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Impact Energy Asia Development 600 MW Monsoon Wind Farm

Cultural Heritage Management Plan

6 July 2022

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Acronyms and Abbreviations

Name	Description
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1 INTRODUCTION

Impact Energy Asia Development (IEAD and/or the Project Proponent) is developing the Monsoon Wind Farm with an installed capacity of approximately 600 MW (133 turbines) in Dak Cheung District of Sekong Province and Sanxay District of Attapeu Province in Lao People's Democratic Republic (Lao PDR). The development also includes a 500 kilovolt (kV) transmission line, which connects to the grid in Vietnam ("the Project").

IEAD is seeking financing from Asian Development Bank (ADB). As such, in addition to compliance with local laws and regulations, the Project is to conform to applicable international standards, including the ADB Safeguard Policy Statement (SPS) 2009.

The construction of the Project components will involve earthworks and land clearing for wind turbine installation, internal roads, transmission line and other facilities. These activities have the potential to cause disturbances (e.g. noise, dust, etc.) and/or damage (e.g. excavation, vibrations, etc.) to nearby cultural heritage¹ sites, structures and values. Cultural heritage is an important component of the cultural identity of local communities, groups and individuals, and is important for social cohesion.

This Cultural Heritage Management Plan (CHMP) has been developed in compliance with national laws and regulations and applicable international standards to avoid, and where avoidance is not possible, to mitigate potential impacts to cultural heritage. Cultural heritage in the context of this plan refers to tangible and intangible cultural heritage.

1.1 Scope and Objectives of CHMP

1.1.1 Objectives of the CHMP

This CHMP has been developed as part of the Project's Environmental and Social Management Plan (ESMP) and sets out the management measures established to address the potential impacts to cultural heritage sites, structures and values that may result from Project activities.

A Cultural Heritage Management Plan (CHMP) is a tool used to protect both tangible and intangible cultural heritage from project development and operation. It sets out the current cultural heritage baseline, assesses the Project's potential impact and sets out control measures to be taken before, during, and after an activity to manage and protect cultural heritage from Project induced impacts. CHMP's are working or 'living' documents that are designed to be periodically updated and added to as and when the need arises. This document is to be used in a practical way to assist in management of all potential risks to cultural heritage. It consists of the set of management, mitigation, and monitoring measures to be taken during the Project's implementation to address any identified impacts.

The objectives of the CHMP are to:

- Identify with the regulatory compliance requirements with relevant Lao laws and regulations responsible for protecting cultural heritage resources;
- Align Project activities with international standards, such as the ADB SPS requirements and recommendations for the avoidance, minimization, and/or mitigation of impacts to cultural heritage;
- Establish a Cultural Heritage Finds Procedure (CHFP) aligned with ADB SPS, to be implemented during Project construction and operation; and
- Define the roles and responsibilities for implementing the CHMP.

Implementation of the CHMP is intended to achieve the following results:

¹ Cultural heritage refers to a unique and non-renewable resource that possesses cultural, scientific, spiritual or religious value and includes moveable or immovable objects, sites structures, groups of structures, natural features, or landscapes that have archaeological, paleontological, historical, cultural, artistic, and religious values, as well as unique natural environmental features that embody cultural values (IFC 2012).

- Avoid disturbance (e.g. noise, dust and vibrations) of cultural heritage sites, structures and values;
- Where avoidance is not possible, reduce potential disturbances to cultural heritage sites, structures and values;
- Support the protection of cultural heritage values, including known and unknown sites, when carrying out Project activities;
- Ensure the relocation of cultural heritage sites and structures (e.g. cemeteries, shrines, etc.) is conducted in a culturally appropriate manner; and
- Ensure the relevant stakeholders are consulted during implementation of the CHMP;
- Reduce social grievances concerning impacts to tangible cultural resources;
- Provide procedures to avoid, minimize, and mitigate Project impacts to cultural heritage and establish protocols for engaging and consulting cultural heritage stakeholders; and
- Reduce Project delays while complying with national regulations and other requirements and engaging with cultural heritage stakeholders

This Plan should be read in conjunction with the Stakeholder Engagement Plan, Traffic Management Plan, Air Quality Management Plan, Noise and Vibration Management Plan, Community Health and Safety Management Plan, Resettlement Plan and Community Development Plan (integrated Ethnic Minority Development Plan).

