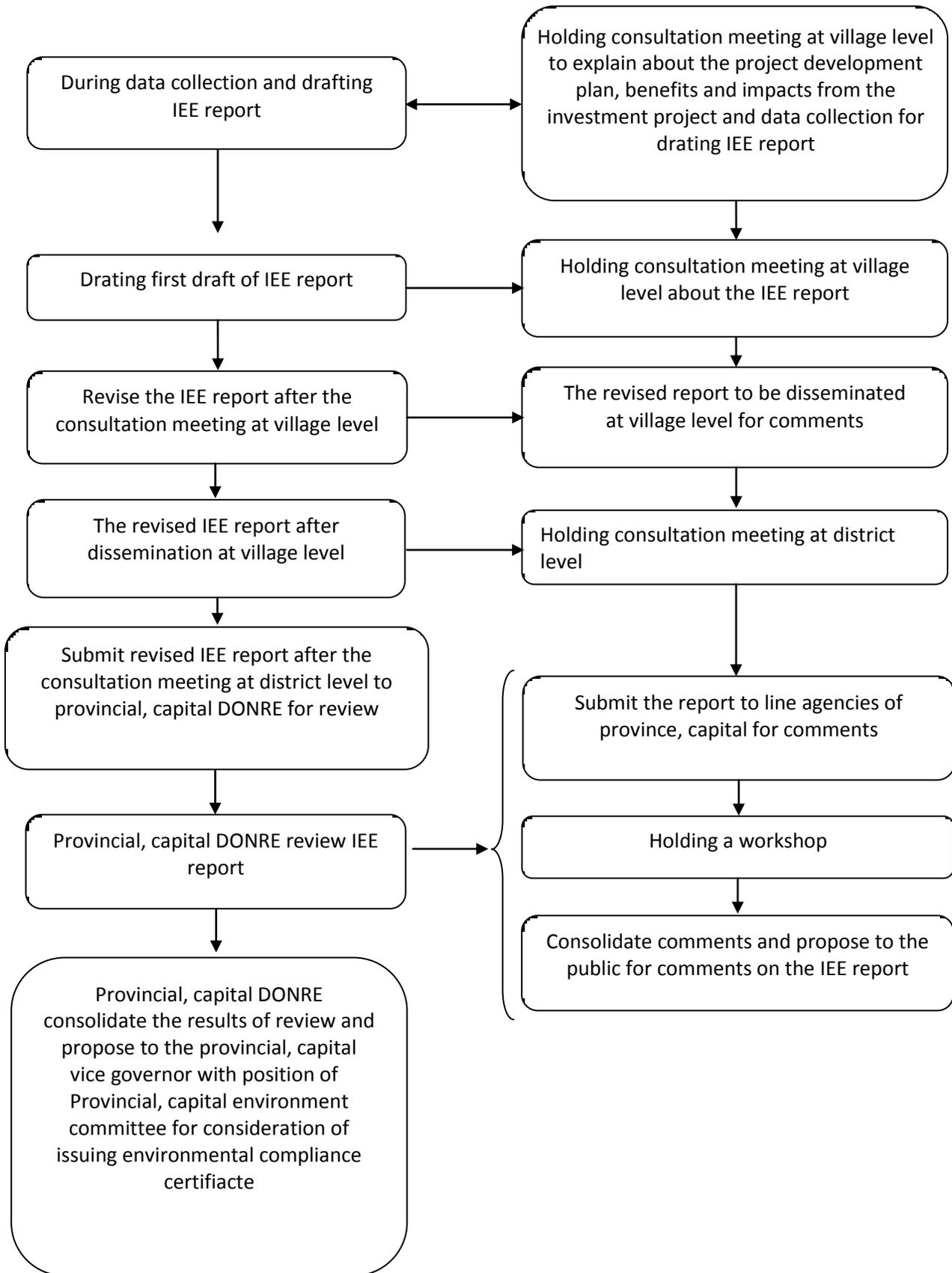
- The project developer submits official letter to Provincial, Capital DONRE (Including attachment of the IEE report, presentations and other related documents) to request for holding the consultation meeting at district level at least 15 official working days before the meeting is held.
- The participants should consist of: Representatives of local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people from each village, related line agencies from the district, provincial, capital levels and other participants;
- The project developer presents the IEE report and the minutes of meeting from the consultation meeting held at village level including any other important issues to the meeting;
- The provincial, capital DONRE take lead in conducting the consultation meeting including drafting the minutes of meeting and share these with the participants at the consultation meeting. The minutes of meeting must be certified from related stakeholders for instance: district administrative office, provincial and capital DONRE and the project developer;
- The project developer revises the IEE report based on the comments made from the district level consultation meeting and then submits it to the provincial, capital DONRE for review;
- The related line agencies have the duty to give comments on the IEE report based on the defined timeline;
- Provincial, capital DONRE take lead in review of the IEE report with comments from [line agencies and related local administrations] and then submit to the

