LIVESTOCK WASTE MANAGEMENT IN EAST ASIA PROJECT

POLICY FRAMEWORK FOR RESETTLEMENT OF
PROJECT DISPLACED PERSON IN THAILAND

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### ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ARP</td>
<td>Abbreviated Resettlement Plan</td>
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<tr>
<td>B.E.</td>
<td>Buddhist Era</td>
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<tr>
<td>DOLA</td>
<td>Department of Local Administration</td>
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<td>DOLD</td>
<td>Department of Livestock Development</td>
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<td>DPs</td>
<td>Displaced persons</td>
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<tr>
<td>MOAC</td>
<td>Ministry of Agriculture and Cooperatives</td>
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<tr>
<td>MOI</td>
<td>the Ministry of Interior</td>
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<tr>
<td>LEDS</td>
<td>Livestock Environment Development Section</td>
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<tr>
<td>NGOs</td>
<td>Non governmental organizations</td>
</tr>
<tr>
<td>NSC</td>
<td>National Steering Committee</td>
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<tr>
<td>OP</td>
<td>Operational Policy</td>
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<tr>
<td>PIU</td>
<td>Project Implementation Unit(s)</td>
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<tr>
<td>PLO</td>
<td>Provincial Livestock Office</td>
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<tr>
<td>PMU</td>
<td>Project Management Unit</td>
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<tr>
<td>RP</td>
<td>Resettlement Plan</td>
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<tr>
<td>RTG</td>
<td>Royal Thai Government</td>
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<tr>
<td>Sangka Council</td>
<td>Buddhist Religious Council</td>
</tr>
<tr>
<td>Tambon</td>
<td>Sub-district</td>
</tr>
<tr>
<td>TAO</td>
<td>Tambon Administrative Organization</td>
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### EQUIVALENTS

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Rai</td>
<td>Thai measurement of land unit, equal to 400 Wah² or 1600 m²</td>
</tr>
<tr>
<td>Wah²</td>
<td>Thai measurement of land, equal to 0.0025 Rai or 0.007 Acre or 400 m²</td>
</tr>
</tbody>
</table>
Section 1: Introduction

A. The Project

1. This Project addresses a significant cause of land-based pollution of the South China Sea and the Gulf of Thailand: environmentally unsustainable commercial livestock production. The major objective of the Project is to reduce negative impacts, at national and international levels, of rapidly increasing livestock production and its subsequent environmentally destructive waste management in selected demonstration areas in China, Thailand and Vietnam. The expected Project outcome is the reduction of land-based pollutions in the national and international waterways, which in the case of Thailand, is the Gulf of Thailand and the South China Sea. The Project also aims at replication in other areas. This Project focuses on the implementation of cost-effective swine waste management in selected sites in Thailand, Vietnam and Guangdong Province in China that borders the South China Sea.

2. The proposed Project consists of four components: 1 Conducive policy framework; 2 Demonstration of livestock waste management; 3 Development of decision support tools and regional co-ordination; and 4 Project management and monitoring. The first component is expected to lead to the development and implementation of policies for both livestock production and waste management with strengthened and better-enforced regulations, more effective institutions and financial incentives. The outcome of the second component would be demonstrations in micro-watersheds with improved livestock waste management including the establishment of improved nutrient-balances in surrounding agricultural land. The third component would develop common decision support tools for policy makers and promote the exchange of experiences and lessons learned amongst the three participating countries directly involved in the Project as well as those bordering the South China Sea. The last component would result in efficient project management and effective monitoring of the political/institutional and environmental changes brought about by the Project.

3. In Thailand, the project sites selected for the second component, i.e., Demonstration of Livestock Waste Management, are in two (2) provinces namely: Pak Tho District of Ratchaburi Province and Ban Bung District of Chon Buri Province.

5. The World Bank Pre-feasibility mission was fielded in Thailand during September 26-October 1, 2004. After the field trip to Ratchaburi Province on September 29, 2004, information on current land value at market price was collected. The price is 100 000 Baht (USD 2 500) for 1 Rai of land already improved and around 70 000 – 80 000 Baht (USD 1 750 – 20 000) for 1 Rai of land that is bought just as it is. After the field trip to Chon Buri Province on September 30, 2004, further information on land value was collected. In general, the current market price of land is around 500 000 Baht (USD 12 500) for 1 Rai of land already improved and around 150 000 Baht (USD 3 750) for 1 Rai of land that is bought just as it is. Should land acquisition be necessary, the size of land will be small. The SA national consultant estimates that the land to be appropriated should not be more than 50 Wah (200 m²) at the most.