1.1.2 Scope of the CHMP

The CHMP will be implemented during all phases of the Project, it includes all of IEAD activities and applies to all Project contractors and third-party workers. For the purposes of this plan, cultural heritage resources are defined using a combination of the ADB definition of tangible cultural heritage and the definition of cultural heritage in Lao PDR's Law on National Heritage (No. 11/NA, 2021) below:

- Law on National Heritage (No. 11/NA, 2021) defines national heritage as “cultural, historical and natural heritage existing in the form of tangible objects, intangible items, movable or immovable and living or non-living organism that are of outstanding value and reflecting the history of Lao nation and Lao people.”²
- The ADB SPS defines physical cultural resources as “Movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings and may be above or below ground or under water. Their cultural interest may be at the local, provincial, national, or international level.”³

This CHMP covers both tangible and intangible cultural heritage defined as:

- **Tangible Cultural Heritage:** Tangible (physical) cultural heritage concerns movable or immovable objects, sites, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance.
- **Intangible Cultural Heritage:** Intangible cultural heritage means the practices, representations, expressions, knowledge, skills - as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage, and which are transmitted from generation to generation.

² Law on National Heritage No. 11/NA (2021)

³ ADB (2009). Safeguard Policy Statement, page 39-40. Retrieved from: <https://www.adb.org/sites/default/files/institutional-document/32056/safeguard-policy-statement-june2009.pdf>

1.1.3 Application

The requirements set out in this Management Framework apply to all IEAD activities throughout the lifecycle of the Project, including those carried out by contractors. The CHMP establishes management measures to address potential impacts to cultural heritage; it does not replace or supplant the terms and conditions set out in individual contracts.

1.1.4 Effective Date

This CHMP applies from (DATE).

1.1.5 Authorization and Review

This CHMP was approved by IEAD on (DATE)

The CHMP is owned by the IEAD Social and Environmental Manager. It will be reviewed on a regular basis every six months. In the event of significant change to Project design, plan or procedures, this management plan will be reviewed and updated more frequently, as appropriate.

1.2 Project Overview

The locations and key features of the Project are provided in **Figure 1-1** and **Table 1.1**.