Provincial Vice Governor, Capital Vice Governor with the position of Provincial, Capital Environment Committee [The Minister of Natural Resources and Environment] for consideration of issuing environmental compliance certificate.

Flowchart 1: The public involvement in the process of initial environment examination (IEE), provincial, capital line agency approves the investment project and provincial or capital reviews the IEE report and submits it to the provincial, capital vice governor for consideration of issuing environmental compliance certificate.

The process of study of IEE

The Public involvement process



1.2 The public involvement in the process of environmental impact assessment (EIA)

a. Data collection and drafting EIA report

The project developer should collect data of environmental and social conditions at the project area, data and statistics of village, district and other date. Of this, it must make a survey of the opinions of local people or groups of people (Youth, women, ethnic minority, The disadvantage people), the project affected people by using the interview forms, holding consultation meeting and other means.

b. Information dissemination

The project developer should disseminate information with regard to the project such as: investment project development plan, expected benefits from the investment project, environmental and social impacts associated with local people or groups of people (Youth, women, ethnic minority, The disadvantage people), the project affected people and other participants. For information dissemination, the project developer presents the draft IEE report to the dissemination meeting, via the project's website, information centre or other means.

c. Consultation

The project developer should conduct consultation meeting to get the opinions of the local people or groups of people (Youth, women, ethnic minority, The disadvantage people), the project affected people and other participants about related impacts of the project. These opinions will take into consideration for drafting and improvement of the EIA report including consideration of approval of this report.

Consultation is conducted as follows:

- **Consultation meeting at village level**

The project developer should hold a consultation meeting at village level for the local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people and other participants to contribute comments and express their concerns about the EIA report. The project developer needs to take these comments receiving from the meeting to improve the report. After that the revised report will be disseminated to the project affected people again at village for their information and having comments on the EIA report.

Consultation meeting at village level should be implemented as follows:

- The project developer sends official letter to the district natural resources and environment office to request for organizing consultation meeting at village level. The district natural resources and environment office will collaborate with local administration to define the participants, date, time, and venue of the consultation meeting. The distribution of related documents to the participants should be done at least 7 official working days before the consultation meeting is held. The participants should consist of: representatives from each family of the project affected people, head of village, village mass organizations, district line agencies and other participants;
- The project developer gives presentation on EIA report to the meeting at the village.

- The district natural resources and environment office take minutes of all comments of the participants and will share the minutes at the meeting . The minutes must be certified by the village administration, district natural resources and environment office and the project developer;
- The project developer improve the EIA report based on the comments of the meeting held at the village level. After that the improved report will be disseminated to the village for the project affected people and other participants to have comments before holding consultation meeting at the district level.
- **The consultation meeting at district level**

The project developer should take the improved EIA report based on the comments made at village level to present at the consultation meeting at the district level in order to listen to opinions of the local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people. The project developer will then improve the report based on the comments from the meeting.

The consultation is conducted as follows:

- The project developer send official letter to the provincial, capital department of natural resources and environment to request for holding a consultation meeting at the district level. This department will collaborate with investment project responsible line agencies to define the participants, date, time and the meeting venue. The related documents to be distributed to the participants who attend the meeting should be done at least 7 official working days. The participants to attend the meeting should consist of: representatives from the local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people from each village, the head of village, village mass organizations, related line agencies at district, province, capital levels and other participants;
- The project developer presents the EIA report and results of each consultation meeting at village level to the meeting;
- The Provincial, Capital Department of Natural Resources and Environment takes minutes of opinions of the participants who attend the meeting and share the minutes with the meeting. The minutes of the meeting should be certified by district, province, capital administrations and the project developer;
- The project developer improves the EIA report based on the comments of the district consultation meeting. After that it needs to disseminate the report to the village level for the project affected people and other participants to give comments before holding a consultation meeting at the provincial, capital level.
- **Consultation meeting at provincial, capital level**