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1 Per com. with Mr. Sa-ard SaePeng, owner of Sa-ard Farm.
6. Based on the findings of the SA Expert, other local experts and the technical consultants’ design of component 2, it is the opinion of the National Steering Committee (NSC) that the establishment of livestock waste treatment systems in the currently identified demonstration sites will not require land acquisition and resettlement. However, limited land acquisition and resettlement may be required in demonstration sites to be selected by the project in the future. In order to provide a framework for appropriate implementation arrangements for such land acquisition and relocation, a Resettlement Plan (RP) or an Abbreviated Resettlement Plan (ARP) is prepared in accordance with this Resettlement Policy Framework.

B. Policy Framework

5. The resettlement policy framework is prepared on the basis of the World Bank Operational Policy (OP) 4.12. The principle objectives of the Policy Framework are to ensure that: 1 involuntary resettlement should be avoided if possible and other alternatives should be explored; and 2 if involuntary resettlement is unavoidable, displaced persons (DPs) should be meaningfully consulted and assisted in their efforts to improve their livelihoods and living standards or at least to restore them to pre-project levels. This process should be interactive and participatory and the project should avoid at all cost to make the people feel that they are being forced upon, but that they resettle for the benefits of themselves and their families as well as for the general public.

6. The Policy Framework outlines the principles and objectives, eligibility criteria of DPs, their entitlements, legal and institutional framework, modes of compensation and rehabilitation, peoples participation features and grievances procedures that will guide the compensation, resettlement and rehabilitation of DPs.

C. Displaced Persons (DPs) and Other Stakeholders

7. According to the World Bank’s revised OP/BP 4.12, DPs may be classified in one of the following: 1 Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); 2 Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets – provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and 3 Those who have no recognizable legal right or claim to the land they are occupying. 2 The land could be residential land, agricultural land, land for business enterprises and/or other kinds of land such as temples and schools.

8. While displaced persons are primary stakeholders because they are people affected by the project, other stakeholders are the host populations in the planned resettlement sites and the implementing agency. All stakeholders, particularly the DPs and their representatives, should be involved in all stages of the project cycle.

9. The DPs include the following persons to be identified by the baseline information collected for each of the Resettlement Plans (RP’s):
   (a) Persons whose houses are in part or in total affected (temporarily or permanently)

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by the project;
(b) Persons whose premise and/or agricultural land is in part or in total affected (permanently or temporarily) by the project;
(c) Persons whose businesses are affected in part or in total (temporarily or permanently) by the project; and
(d) Persons whose crops (annual and perennial) and trees are affected in part or in total by the project.

D. Principles and Objectives

10. This policy framework is based on the principles concerning involuntary resettlement outlined in the Bank’s OP 4.12. They are:

1. Acquisition of land and other assets, and the resettlement of people will be minimized as much as possible.
2. All DPs residing, working, doing business or cultivating land in areas allocated for construction of communal waste management plants, transmission infrastructure (pipelines, channels, etc.) and access roads, etc. under the project as of the date of baseline surveys are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels. Lack of legal rights to the assets lost will not bar the DPs from entitlement to such rehabilitation measures.
3. The rehabilitation measures to be provided are: 1) Compensation at the replacement cost without deduction for depreciation or salvage materials for houses and other structures; 2) Agricultural land for land of equal productive capacity acceptable to the DPs; 3) Replacement of premise land of equal size acceptable to DPs, and; 4) Transfer and subsistence allowances.
4. Replacement premise and agricultural land will be minimized and the rehabilitation means will be provided to the DPs prior to the expected start-up date of works in the respective Project site.
5. Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the DPs, to ensure minimal disturbance. Entitlements will be provided by DPs prior to expected start-up of works at the respective project site.
6. The previous level of community services and resources will be maintained or improved.
7. Financial and physical resources for resettlement and rehabilitation will be made available, where and when required.
8. Institutional arrangements will ensure effective and timely design, planning, consultation and implementation of the inventories and RPs.
9. Effective and timely supervision, monitoring and evaluation of the implementation of the RPs will be carried out.

E. Resettlement Plan (RP)

11. Based on Annex A of the OP 4.12, December 2001 (Involuntary Resettlement Instruments), the elements of a resettlement and an abbreviated resettlement are summarized in the sections below.
12. For Thailand, the National Steering Committee (NSC) and the Project Management Unit (PMU) [the Livestock Environment Development Section (LEDS)\(^3\)] when preparing resettlement plans should seek advice from the Department of Irrigation and the Department of Land, both of which are under the MOAC. They have extensive experience in land appropriation.

**Resettlement Plan**

13. In the case of more than 200 people of each of the two (2) provinces selected for demonstration component affected by the project, an RP for each demonstration site will be prepared by the PMU in close collaboration with relevant provincial and local authorities as well as the Implementing Agency. The RP will be furnished by the PMU under the NSC to the World Bank for its concurrence.

1. Description of the project;
2. Potential impacts of the project;
3. Objectives of the resettlement program;
4. Socio-economic studies;
5. Legal framework;
6. Institutional framework;
7. Eligibility of DPs;
8. valuation of and compensation for losses;
9. Housing, infrastructure, and social services;
10. Participation and consultation;
11. Integration with host populations;
12. Grievances procedures;
13. Organizational schedule;
14. Cost and budget; and,
15. Monitoring and evaluation.