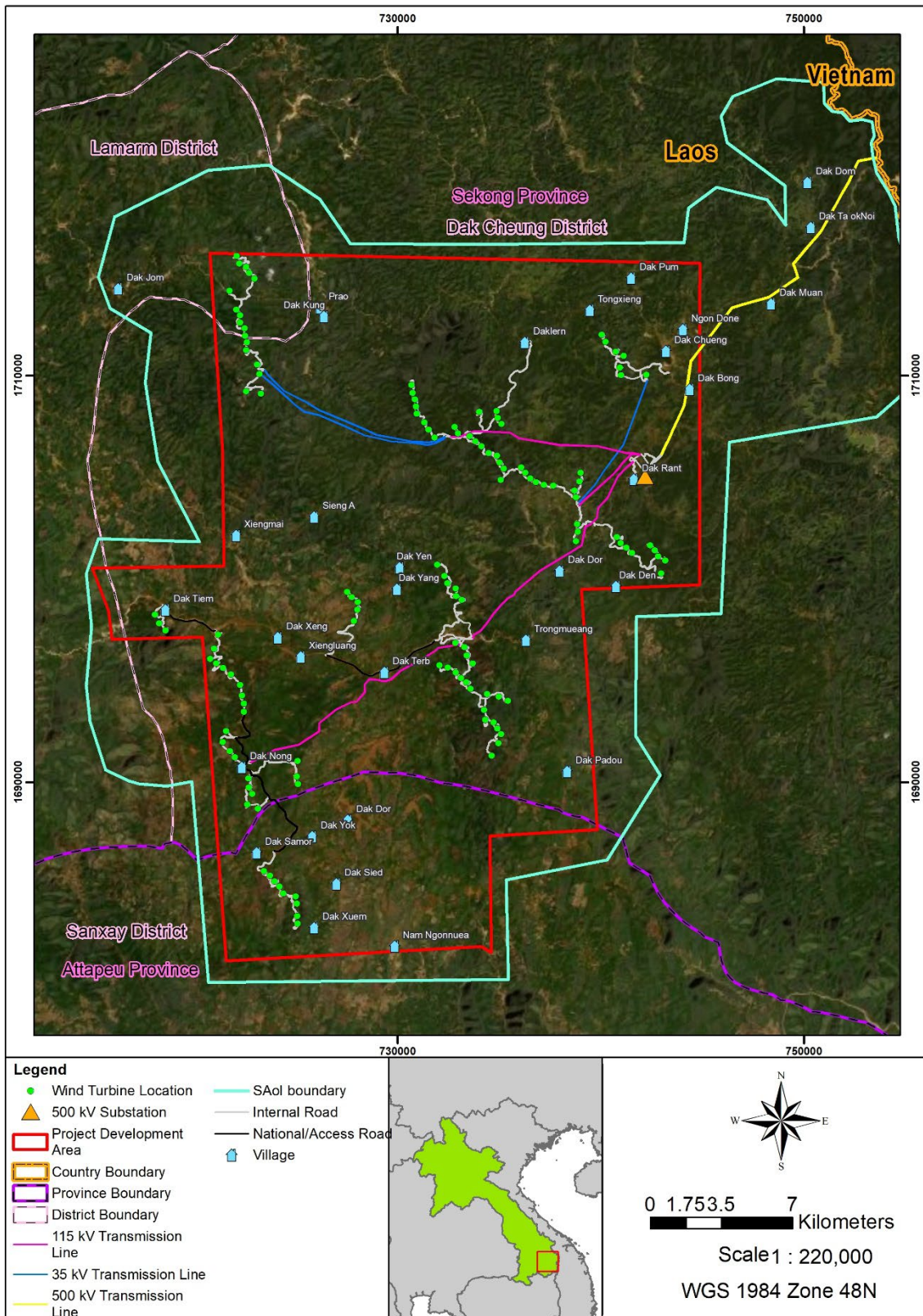
Table 1.1: Project Key Features

Key Features	Description
Project Owner	Impact Energy Asia Development (IEAD)
Project Location	Dak Cheung District of Sekong Province and Sanxay District of Attapeu Province in Lao PDR
Project Area	70,828 hectares ⁴
Project Background	IEAD signed a Memorandum of Understanding (MoU) with the Government of Lao PDR in 2011 to explore the possibility of developing a wind power project. Following the initial feasibility study, IEAD signed a Project Development Agreement (PDA) with the Government of Lao PDR on August 7, 2015 for the development of a wind power project with a capacity of 600 MW. The concession period for the Project is understood to be 25 years from the commercial operations date (COD). Construction is estimated to take approximately 24 months.
Approval of EIA	An Environment Impact Assessment (EIA) study for local Lao PDR permitting requirements was conducted in June 2014 (EIA 2014), and a second and third revision was conducted in May 2018 (EIA 2018), and September 2020 (EIA 2020), respectively. Innogreen Engineering Co., Ltd (Innogreen) on behalf of the Project Proponent is currently revising the local EIA (EIA 2020) due to significant changes in the Project design (4 th revision).
Project Key Components	<ul style="list-style-type: none"> ■ 133 wind turbines with total capacity of 600 WM, hub height is 110 m. Two different wind turbine types will be used, of which 132 turbines will be Goldwind GW 165-4.0 turbines, and 16 turbines will be Goldwind GW 155-4.5 turbines. ■ 22 km of 500 kV overhead transmission line in Lao PDR and 500 kV Thanh My substation. The Right of Way (ROW) of the transmission line is 60 m (30 m on each side from the centre line). ■ Underground and overhead 35 kV and 115 kV transmission cables to transfer electricity to the substation within the development area. The Right of Way (ROW) of 35 kV and 115 kV transmission lines are 15 m (12.5 m on each side from the centre line) and 40 m (20 m on each side from the centre line) respectively. ■ Internal 33/115kV substations. ■ 500kV substation.