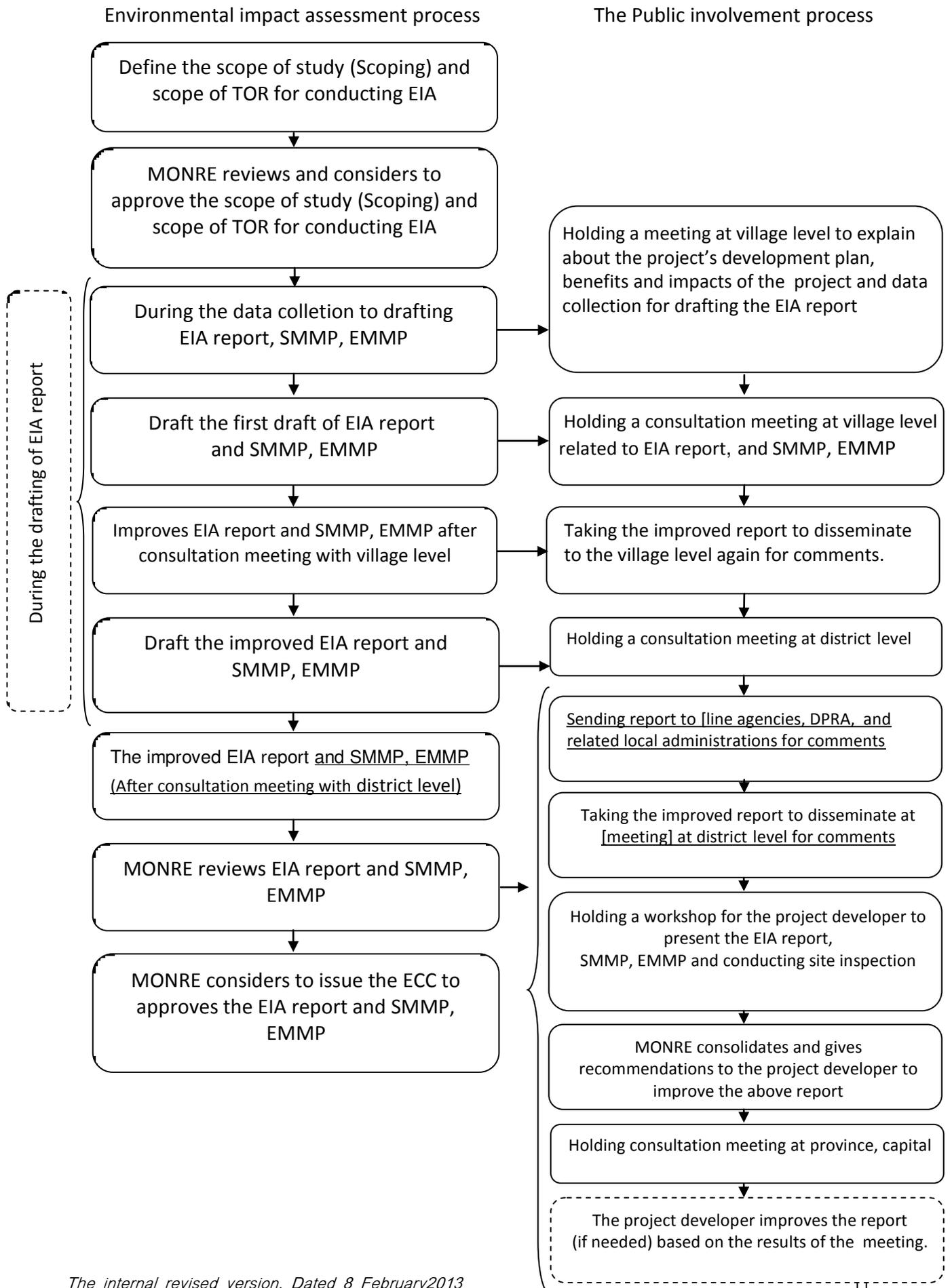
The project developer should present the improved EIA report consulted at the district level to MONRE for review which will hold consultation meeting at provincial, capital level to receive opinions from the local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people, related line agencies at

central level, local administration and other participants before the consideration of approval of the above report.