14. Each RP will be completed no later than six months prior to the estimated date for commencement of the works. Each RP will be furnished to the World Bank for consideration no later than three months prior to the actual initiation of the works under the project. Compensation, resettlement and rehabilitation activities will only commence after the World Bank has found acceptable the respective RP and the project NSC and the respective Provincial authority have approved it. The compensation, resettlement and rehabilitation activities will be completed before awarding contracts of civil works for each demonstration site.

15. In the case that the entire number of DPs is less than 200 people for each selected demonstration site, an ARP will be prepared by the PMU in close collaboration with relevant provincial and local authorities as well as the Implementing Agency. The RP will be furnished by PMU under the NSC to the World Bank for its concurrence.

16. Each ARP covers the following elements:
   (1) A census survey of displaced persons and valuation of assets;
   (2) Description of compensation and other resettlement assistance to be provided;
   (3) Consultation with displaced people about acceptable alternatives;

\(^3\) The LEDS is a section of the DOLD, which is a department of the MOAC.
(4) Institutional responsibility for implementation and procedures for grievances redress;
(5) Arrangements for monitoring and implementation: and
(6) A timetable and budget

17. The ARP will be completed no later than four months prior to the estimated date for commencement of the works under the project. Each ARP will be furnished to the World Bank for consideration no later than three months prior to the actual initiation of the works under the project. Compensation, resettlement and rehabilitation activities will only commence after the World Bank has found acceptable the respective ARP and the NSC and respective Provincial authority have approved it. The compensation, resettlement and rehabilitation activities will be completed before awarding the contracts of civil works for each demonstration site.

Section 2: Institutional and Legal Framework

A. Institutional Framework

18. The responsibility for the preparation and implementation of the policy framework and RPs are:
   a) The overall responsibility for enforcement of the Policy Framework and for planning and implementing RP’s rests with PMU under NSC; the project Provincial authorities and their relevant departments/institutions. The PMU is responsible for preparing RP’s and for the day-to-day implementation thereof within their respective jurisdiction. Local level authorities will actively engage in the preparation and implementation of RP’s. In order to have RPs acceptable to the World Bank to implement RPs smoothly, the PMU under the NSC is responsible for: (i) hiring qualified consultants to prepare RPs; (ii) appointing qualified social safeguard staff for PMU.
   b) Funds for implementing RP's will be from counterpart funds based on budgetary requirements established by local governments (provincial, district and TAO)\(^4\) in consultation with the DP's.

B. Legal Framework

19. The legal frameworks governing the implementation of RP's are the World Bank OP 4.12 on Involuntary Resettlement and the legal framework and policies of the Government of Thailand.

20. Under the Thai Constitution of 1997, Chapter 1 concerns eminent domain, which sets the general rules on appropriation of immovable properties. That is, the objectives, the Decree defining the zone of land to be appropriated, the public announcement, the fact-finding survey, the evaluation of initial price of immovable properties and compensation, and the appropriation of religious land.

\(^4\) A TAO sets a budget to incorporate into the District’s budget, which in turn is part of the Provincial budget to be requested from the Department of Local Administration (DOLA), the Ministry of Interior (MOI).
21. The Act of Eminent Domain (B.E. 2530; A.D. 1987) defines “government official” as “ministry, department, local administration, enterprises, or others vested by the government to have the authority of eminent domain.” The definition of “Local Council” is “provincial council, municipal council, sub-district council, Bangkok Metropolitan Council, regional council, Pattaya District Council, public health committee or other councils that are responsible for local administration as established by law.”

22. The project in Thailand’s context will be the responsibility of the Ministry of Agriculture and Cooperatives (MOAC), specifically the Department of Livestock Development (DOLD). According to the Act of Eminent Domain (B.E. 2530; A.D. 1987), MOAC will vest the authority to the DOLD that will in turn vest its authority to the Livestock Environment Section (LES). The LES together with a representative from Livestock Environment Section (LES) The Act of Eminent Domain om the Department of Land, a number of representatives from the Local Council, and other relevant agencies will set the primary price of immovable properties to be appropriated and the amount of cash compensation to individuals according to Section 18. The MOAC will be informed of the estimated amount of cash required for appropriation of immovable properties. The MOAC will set a budget of this amount to be approved by the cabinet. Once approved, the budget will be allocated to the DOLD’s LES, which will act as the PMU and set up the PIU that has authorities over Provincial Livestock Office (PLO).

23. In Section 5, eminent domain can be used for various purposes including agricultural development and industries, but before the actual implementation, it has to be endorsed by the Cabinet as a Decree. Then, the Section 6 of the Decree would identify the zone of land to be appropriated. Section 6 has to identify: 1 The objective of land appropriation; 2 The responsible government official; and 3 The zone of land to be appropriated as necessary.