⁴ It should be noted that the Projects' concession area will be the land required to install and construct project facilities and ROW for related transmission line, which is around 1,050 ha.

Key Features	Description
	<ul style="list-style-type: none">■ An internal road, with pavement width of 5.0 m and subgrade width of 6.0 m, designed for vehicle speeds of 15 km/h, will be constructed to connect the access road and all turbines for construction and operation of the Project.■ A 108 km access road (highway road No. 16 B) from the municipality of Sekong Province to Dak Cheung District to the Project Site. Renovation work of road no.16B has been completed and it is entirely paved. It is understood that the width of this road is sufficient for transportation of construction equipment.■ Other ancillary facilities including batching plants, laydown area, spoil disposal sites and worker accommodation.
Project Affected Villages	23 villages in Dak Cheung District, Sekong Province and 8 villages in Sanxay District, Attapeu province.

Figure 1-1: Project Location and SAOI



2 APPLICABLE STANDARDS

2.1 National Laws and Regulations

2.1.1 Law on National Heritage (Amended) (No.11/NA, 2021)

The objective of this law is to set out the principles, regulations and measures for the administration, use, protection, conversation, restoration and rehabilitation of national heritage. Moreover, it also determines the rights and duties of the State, social organizations and individuals to preserve the value of national cultural, historical and natural heritage.

Article 2 (Amended) Definition of National Heritage – National heritage consists of cultural heritage, historical heritage and natural heritage which are both tangible and intangible items, movable or immovable property, and living or non-living organism that are of outstanding value and reflecting the history of Lao nation and Lao people.

Article 5 (Amended) Principles for National Heritage – this article prescribe principles for activities related to national heritage including preservation, conservation, renovation, and grievance procedure related to national heritage.

Article 6 (Amended) Obligations of Citizens – Lao citizens, aliens, and apatrides residing in the territory of the Lao PDR shall have the obligation to participate in the protection, conservation, restoration and rehabilitation of the national heritage. Foreigners, [and] tourists entering the Lao PDR shall have the same obligation to participate in the protection and conservation of the national heritage.

Article 9 (new) Cultural National Heritage – cultural national heritage consists of tangible and intangible heritage, movable and immoveable assets which are of outstanding cultural, artistic, intellectual, scientific value and are considered national heritage and inherited through generations.

Article 17 (New) Natural National Heritage – natural national heritage consists living and non-living object with outstanding value in relations to landscape, ecosystem, science, and biodiversity.

Article 21 – 25 (Amended) Levels of Cultural and Historical National Heritage – the cultural and historical national heritage is divided into three levels as follows:

- **Local level:** Cultural and historical heritage at local level refers to [items of] heritage which are of outstanding local value situated in that local area, such as: Prabat Phon San, That Phone.
- **National level:** Cultural and historical heritage at the national level refers to [items of] heritage which are of outstanding national value located in the area of the Lao PDR, and which have become the heritage of the national community, such as: That Luang, Wat Xieng Thong, Viengxay district, Lmvong dances, Seosavath and Sang Sinh Say novels, and others.
- **Regional level:** regional heritage are those that are of outstanding value at regional level in terms of culture, history, and nature. The regional heritage occurred/created within Lao PDR and have been certified/approved by international organizations for regional research, science and culture.
- **World level:** World cultural and historical heritage refers to [items of] Lao heritage which are of the outstanding world values located in any area of the Lao PDR and which have been adopted by the United National Education, Scientific and Cultural Organization (UNESCO) such as: Luang Prabang City, Wat Phou Champasak and others.

Article 26 (Amended) Ethnic/Local Heritage – ethnic/local heritage consists of cultural, historical and natural heritage that are of outstanding value, rare, unique and worshipped by ethnic groups. This heritage should be preserved and conserved. Ethnic/local heritage consists tangible and intangible, movable and immovable heritage such as Buddha statues, temples, Twelve Annual Festival of the Year, legend, tales, etc.