The consultation meeting should be conducted as follows:

- The project developer sends official letter to MONRE requesting for organizing a consultation meeting at provincial, capital level. MONRE collaborates with development project responsible agency and local administration to identify the participants, date, time and venue for the meeting. The related documents to be distributed to the participants who attend the meeting should be done at least 7 official working days. The participants who attend the meeting should consist of: representatives from the local people or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people from each village, the head of village, village mass organizations, related line agencies at district, province, capital levels and other participants;
- The project developer presents the EIA report and results of the consultation meeting at district level to the meeting at provincial, capital level;
- MONRE takes minutes of opinions of the participants who attend the meeting and share the minutes with the meeting. The minutes of the meeting should be certified by the province, capital, MONRE and the project developer;
- The project developer improves the EIA report based on the comments made by the province, capital and send submits it to MONRE for approval.

Flowchart 2: The public involvement in the process of environmental impact assessment (EIA)



2. The public involvement during the project's construction and operation or mining and mineral processing phases

a. Communication

The project developer should collaborate with line agencies and related local administrations to communicate with local people or groups of people (Youth, women, ethnic minority, the disadvantaged people), and the project affected people for information from time to time with regard to the implementation of the project which may generate environmental and social impacts. The impacts may generate from site clearance, rock explosion, transportation, use and storage of materials and hazardous chemicals, water discharge from water storage basin and others;

The project developer should collaborate with line agencies and related local administrations to disseminate documents with regard to environment and society which have been officially approved such as: initial environmental examination or environmental impact assessment, project concession agreement, mining and processing contract and others.

b. Information accessibility

The project developer should provide a convenience and ensure that the local people or groups of people (Youth, women, ethnic minority, the disadvantaged people), and the project affected people and other involved people can have access to information with regard to EIA report, SMMP, EMMP, and report on the implementation of prevention and mitigation measures on environmental and social impacts, SMMP, EMMP of the project from time to time. In order to be able for the project affected people and other involved people to have convenient access to information through different means such as: data and information, brochures, photos, notice board, newspaper, website and other.

c. Expression of opinions

- The local people or groups of people (Youth, women, ethnic minority, the disadvantaged people), and the project affected people can express their opinions on the project implementation through different ways such as:
 - Send their comments to the development project or related Government organizations through website, post and other.
 - Send complaints, appeals to the project developer and related Government administrations resulting from the implementation of the project which are wrong doing and unfairness under the law and regulations;
- The project developer: should create a mechanism to consider the opinions, appeals of the project affected people including the seeking solution measures and notify the local people and related Government administrations for information.
- Government organizations: should have a Grievance Unit to receive opinions, complaints and appeals from the project affected people including seeking solution measures which are transparent and fair for the local people.

3. The public involvement during the project decommissioning phase

The project developer in collaboration with [related] line agencies and local administration should communicate with local people to be aware of the time schedule, project closure plan and other activities to be carried out of the post-closure of the project.

For the mining project, the project developer shall take the pit closure plan and rehabilitation of the mineral mining area to consult with the project affected people, local administration and other involved people at the project area to be able for them to involve in planning and give comments on these plans.

The project developer should improve the above plans based on the comments from the consultation meeting and should be reflected the real context of the project before the implementation.

CHAPTER III PLANNING OF THE PUBLIC INVOLVEMENT

Before conducting the public involvement, the project developer should formulate a plan for the public involvement and then proposes it to the provincial, capital natural resources and environment, development project responsible agency, local administration and MONRE for consideration of approval.

The plan of the public involvement should consist of:

1. Dissemination of information of the project and defining the involved people

1.1 Dissemination of information of the project

The project developer should present the information including the IEE or EIA report and other information of the investment project containing the following information:

- Baseline information of the investment project
- Information with regard to the environment (physical, biological aspects and other)
- Information of socio-economic aspect (Health, education, culture, tradition, archaeological aspects....) for instance:
 - Number of population, age, sex, ethnicity, religion...
 - Poverty level, existing assets, income...
- Direct and indirect impacts on the environment, economy and society
- Resettlement of people of the project (If any)
- Gender balance of public involvement of the project
- And other information.

The information dissemination should be conducted through each village which is expected to be affected by the project. In case, the development project has population of ethnic minority which could not speak Lao, the information dissemination should be used local language, and use suitable methods and easily understand such as: photos, maps, brochures and other to ensure that the involved people understand the contents of the dissemination.