24. In Section 18 concerning financial compensation states that eligible individuals are:

1. The legal land owner
2. The owner of immovable properties on the land to be appropriated
3. The legal renter of immovable properties on the land to be appropriated
4. The owner of trees grown on the land to be appropriated
5. The owner of movable properties on the land to be appropriated will be compensated for removal of the properties, the cost of transport, and the reconstruction of those movable properties.

5 Provincial Council is an elected part of a Provincial Administrative Organization (PAO). PAO comprises an elected provincial council that functions as legislative branch and an executive board. Until 1997 the provincial governor was by law the chief executive of a PAO. The amendment of the Provincial Administrative Organization Act in 1997 allows a chief executive to be elected by the councillors.

6 Municipal Council functions as a legislative branch, while the municipal executive board functions as the executive branch of a municipality. In Thailand, there are 9 City municipalities, 89 Town municipalities, and 48 Tambon municipalities.

7 Sub-district council is a consultative body that gives advice to the chief of Tambon. A Tambon is a rural administrative division at a sub-district level comprising a few villages. Since 1972, every Tambon in the country has a Tambon council, consultative body that gives advice to the chief of a Tambon. The chief and the Tambon council are part of the provincial administration under the supervision of a district officer and the provincial governor.
6. The individual who has paid but loses his/her usufruct rights to walk ways, water pipe, sewage pipe, electricity lines or others which pass the land to be appropriated.

25. With regard to the amount of financial compensation, Section 21 states that the factors to be taken into consideration are:
   1. The normal market price of immovable properties to be appropriated
   2. The price of immovable properties evaluated for the purpose of local taxation
   3. The estimate cost of land for the purpose of fee collection in the registration of right and juristic acts.
   4. Condition and location of the immovable properties
   5. Causes and objectives of the appropriation

26. Section 24 states that financial compensation does not cover: 1 New construction, agriculture, improvement of land rental that occurs after the Decree; 2 New construction, agriculture, improvement of land rental that occurs after the Decree with the purpose to cheat the state to get compensation that he/she does not have the right to.

27. In the case of international Agreement signed by the Government of Thailand which policy on land clearance, resettlement differ from the policy of the Government of Thailand, the policy set forth in the Agreement will be followed.

28. Therefore, in approving this Framework (before the negotiation of the project), the Government grants the above-mentioned required waivers and authorizes NSC, PMU and project provinces to provide: (a) compensation at replacement cost without deduction for depreciation and salvage materials, for land, houses and other assets taken by the project; and (b) to provide compensation and resettlement assistance in lieu of compensation all affected persons regardless of without title to the assets lost.

29. In submitting RP to the World Bank for clearance, letters of the Project Provincial Governors on agreements in implementing the policy set forth in RP are required.

Section 3: Entitlement Policy

30. There are four groups of land whose owners are entitled to compensation because they agree to or have to resettle due to the Project. They are the owners of residence, the owners of agricultural land, the owners of businesses, and the public land/institutions owned by the community.

(a) DP’s losing residential land and household/structure
   1. The mechanism for compensating loss of residential land and structures will be: 1 The provision of replacement residential land (house site and garden of equivalent size, satisfactory to the DPs or each cash compensation at replacement cost according to DPs choice; and 2 cash compensation reflecting full replacement cost of the house/structures, without deduction for depreciation salvage materials or compensate in kind according to DP’s choice.
2. If residential land is only partially being affected by the Project and the remaining areas are not sufficient for reorganizing DPs house then at the request of the DPs, the entire residential land will be acquired at full replacement cost, without depreciation.

3. If house/other structure is only partially being affected by the Project and the remaining areas are not convenient to using, the house/structure will be acquired at full replacement cost, without depreciation.

4. Tenants, who have leased a house for residential purposes will be provided with a cash grant of six months rental fee at the prevailing market rate in the area, and will be assisted in identifying alternative accommodation.

(b) DPs losing agricultural and productive land and crops

1. The general mechanism for compensation of lost agricultural land will be through provision of “land for land” arrangements of equal productive capacity, satisfactory to the DPs.

2. However, if the DP prefers to receive cash compensation then the following applies:
   - if the portion of the land to be lost represents 25% or less of the total area of the landholding, and the remaining land is still a viable economic holding, cash compensation, at full replacement cost, may be provided to the DPs; or
   - if the portion of the land to be lost is more than 25% of the total area of a land holding and the remaining holding is not viable the Project will acquire the entire landholding and provide cash compensation at full replacement cost.

3. DPs will be compensated for the loss of standing crops and fruit or industrial trees at market price. Productive trees will be compensated at replacement cost.

4. DPs whose land is temporarily taken by the works under the Project will be compensated for their loss of income, standing crops and for the cost of soil restoration and damaged infrastructure. Land will be rehabilitated after the project construction by PMU.