Article 43 – 44 (Amended) Use of National Heritage – the use of national heritage are allowed for the following purposes:

1. For development of the country and socio-economic development
2. Raise awareness for Lao citizen to understand the value of national heritage and participate in preservation and conservation of the national heritage
3. Add to the inventory of the national heritage
4. Promote tourism industry
5. Link to regional and international use of cultural and historical heritage
6. Research

Article 49 (New) Restoration of National Heritage – Individual, corporate or project development or socio-economic development that potentially negatively impact or cause destruction to national heritage directly or indirectly must restore the national heritage to its original conditions under monitoring of the Ministry of Information, Culture and Tourism (MICT).

Article 65 (New) Assessing impacts on Cultural, Historical and Natural Heritage – All development projects, activities and socio-economic developments, particularly the development of industry, agriculture and infrastructure in areas which are suspected to have impacts either directly or indirectly on cultural, historical and natural heritage must have assessments of impacts on the stated heritage, through a process of survey, study and research in order to determine the impacts which may occur on the cultural, historical and natural heritage either in positive or negative ways. At the same time, there should be a report and plan related to the protection, checking and monitoring to rectify the impacts in detail at each stage.

The process and method in carrying out the assessment of impacts on cultural, historical and natural heritage are established in separate regulations.

Article 66 (New) Endorsement of the Assessment of Impacts on National Cultural, Historical and Natural Heritage –The endorsement of the assessment of impacts on cultural, historical and natural heritage, the planning and the method of drafting the report related to the protection, checking and monitoring to rectify the impacts which may occur on the cultural, historical and natural heritage must be endorsed by the Ministry of Information, Culture and Tourism before the development project or activity and other developments can be implemented.

Article 67 (New) Seen and Discovered of National Heritage – Individuals or organization that, during the conduct of any activities, discover/encounter any national heritage, shall immediately report to the local administrations and the concerned MICT Department, and shall suspend such activities until approval for continuation is granted and shall be prohibited from exploring them prior to obtaining the approval of the Information, Culture and Tourism Department.

2.1.2 Law on Construction (No. 05/NA, 2009)

The objective of the Law on Construction is to ensure the quality and conformance with the National Socio-Economic Development Plan, ensuring the development of infrastructure in a safe manner and not cause negative impact to the social and natural environment as confirmed in Article 5 of this Law.

Article 5 of this law specifies that development shall be in conjunction with conservation, protection of cultural, historical and natural heritage, construction materials should meet required standards, construction of buildings, roads and public places must have the facilities for disabled persons, elderly persons, and for ensuring the health of the people. If the project development site cover individual's land or the people's land, it is required to contact the competent authority and reasonably pay the compensation.

2.1.3 The Constitution of Laos (2015)

The Constitution defines Laos as a multi-ethnic state, with equality among all ethnic groups. Article 8 defined “*The State pursues the policy of promoting unity and equality among all ethnic groups. All ethnic groups have the right to protect, preserve and promote the fine customs and cultures of their own tribes and of the nation. All acts creating division and discrimination among ethnic groups are prohibited. The State uses every measure to gradually develop and upgrade the socio-economic levels of all ethnic groups*”⁵

Articles 34-51 define that all Lao people have fundamental rights and obligations to develop the country

Article 35 guarantees that Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group “*Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.*”

2.1.4 9th Five-Year National Socioeconomic Development Plan (2021-2025)

The 9th National Economic and Social Development Plan (NESDP), which runs from 2021 until 2025⁶ calls reduced poverty and access to quality and health services and protection of culture of ethnic groups.

“Human resources are developed and the capacities of the public and private sectors are upgraded; poverty in all ethnic groups is reduced, people of all ethnic groups, ages and genders have access to quality education and health services; the unique culture of the nation is protected and consolidated; political stability, social peace and order, justice and transparency are maintained.”