1.2 Identification of the involved people

The project developer should collaborate with local administration to identify the involved people which consist of as follows:

- The people who have directly and indirectly received benefits (People who Live and work at the project area);
- The people who are directly and indirectly affected by the project (People who Live and work at the project area and use resources at the project area);
- Related Government organizations (Ministry, equivalent Ministry);
- Related local organizations (Province, capital, district, municipality, village);
- National Front Organization and mass organizations;
- Other involved organizations (Donors, NGOs interested in the investment project, independent consultant, line business...);

The selection of involved people need to be paid special intention for having representatives from: women group, ethnic minority group, representative from village cluster, and disadvantage people who are affected by the investment project and who attend the above consultation meeting.

2. Activities of the involvement

For planning of involvement, the project developer has the duty to define various activities to reflect each phase of the investment project as follows:

- Disseminate information about feasibility study of economic and technical aspects, initial project design, scope of study (Scoping) and terms reference (TOR) for environmental impact assessment of the investment project;
- Survey and consolidate opinions of the local people related to the investment project, baseline information of the environmental and socio-economic aspects;
- Hold a meeting to disseminate information at village level to explain about the project development plan, benefits of the investment project and expected impacts on the environment and society;
- Hold a consultation meeting at the village, district and province, capital to present the IEE report or EIA report, EMMP and SMMP;
- Establish the communication centre at the project area, district and village where the project is located (Information Centre);
- Disseminate information through meeting and other media such as: television, radio, newspaper, and speakers for the local people to be aware of the information of the implementation of environmental and social management and solutions of environmental and social issues of the investment project;
- And other.

3. Identification of the time

The implementation of the public involvement starts from data collection and drafting the report. This includes the scope of study (Scoping) and term of reference (TOR) for EIA, initial data collection to draft the IEE report or EIA report, EMMP, SMMP until the

construction and operation phases of the project or extraction and processing and decommissioning of the project.

The time for conducting the process of public involvement in the process of environmental impact assessment consisting of three phases:

- (1) Data collection and report drafting phase;
- (2) Construction and operation or extraction- processing phases
- (3) Decommissioning phase.

Each phase is needed to define date, time of the public involvement to inform and ensure that the public can involve or express their full opinions.

4. Responsibility of parties

The planning of the public involvement should clearly indicate the responsibility of related parties in the implementation activities such as:

- The party responsible for the communication
- The party responsible for planning
- The party responsible for data collection and implementation
- The party responsible for decision making, policy planning and approval of related legislations
- The party responsible for monitoring

5. Implementation methodology

The planning of public involvement should clearly indicate the implementation methodology, technique and equipment to be used for the public involvement to reflect each time period and ensure the effectiveness of conducting the public involvement. Before using the technique and equipment in conducting the public involvement to help the information dissemination, it is needed to test and consider the suitability of practical situation and ensure that the local people understand and can have easy access to information.

6. Defining the budget

The project developer should define adequate budget to ensure the implementation of each activity for conducting effective public involvement in each phase. The budget estimation should comprehensively consider as follows:

- Holding consultation meeting : The project developer should be responsible for travel cost, accommodation of the participants (the project affected people and the related Government organizations from the central and local level), the cost of meeting venue and other expenses;
- Establishment of communication centre: The project developer should be responsible for the construction cost, cost for storage and provision of data and information including the rehabilitation cost for the entire life of the project;
- Information dissemination through other media;
- Study tour to visit the project.

On top of the defined budget for the activities, the project developer should be responsible for additional budget to conduct the public involvement in the case of inadequate budget or any activity which has not defined in the budget plan but perceiving as necessary.

CHAPTER IV

METHODOLOGY OF CONDUCTING THE PUBLIC INVOLVEMENT

1. Information dissemination

The project developer should disseminate information with regard to the project development plan, expected benefits and environmental and social impacts which will generate from the investment project for the project affected people and other involved people to be aware of. This includes the information of IEE report or EIA report, EMMP, SMMP. The objectives of the information dissemination are to disseminate information to the local people especially at the villages where the project is located and other involved people for information of the impacts occurred or will be occurred on the environment and society and receive information of the progress of the project from time to time.