(c) DPs losing business

The mechanism for compensating loss of business will be: 1 The provision of alternative business site of equal size and accessibility to customers, satisfactory to the DP; 2 cash compensation for lost business structure reflecting full replacement cost of the structures, without depreciation; and 3 cash compensation for the loss of income during the transition period.

(d) In the case of cultural or religious institutions such as temples, the transfer of temple land ownership to the government has to be endorsed by the Sangka Council. (Sangka Council Act, Chapter 5, Section 34.)

31. DP’s will also be provided compensation at full replacement cost, without deduction for depreciation and salvage materials for any other fixed assets affected in part or in total by the project, such as tombs and water wells, etc.

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* http://www.lawonline.co.th
32. Given the nature of project impacts, the losses affecting DPs have been classified into seven categories. The entitlement matrix is attached (see Annex 1)

Section 4: People’s Participation

33. All the stakeholders, particularly the DPs and the host communities should participate throughout the various stages of the planning and implementation of RPs. Prior to the preparation of RPs, the DPs will be fully informed of the provisions of this Policy Framework at public meetings such as civil society meetings held by the community leaders and the respective NSC, its PMU, PIU as well as the local authorities.

34. The people’s participation, in particular by the DPs and host communities should follow the following procedures:
   1. A description of the strategy for consultation with and participation of DPs and host in the design and implementation of the resettlement activities;
   2. A summary of the views expressed and a careful consideration of how to take the expressed skill into account in preparing the resettlement plan.
   3. A review of the resettlement alternatives presented and the choices made by DPs on available option, including choices related to form of compensation and resettlement assistance.
   4. Institutionalized arrangements so that DPs can communicate their concerns to Project authorities throughout planning and implementation.

Section 5: Baseline Information

35. Baseline information could be obtained through a) a DP Census and Inventory and b) detailed socio-economic surveys, which should be conducted as early as possible during project implementation and with the involvement of potentially DPs.

36. The DP Census and Inventory will include the following information:
   (a) number of persons and names;
   (b) number, type, and area of the houses lost;
   (c) number and area of all the residential plots lost;
   (d) number, category and area of agricultural land lost;
   (e) quantity and types of crops and trees lost;
   (f) businesses lost including structures, land and other fixed assets;
   (g) productive assets lost as a percentage of total productive assets;
   (h) quantity and category of other fixed assets affected by the project; and
   (i) Temporary damage to productive assets.

37. The inventory form is attached (see Annex 2)

38. The entitlements of assets and land affected are calculated based on the above information in an “Entitlement Form” (see Annex 3).

39. The socio-economic survey will cover the following topics:
Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

- Standard characteristics of displaced households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;

- The magnitude of the expected loss—total or partial—of assets, and the extent of displacement, physical or economic;

- Information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and

- Provisions to update information on the displaced people’s livelihoods and standard of living at regular intervals so that the latest is available at the time of their displacement.

The survey or census should be accompanied by descriptive studies on the following topics:

- Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including finishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;

- The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;

- Public infrastructure and social services that will be affected; and

- Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

It should be noted that it is crucial that whenever possible, the data and information should be dis-aggregated by gender.

The outline for the socio-economic survey is attached (see Annex 4).

The National Steering Committee (NSC) needs to seek assistance from other government agencies that are familiar with land appropriation. In Thailand, they are the Department of Irrigation that has to appropriate land to build several large scale dams and the Department of Land that has to appropriate land to construct several roads and highways. They will be able to provide the evaluation of immovable properties, residence and structures.

The RP would make use of the baseline information obtained through baseline surveys or census and other qualitative information on DPs as well as the information on inventories made available by the Department of Irrigation and the Department of Land.
Section 6: Implementation Arrangements

A. Implementation Schedules

45. The RP implementation schedule for each of the two selected sites should cover all resettlement activities from preparation through implementation. It should include target dates for the achievement of expected benefits to DPs and host communities, as well as, the target dates for terminating the various form assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the Project’s civil works implementation schedule.

46. Payment of compensation and furnishing of other restoration/assistance entitlements (in cash or in kind), and relocation if that be the case, will be completed prior awarding contracts for civil works.

B. Institutional Arrangement

47. The PMU will arrange adequate and experienced staff to make up the PIU in each district of each province to as certain that the RP in each site will be implemented smoothly as according to approved schedules.

C. Complaints and Grievances

48. There should be affordable and accessible mechanisms for third-party resettlement of disputes arising from resettlement that take into account the availability of judicial recourse and community dispute settlement mechanisms.

49. Those who have the right to compensation according the right Section 18, but are not satisfied with the amount of financial compensation for their immovable properties have the right to appeal to the relevant Minister according to the Decree or who the Minister in charge within 60 days after formal notification from the government personal vested with the power of Eminent domain. To consider the appeal, the relevant Minister is to set up a committee consisted of experts in Law and experts in the evaluation of immovable properties, totalling at least 5 members. The committee has to state their opinions to the Minister who will judge the appeal within 60 days since the days the appeal is made.