2.2 International Standards

2.2.1 ADB SPS

2.2.1.1 Physical Cultural Resources Safeguard Requirements

The main Physical Cultural Resources Safeguard Requirements are the followings:

- **Designing the project:** The borrower/client is responsible for siting and designing the project to avoid significant damage to physical cultural resources. Such resources likely to be affected by the project will be identified, and qualified and experienced experts will assess the project’s potential impacts on these resources.
- **Potential Impacts on physical cultural resources:** When a project may affect physical cultural resources, the borrower/client will consult with affected communities who use, or have used them within living memory, for long-standing cultural purposes to identify physical cultural resources of importance and to incorporate the views of the affected communities on such resources into the borrower’s/client’s decision-making process. Consultation will also involve relevant national or local regulatory agencies that are entrusted with protecting physical cultural resources. The findings are disclosed as part of, and in the same manner as, the environmental assessment report, except when such disclosure would compromise or jeopardize the safety or integrity of the physical cultural resources.
- **Mitigation measure:** When the project is likely to have adverse impacts on physical cultural resources, the borrower/client will identify appropriate measures for avoiding or mitigating these impacts. These measures may range from avoidance to full site protection to selective mitigation, including salvage and documentation, in cases where a portion or all of the physical cultural resources may be lost.

⁵ The Constitution of Lao PDR (2015)

⁶ <https://www.effectivecooperation.org/system/files/2022>

- **Environmental Management Plan:** When the proposed location of a project is in areas where physical cultural resources are expected to be found as determined during the environmental assessment process, a Chance Finds Procedure will be included in the EMP. Chance finds shall not be disturbed until an assessment by a competent specialist is made and actions consistent with these requirements are identified.
- **Conditions for the removal of any physical cultural resources:** The project will not remove any physical cultural resources unless the following conditions are met: (i) No alternatives to removal are available. (ii) The overall benefits of the project substantially outweigh the anticipated cultural heritage loss from removal. (iii) Any removal is conducted in accordance with relevant provisions of national and/or local laws, regulations, and protected area management plans and national obligations under international laws, and employs the best available techniques.

2.2.1.2 Broad Community Support Requirements

ADB require that broad community support (BCS) should be obtained if project have activities that include the following:

- (i) Commercial development of the cultural resources and knowledge of Indigenous Peoples (IPs);
- (ii) Physical displacement from IP traditional or customary lands; or
- (iii) Commercial development of natural resources within customary lands under use that would affect the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IP.

For policy application, BCS of affected IP communities refers to a collective expression by the affected IP communities, through individuals or recognized representatives, of BCS for such project activities. BCS may exist even if some individuals or groups object to them. For project activities requiring BCS, evidence of the support including documentation of processes and outcomes will be required.⁷

2.2.1.3 Indigenous Peoples Requirements

ADB's Safeguard Requirements 3 (SR3) on Indigenous Peoples aims to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them. (SPS Appendix 3, para 3). The Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as their ancestral domain (SPS Appendix 3, para 9).

The impacts of an ADB-financed project on Indigenous Peoples is determined by assessing the magnitude of impact in terms of the following:

- Customary rights of use and access to land and natural resources;
- Socioeconomic status;
- Cultural and communal integrity;
- Health, education, livelihood and social security status; and
- The recognition of indigenous knowledge; and

⁷ ADB (2013) A Planning and Implementation Good Practice Sourcebook. Retrieved from: <https://www.adb.org/sites/default/files/institutional-document/33748/files/ip-good-practices-sourcebook-draft.pdf>

- The level of vulnerability of the affected Indigenous Peoples community.

The ADB Safeguard Policy identified Project categories in term of Indigenous Peoples is summarized below:

- **Category A:** A proposed project is classified as Category A if it is likely to have significant impacts on Indigenous Peoples. Specific plans which include assessment of social impacts are required.
- **Category B:** A proposed project is classified as Category B if it is likely to have limited impacts on Indigenous Peoples. Specific plans which include assessment of social impacts are required.
- **Category C:** A proposed project is classified as Category C if it is not expected to have impacts on Indigenous Peoples. No further action is required.
- **Category FI:** A proposed project is classified as Category FI if it involves the investment of ADB funds to, or through, a financial intermediary.

2.2.2 International Conventions and Best Practice Guidance

Table 2.1 presents applicable international conventions and best practice guidance in relation to cultural heritage.