Information dissemination to the public, the project developer may conduct any method or many methods as follows:

- Information dissemination via documents: is one of the methodologies which the project developer or the state organization can directly disseminate the right information and official information to the public to avoid receiving the wrong information. In addition, the project developer may consolidate important information in the IEE report or EIA report, EMMP, SMMP, law and regulations, and related policy in which these information can be conducted through various approaches such as:
 - Report: is the summary of important issues in the IEE report or EIA report, EMMP, SMMP including the decision making on any conflict related to the investment project;
 - Newsletter: is the information dissemination of actions of the investment project/company or other information which are interested by the project affected people and other involved people. Generally, the Newsletter is published with certain time period such as: [start from] 15 days or monthly.
 - Notification: is the information notification to the project affected people with regard to changes, or incidents which may generate impacts on environment and society, for instance the discharge of water from the dam, the use of chemical substances, site clearance, rock explosion, and other activities which generate impacts on the health of local people of the above areas. In some cases, the project developer should request a permit from related line agencies based on the procedures.
- Information dissemination through media: is one of the popular approaches which is generally used for information dissemination for the public widely but before using any media, the project developer should consider and be aware of the suitability of the practical local context. Information dissemination through media could be conducted through different approaches such as: video, television,

newspaper, magazine, brochures, notice board, radio, speakers, website and other.

- **Hotline news:** is to provide news about the investment project which has hot issues or is under the interests of the public through analysis, formal preparation to inform the public for information through media (Television, radio, speakers...). The provision of the above news should be continuously conducted from the start to end of those issues or until the goal is met.

News provision should be thinking of the important issues as follows:

- The news contents should be brief, up to date and fact;
 - Language used should be suitable with the target groups and local context;
 - Related organizations proceed the hotline news.
- **Information and Communication Centre:** is a service place to provide news and opinions from the public particularly information related to the investment project or activity which needs the public involvement.

In case, project is large scale and has capacity, it may establish the Science Study and Environment Centre to educate and build awareness for students and the interested local people who live around the investment project.

The establishment of Information and Communication Centre should be based on the conditions and basic factors as follows:

- The location of the Information and Communication Centre should be located in the area of local communities which they can have easy access;
 - The Information and Communication Centre at least should have 2 locations such as: community area where are affected by the investment project and main office of the investment project;
 - The information filling should be in good system, information must be regularly updated;
 - Information to be disseminated should be the information through analysis and summary;
 - Information to be disseminated should be in Lao (If necessary should be local language) and easy to understand.
- **Notice board:** should be placed in the area of development project which the public could easily see or placed at the near by the villages and other suitable areas. The contents of information dissemination through the notice board should consist of the baseline information as follows:
 - Name and address of the project developer;
 - The details of the investment project such as: objective, type, scale, layout, and maps showing the location of the project and other;
 - Information of benefits which local people who will receive from the investment project and negative impacts on the environment and society. In case there is resettlement, it is needed to provide details of compensation and resettlement of the project affected people;
 - Provision of the name and address of the person who the public can send official comments on investment project to the project developer;

- Provision of the date, time, and meeting venue in case of holding a meeting.
- The study tour to the project: is to take representatives from the local people or the project affected people who are affected by the investment project particularly the resettlement people and related local administration to visit the pilot project which has been implemented or to the resettlement area and new production area. For proceeding the study tour to the investment project, the project developer should collaborate with district, province, capital administrations to plan the above study tour to define the date, time, location, the representatives from the province, capital, district, and village, the elderly, conciliation person, mass organizations and the project affected people.

The study tour to the project consist of:

- The study tour to the pilot project under operation: is to bring the representatives of the project affected people to visit a project particularly at the infrastructure development area, resettlement area, and observation of livelihood improvement plan of the project affected people (compensation, trainings, provision of permanent livelihood and other) that the project developer regards as a project which similar operation or activities and has lessons learned and experience in the implementation of environmental and social management plan with standards and effectiveness. The objective of the study tour is to be able for the local people to be aware of and understand the policy of the implementation of the project development to build confidence to the local people with regard to the investment project.
- The visit of resettlement area and new production area: is to take the representatives of the project affected people to visit the new area or the host village area which the project expects to be developed as resettlement area and new production area for the project affected people, for instance the house construction, production area, infrastructure development area including the design, types of house, and other. The objective is to survey the opinions of the project affected people of the above areas.

2. Consultation and involvement in decision making process

The consultation is a discussion and exchange of opinions among local people or groups of people (Youth, women, ethnic minority, The disadvantage people), and the project affected people and other involved people, the project developer and related Government organizations for them to express their opinions, concerns in various issues of the investment project. In addition, the state organization and the project developer shall consider the opinions and concerns of the above issues to improve the project development plan and other related documents. The implementation of consultation is to distribute information to the local people and related line agencies to understand the activities implementation of the investment project. Furthermore, consultation has objective to open an opportunity for the project affected people and other involved people to involve in the decision making process with regard to the investment project.