50. In the case where the individuals are not satisfied the judgment of the Minister or in the case where the Minister has not made any judgment within the time limitation, the individual has the right to make an appeal to the court of justice within 1 year since the day receives the judgment from the Minister or since the day of limitation. If the court made a judgment to increase the financial compensation, the individuals are to receive the compensation at the highest interested rates of the Government Saving Bank.

D. Supervision, Monitoring and Evaluation

51. Arrangements for internal monitoring of resettlement activities by the PIU should be made and should be supplemented by independent monitoring by monitors that the PMU (RTG’s Department of Livestock Development) and the Bank considered appropriate. This is
to ensure complete and objective information. Male and female DPs and the host community representatives should participate in the whole process.

52. Internal monitoring and supervision will:
(a) Verify that the baseline information of all DP’s has been carried out and that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements has been carried out in accordance with the provisions of this Policy Framework and the respective RP.
(b) Oversee that the RP’s are implemented as designed and approved.
(c) Verify that funds for implementing the RP’s are provided to the PMU in a timely manner and in amounts sufficient for their purposes, and that such funds are used by the PMU in accordance with the provisions of RP.
(d) Record all grievances and their resolution and ensure that complaints are dealt with in a timely manner.

53. Independent Monitoring: An independent agency or agencies or individual consultant will be retained by the PMU to periodically carry out external monitoring and evaluation of the implementation of RP’s. The independent agencies will be academic or research institutions, Non-Governmental Organizations (NGOs) or independent consulting firms, all with qualified and experienced staff and terms of reference acceptable to the World Bank.

54. In addition to verifying the information furnished in the internal supervision and monitoring reports of the PMU, the external monitoring agency will visit a sample of 20% of household DPs in each project province six months after each RP implementation to:
(a) Determine whether the procedures for DPs participation and delivery of compensation and other rehabilitation entitlements have been done in accordance with this Policy Framework and RP.
(b) Assess if the Policy Framework objective of enhancement or at least restoration of living standards and income levels of DPs have been met.
(c) Gather qualitative indications of the social and economic impact of project implementation on the DPs.
(d) Suggest modification on the implementation procedures of RPs, as the case may be, to achieve the principles and objectives of this Policy Framework.

Section 7: Cost and Budget

55. Each RP will include detailed cost of compensation and other restoration/assistance entitlements and relocation of DPs, if that be the case, with a breakdown by agricultural land, residential land, business land, and public land/assets that belong to the community. The cost estimates will make adequate provision for contingencies.

56. Sources of funding for the various RP activities will be clearly specified in the cost tables. For the Livestock Waste Management in East Asia Project, funds for implementing RPs will be provided from the counterpart funds based on budgetary requirements established by the provincial government in consultation with the DPs.
## Annex 1

### Entitlement Matrix

<table>
<thead>
<tr>
<th>No</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Temporary acquisition of productive land</td>
<td>All DPs have trees, crops, other assets</td>
<td>DPs with/without land certificate included in the inventory or able to prove land occupancy prior to cut-off date.</td>
<td>- Cash compensation for affected trees at the replacement cost plus cost for cutting trees, crops at market price. Number of crop patterns to be compensated based on the time of temporarily acquired of land. - The land value will be based on Section 21 (2) or (3) of the Act of Eminent Domain B.E. 2530 (A.D. 1987) - Rehabilitate land after the project construction.</td>
<td>- PIUs and local authorities determine and ensure that compensation for trees will be at the replacement cost and for crops at the market price. If DP is requested for cutting affected trees, PIUs will pay cash for this work. DP has right to use salvageable trees. - Full cash compensation within 120 days since the land sale contract. Payment to DPs will be delivered by PIUs through PMU. - Affected land will be rehabilitated by contractors after the project construction and land could be used with the restricted purposes. - Finance available for compensation and well information disclose/disseminate to DPs and key stakeholders.</td>
</tr>
<tr>
<td>2</td>
<td>Temporary acquisition of residential and garden land without house or structures</td>
<td>All DPs with orchards or trees</td>
<td>Same as above</td>
<td>- Cash compensation for affected fruit trees and trees at replacement cost. - The land value will be based on Section 21 (2) or (3) of the Act of Eminent Domain B.E. 2530 (A.D. 1987) - Rehabilitate land after the project construction.</td>
<td>- PIUs and local authorities determine and ensure that compensation for trees will be at the replacement cost and for crops at the market price. If DP is requested for cutting affected trees, PIUs through PMU will pay money for this work. DP has the right to use salvageable trees. - Full compensation within 120 days since the land sale contract. Payment to DPs will be delivered by PIUs through PMU. - Affected land will be rehabilitated by contractors after the project construction and the land could be used for restricted purposes.</td>
</tr>
</tbody>
</table>