Table 2.1: Applicable International Conventions and Best Practice Guidance

International Guidelines and Standards	Description
UNESCO convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property, 1970	Under the 1970 Convention, cultural property is under protection. Cultural property includes anything of scientific, historical, artistic, and or religiously significant, as defined by Article I of the convention. However, every state can define its own cultural property, as long as it is an item of importance and within the categories defined in Article I. The Convention recommends the enforcement of the protection of cultural property in "three main pillars", each being preventive measures, restitution provisions, and international cooperation.
UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 17 October 2003, Paris, ratified by the Lao government on 26 November 2009	This 2003 Convention aims to safeguard the intangible cultural heritage, and raise awareness of the importance of the intangible cultural heritage, and of ensuring mutual appreciation. The "intangible cultural heritage" means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.
UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, 16 November 1972, Paris, ratified by the Lao government on 9 December 1995	The convention provides recommendations on the protection and conservation of cultural world heritage sites in order to set out measures to conserve and protect the heritage sites from destruction and deterioration since it might affect the value of being a World Heritage Site in the future.
UNESCO Operational Guidelines for the Implementation of the World Heritage Convention. Paris: UNESCO. 2021.	The convention provide criteria to consider a property as having of Outstanding Universal Value. In addition, the recommended conditions for an outstanding value is stated as "To be deemed of Outstanding Universal Value, a property must also meet the conditions of integrity and/or authenticity and must have an adequate protection and management system to ensure its safeguarding."
UNESCO - Convention on the Protection of the Underwater Cultural Heritage (2001), adopted on 2 November by the Plenary Session of	UNESCO Convention on the Protection of the Underwater Cultural Heritage, adopted by the UNESCO General Conference in 2001, intends to enable States to better protect their underwater heritage. "Underwater cultural heritage" means all traces of human existence having a cultural, historical or archaeological character which have

International Guidelines and Standards	Description
the 31st General Conference (Doc. 31C/24)	been partially or totally under water, periodically or continuously, for at least 100 years.
ICOMOS – Charter on the Protection and Management of Underwater Cultural Heritage (1996)	This Charter is intended to encourage the protection and management of underwater cultural heritage in inland and inshore waters, in shallow seas and in the deep oceans. It focuses on the specific attributes and circumstances of cultural heritage under water and should be understood as a supplement to the ICOMOS Charter for the Protection and Management of Archaeological Heritage, 1990.
ICOMOS - Charter on the Conservation of Historic Towns and Urban Areas (Washington Charter 1987)	This charter concerns historic urban areas, large and small, including cities, towns and historic centres or quarters, together with their natural and man-made environments. Beyond their role as historical documents, these areas embody the values of traditional urban cultures.
Charter for the Protection and Management of the Archaeological Heritage 1990 (International Scientific Committee on Archaeological Heritage Management – ICAHM)	The charter has been inspired by the success of the Venice Charter as guidelines and source of ideas for policies and practice of governments as well as scholars and professionals. The charter has to reflect very basic principles and guidelines with global validity. For this reason it cannot take into account the specific problems and possibilities of regions or countries. The charter should therefore be supplemented at regional and national levels by further principles and guidelines for these needs.

3 CULTURAL HERITAGE BACKGROUND

3.1 Contextual background

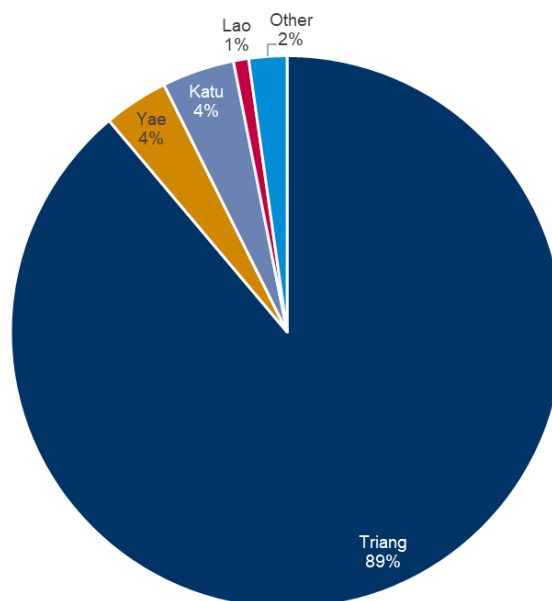
3.1.1 Demographic Profile

Thirty one (31) villages are directly and indirectly affected by the Project (23 villages are in Dak Cheung District and 8 villages are in Sanxay District). The total population of affected villages is 2,599 households and 16,065 people, of which 7,860 are female (48.9%) and 8,205 are male (51.1%). The gender ratio of the affected villages is 1:1.04 females to males, similarly to the country which stands at 1:1 (female 49.8: 50.2 male).⁸