The conducting consultation should be proceeded as follows:

The project developer should collaborate with [Line agencies] and [related] local administration to conduct consultation and listen to the opinions of local people or groups of people (Youth, women, ethnic minority, The disadvantage people), the people who are

directly and indirectly affected by the investment project related to the project development plan, scope of study (Scoping) and term of reference (TOR) for EIA, IEE report or EIA report, EMMP, SMMP. In addition, the project developer in collaboration with the related organizations should take IEE report or EIA report, EMMP, SMMP to consult with the local people who are directly and indirectly affected by the investment project at each level (Village, district, province, capital levels).

The project developer should collaborate with line agencies and related local administration, development project responsible agency, MONRE to conduct a survey of opinions of the public or groups of people (Youth, women, ethnic minority, the disadvantage people). The data of survey of opinions is needed to consolidate and analyze especially the important issues which the public is interested in and these issues shall be taken into account during the improvement and review of IEE report or EIA report, EMMP, SMMP.

The survey of opinions can be conducted through various methods and other methods as follows:

- Interview: is one of the methods to collect information and opinions from the local people or groups of people (Youth, women, ethnic minority, the disadvantage people) who have received positive and negative impacts from the investment project. The interview of a person who has received the impacts from a investment project could be conducted through various methods such as: discussion, use of interview forms or questionnaires, voice record and photos (Agreed by the interviewee), interview with no disclosure of the name of the interviewee or disclosure of the name of the interviewee, interview with specific person or group of people. Before the interview is conducted, the interviewer should introduce the objective and goal of the interview to the interviewee for information and should get permission of the interviewee.
- Provision of opportunity for the public to express their opinions: is one of the methods which the project developer, development project responsible agency or organizations responsible for the review of IEE report or EIA report, EMMP, SMMP to be used to provide opportunity for the project affected people and other involved people to express their opinions on the IEE report or EIA report, EMMP, SMMP of a project particularly during the review of the above reports and plans. Express of opinions could done via website, post, fax and other which need to clearly define the timeline for provision of opportunity for expression of opinions.
- Consultation through a meeting: is one of the methods to make a survey of the opinions of the local people or or groups of people (Youth, women, ethnic minority, the disadvantage people), the project affected people and other involved people with regard to a investment project, particularly the positive and negative impacts on the environment and society resulting from the project including providing the solution and mitigation measures for these impacts. The details of consultation via a meeting is defined in Chapter II of these guidelines.

3. Issues and conflicts solution

In order to ensure the fairness between the project affected people and the project developer, the project affected people can propose their concerns to resolve any environmental and social issue of the investment project or propose their complaints and conflicts with regard to land acquisition, compensation, resettlement of people and environmental issue to be conducted as follows:

- Sending the complaint to the project developer: through the Grievance Unit of the project to resolve the issue based on the consultation and transparent method aiming for the solution of the issue by agreed with each other at the project level.
- Sending the complaint through each village administration (Village, district and province, capital) for the project developer to resolve the issue.
- Sending the complaint to the Conflict Resolutios Committee: in case village establishes a committe of conflict resolution, the project affected people and other involved people can draft a complaint or verbal reporting to this committee in each village to consider and resolve the isse based on law and regulations. If the environmental issue could not be resolved, the issue is required to be sent to the National Project Steering Committee.
- Sending the complaint to Ministry of Natural Resources and Environment in case of severe emergency impacts on the environment or in case of environmental issue could not be resolved at the level of local adminstration.
- Sending the complaint to the court: in case the issue can not be resolved, the affected people and send appeals to the court based on the procedures and law and regulations.

CHAPTER V

EXPECTED OUTPUTS OF THE INVOLVEMENT OF STAKEHOLDERS

The public involvement can bring substential benefits to the project affected people, the Government, the project developer and other involved people as follows:

1. The project affected people

- Acknowledge the detailed and correct information of the investment project;
- Have an opportunity to express their opinions and propose different issues related to the investment project, project design, construction, operation [or mineral extraction and processing] and project decommissioning phases;
- Give comments on the IEE report or EIA report, EMMP, SMMP during drafting and review of these reports;
- Acknowledge the expected impacts of the investment project and the right to receive compensation including the resettlement and livelihood restoration of the project affected people;
- Acknowledge the benefits to be received from the development project and other opportunity that the local people will receive better livelihood improvement such as health, infrastructure, income generation and other;
- To be a tool for local people to have opportunity to propose their ideas for issue and conflict resolution resulting from the investment project.