9 In the case of Thailand, the planned arrangement is to have the LEDS of the DOLD as the PMU, with no provincial PIUs, because there already is a provincial livestock office in each province with sufficient staff that can act as PIUs without having to establish a new office.
<table>
<thead>
<tr>
<th>No</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
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</thead>
<tbody>
<tr>
<td>3</td>
<td>Temporary impact on residential and garden land. Partial house/building (with area less than 10% of total area) and the demolished area does not impact the remaining house/building. Remaining residential land garden land is sufficient for re-organizing</td>
<td>All DPs have house/building and trees/fruit trees</td>
<td>Same as above</td>
<td><strong>House/ building:</strong>&lt;br&gt;- DP can opt for: i) Maintain their houses or building; or ii) Cash compensation for the directly affected rooms at the replacement cost and cost for demolishing an affected room.&lt;br&gt;- The value of house/building will be based on Section 21 (1), (4), and (5) of the Act of Eminent Domain B.E. 2530 (A.D. 1987)&lt;br&gt;<strong>Land:</strong>&lt;br&gt;- The land value will be based on Section 21 (2) or (3) of the Act of Eminent Domain B.E. 2530 (A.D. 1987)&lt;br&gt;- Rehabilitate land after the project construction by contractors.&lt;br&gt;<strong>Trees and fruit trees</strong>&lt;br&gt;- Compensation for affected trees and fruit trees at the replacement cost.</td>
<td>- Finance available for compensation and good information disclose/disseminate to DPs and key stakeholders.&lt;br&gt;- PIUs and local authorities determine and ensure that compensation will be paid at the replacement cost, without deduction for salvageable materials.&lt;br&gt;- DPs will demolish the impacted part/ room and reconstruct or improve their houses themselves.&lt;br&gt;- Full compensation for trees and fruit trees within 120 days since the land sale contract. If DP is requested to cutg affected trees, PIUs through PMU will pay cash for this work. DP has right to use salvageable trees.&lt;br&gt;- Full entitlement payment to DPs impacted on house/building within 120 days since the land sale contract.&lt;br&gt;- Payment to DPs will be delivered by PIUs through PMU.&lt;br&gt;- Land could be used for restricted purposes.&lt;br&gt;- Finance available for compensation and good information disclose/ disseminate to DPs and all key stakeholders.</td>
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<tr>
<td>4</td>
<td>Temporary impact on residential and or garden land. Impact more than 10% or less than 10% of total house/building area but the demolished area will impact the remaining house /</td>
<td>All DPs who have house / buildings or /fruit trees</td>
<td>Same as above</td>
<td><strong>House/ building:</strong>&lt;br&gt;- DP can opt for : i) Maintain their houses or building ; or ii) Cash compensation at replacement cost for full areas of impacted house/building and demolish DP’s house.&lt;br&gt;- The value of house/building will be based on Section 21 (1), (4), and (5) of the Act of Eminent Domain B.E. 2530 (A.D. 1987)</td>
<td>- Consultation for DP’s options on maintaining their house or moving out.&lt;br&gt;- PIUs and local authorities determine and ensure that compensation will be paid at market price at the time of payment.&lt;br&gt;- DPs will demolish the impacted areas and reconstruct or improve their houses themselves.&lt;br&gt;- Full compensation for trees and fruit trees to DPs at least 01</td>
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<tr>
<td>No</td>
<td>Type of loss</td>
<td>Application</td>
<td>Definition of entitled DPs</td>
<td>Compensation Policy</td>
<td>Implementation Issues</td>
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</table>
| 5  | Temporary impact on residential and or garden land. Full or partial house/building impacted and land outside of the impacted area is not sufficient for re-organizing. | All DPs who have house / building and trees, fruit trees | Same as above | DPs can opt for one of the followings: i) Maintain their houses or building; or ii) Cash compensation for the whole residential area which DPs occupied (not only for the impacted areas) and properties associated with occupied land at replacement cost. Impacted land will be obtained by local authorities; or iii) "Land for land" with the same area which DPs occupied and cash at replacement cost for the affected assets associated with land. Local authorities will obtain Land occupied by DPs. - Compensation for affected trees and fruit trees at the replacement cost according to Section 21 of the Act of Eminent Domain B.E. 2530 (A.D. 1987). | - Consultation for DP’s options for compensation.  
- PMU and local authorities determine and ensure that compensation will be at the market price at the time of payment.  
- Replacement land and resettlement sites development.  
- DPs who receive compensation will demolish the impacted housing areas and reconstruct or improve their houses themselves.  
- Full compensation payment for trees and fruit trees to DPs within 120 days since the land sale contract. If DPs are requested to cut affected trees, PIUs through PMU will pay cash for this work. DP has right to use salvageable trees.  
- Full compensation for impacted house and allowances to DPs within 120 days since the land sale contract.  
- Payment to DPs will be delivered PIUs through PMU.  
- Cleared residential area could be used for other restricted
<p>|</p>
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<tr>
<th>No</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
</table>
| 6  | Permanent acquisition of land for building of common waste treatment systems. | All DPs occupied land and properties associated with land permanently impacted by common waste treatment systems. | Same as above For DP losing productive land:  
   a. Land loss less than 25% of their total landholdings  
      - Cash compensation for the lost area if the remaining plot is still economically viable.  
      - Cash compensation for the whole impacted plot if the remaining plot is not economically viable.  
      - Cash compensation for properties associated with land  
   b. Land loss equal or more than 25% of their total landholdings:  
      DPs can opt for the followings:  
      i) "Land for land" with the same area and productivity of impacted area if the remaining plots are still economically viable and for the whole impacted plots if the remaining plots are not economically viable.  
      ii) Cash for land at the replacement cost.  
      - Compensation for trees and affected fruit trees at the replacement cost. | - Consultation for DPs’ options on land compensation.  
   - PIUs through PMU and local authorities determine and ensure that compensation will be at the market price at the time of payment.  
   - Replacement land and resettlement sites development.  
   - DPs receiving compensation will demolish the impacted areas and reconstruct/improve their houses themselves.  
   - Full compensation for trees and fruit trees to DPs. If DPs are requested to cut affected trees, PIUs through PMU will pay cash for this work. DPs have right to use salvageable trees.  
   - Full compensation for impacted house and allowances to DPs within 120 days since the land sale contract.  
   - No award civil work contract before completion of compensation and reorganization or relocation of houses.  
   - Payment to DPs will be delivered by PIUs through PMU.  
   - Finance/ land available for compensation/rehabilitation and disclosure/dissemination of accurate, detailed information.  
   - PIUs through PMU and local authorities will consult with DPs who are eligible to restoration for their options and prepare proposal for restoration programs in the period of RP/ARP implementation. |
### Annex 2