2. The Government organizations

- To be able for the local people understand the directives, policy, strategy and socio-economic development plan of the Government.
- To be able for the Government to build as trust that the project developer has taken the comments of the local people to into the project plan and project design;
- To be able for the communication between related Government line agencies at each level (province, capital, and district) is inified at the implementation and management of the investment project;
- To create an opportunity for related Government line agencies to have accurate information and be aware of the opinions of the local people on the investment project to consider while reviewing IEE report or EIA report, EMMP, SMMP and monitoring of the implementation of EMMP, SMMP;
- To be information for the Governmnet to consider to approve the investment project.

3. The project developer

- To be able for the majority of the local people understand the project development plan, cooperate in implementation of the project and mitigate risks which cause conflicts due to misunderstanding of the local people and avoid the delay of consideration of the approval of the investment project;
- To help the project developer to receive information with regard to the need, attitude and volunteery of the local people to ensure that the project plan and design reflect the real context and have comprehensive information to avoid and reduce the impacts on the environment and society;
- To draft the correct and comprehensive IEE report or EIA report, EMMP, SMMP of the investment project and reflect the real local context.

4. Other involved people

- To receive detailed and accurate information related to the project;
- To have an opportunity to give usefull comments on IEE report or EIA report, EMMP, SMMP including the project development plan;
- And other.

CHAPTER VI

DIVISION OF RESPONSIBILITY OF THE PUBLIC INVOLVEMENT

2. Natural Resources and Environment Offices of the District, DONRE of Province and Capital

Natural Resources and Environment Offices of the District, DONRE of Province and Capital have the responsibility of the public involvement process as follows:

- To provide cooperation and provision of the data to the project developer during data collection to draft the report;
- To take lead in holding meeting at village level (Natural Resources and Environment Office of district), at provincial level (Provincial , Capital DONRE) to

disseminate information of the investment project and consultation on IEE report or EIA report, EMMP, SMMP;

- To inform and advise the project affected people and other involved people to participate the public involvement;
- To collaborate with the project developer and other stakeholders to conduct consultation process with regard to compensation, resettlement and livelihood restoration of the project affected people.
- To review and provide technical comments on IEE report or EIA report, EMMP, SMMP;
- To take lead in solutions of conflicts associated with investment project.

3. Related line agencies

2.1 Related line agencies have the responsibility on the public involvement as follows:

- Attend the consultation meeting at village, district, provincial, capital levels;
- Give technical comments related to the investment project.

2.2 For the [development project responsible agency], it has the responsibility on the public involvement as follows:

- Attend the consultation meeting at village, district, provincial, capital levels;
- Give technical comments related to the investment project.
- Collaborate and cooperate with provincial, capital DONRE to identify the participants, date, time and the meeting venue which is defined in Chapter II, heading 1.1.

4. Ministry of Natural Resources and Environment

Ministry of Natural Resources and Environment has the responsibility for the public involvement as follows:

- Collaborates with line agencies and [related] local administration in the process of the public involvement;
- Takes lead in holding consultation meeting at provincial, capital level;
- Attends the consultation meeting at the district level;
- Provides recommendations and technical comments on the investment project;
- Reports to its Superior for information.

5. The project developer

The project developer has the responsibility in the process of the public involvement as follows:

- Consolidates information of negative and positive impacts including the prevention measures, solution and various impact mitigation and disseminate these to the local people for information;

- Consolidates information, plans and different measures to disseminate to the local administration, development project responsible agency, the project affected people and other involved people for information;
- Establishes Information and Communication Centre of the development project for the public to be aware of the project;
- Takes the opinions from consultation meetings to improve the IEE report or EIA report, EMMP, SMMP of the investment project;
- Formulates plan to conduct the public involvement of the investment project, defines the timeline for implementation of the public involvement and submit these plans to related line agencies for consideration.

CHAPTER VII THE IMPLEMENTATION

The Ministry of Natural Resources and Environment, provincial, capital DONRE, District Natural Resources and Environment Office, Municipality collaborate with stakeholders together expand and effectively implement these guidelines.

These guidelines will be used for the implementation of the public involvement which are defined in the Decree on Environmental Impact assessment No. 112/PM, dated 16 February 2010.

Vientiane Capital, Date....., January 2013

The Minister of
Ministry of Natural Resources and Environment