**Inventory of Displaced People**

<table>
<thead>
<tr>
<th>Province:</th>
<th>District:</th>
<th>Sub-district (Tambon):</th>
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</thead>
</table>

**Table:**

<table>
<thead>
<tr>
<th>N°</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>DPs impacted on business or other services.</td>
<td>All DPs impacted on business and other services.</td>
<td>Same as above (a) Temporary impact on business or other services: Compensation for income lost in the affected time (b) Permanent impact on business or other services: Rehabilitation assistance.</td>
<td>- Rehabilitation assistance. <strong>For DPs losing residential and garden land:</strong> - If remaining land is sufficient for re-organizing: Cash compensation for lost area and assets associated with land. - If remaining land is not sufficient for reorganizing: DP can opt for i) cash compensation at replacement cost for land and assets on land, or ii) “land for land” compensation for the whole residential area which DPs occupied (not only for the impacted areas) and properties associated with occupied land. For affected house and building, the same entitlement to DPs of categories 3 or 4 or 5.</td>
<td>- Full compensation to DPs for income loss within 120 days since the land sale contract. - PIU through PMU and local authorities will consult with DPs who are eligible to rehabilitation for their options and prepare proposal for rehabilitation programs in the period of RP/RAP implementation.</td>
</tr>
<tr>
<td>Survey No.</td>
<td>Name of Head of Household</td>
<td>Sex of Head of Household</td>
<td>No. of persons in HH</td>
<td>Total landholding of HH in m²</td>
<td>Land to be acquired in m²</td>
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Note: 400 m² = 1 Wah²
Annex 3

Entitlements of DPs

<table>
<thead>
<tr>
<th>Survey No.</th>
<th>Name of Head of HH</th>
<th>Sex of Head of HH</th>
<th>Compensation for Land</th>
<th>Compensation for Structures</th>
<th>Compensation for Crops &amp; Trees</th>
<th>Compensation for Other Assets (wells, tombs, etc.)</th>
<th>Total in Baht</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Quantity m²</td>
<td>Unit Price m²</td>
<td>Entitlement in Baht</td>
<td>Quantity m²</td>
<td>Unit Price in Baht</td>
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Notes: 1) USD 1 = approx. 40 Baht, as of October 2004
2) 400 m² = 1 Wah²
Annex 4

Socio-Economic Household Data Sheet of Project Affected People

Province: ____________________
District: ________________________
Sub-district (Tambon): ____________

<table>
<thead>
<tr>
<th>Survey No.</th>
<th>Address of Households</th>
<th>Names of Household Members</th>
<th>Sex</th>
<th>Age</th>
<th>Ethnic Group</th>
<th>Education</th>
<th>Occupation and Sources of Income</th>
<th>Employment</th>
<th>Estimated Total Income per Year (Thai Baht)</th>
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