Five ethnic groups were identified in the Project affected villages, namely Triang, Yae, Katu, Lao, and Ha Luk (Ha Hak). Of the 449 surveyed households, 399 are Triang households (89%); 17 are Yae households (4%); 19 are Katu households (4%); 4 are Lao household (1%) and 10 are other ethnic groups (2%) (mainly Ha Luk) (**Figure 3-1**). Triang makes up the majority of the surveyed households, with the exception of Dak Rant village (Dak Cheung District) where Yae makes up 85.7% of the village population and Dak Xeum village (Sanxay District) where Ha Luk is the main population of the village.

Three villages in Dak Cheung District were identified with the most diverse ethnicities—Dak Bong, Dak Cheung, and Dak Muan were identified with all four ethnicities, with Triang being the most dominant ethnic group.

Figure 3-1: Ethnic Groups in the Project Affected Villages



Source: Household socio-economic survey conducted November-December 2021.

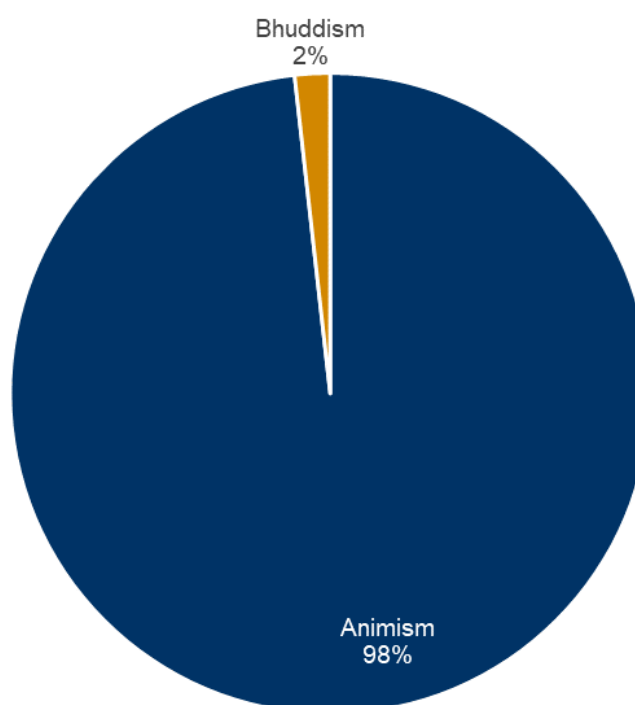
While the main religion of Lao PDR is Buddhism, accounting for 65% of the population⁹, about 30% of the population hold an animist belief (believe in spirits and worshiping ancestral spirits). These people are found among the ethnic minority groups of the Lao Theung (people of the mountainous areas) and the Lao Soung (people of the highlands). The majority of the population of the surveyed villages

⁸ The World Bank, n.d.c

⁹ PHC, 2015

believe in animism, covering 98% of the surveyed population, whilst Buddhism accounts for 2% of the total surveyed households (**Figure 3-2**).

Figure 3-2: Religions in the Project Affected Villages



Source: Household socio-economic survey conducted November-December 2021.

Characteristics of Ethnic Groups

Table 3.1 presents key characteristics of main ethnic groups identified in the affected villages (Triang, Katu Yae and Ha Luk) including languages, land, ceremony, beliefs, language, and community cohesion.

Based on the site visit and Focus Group Discussions (FGDs) undertaken in November to December 2021, all ethnic groups have their own spoken languages, namely Triang, Yae, Katu and Ha Luk which are classified under Mon-Khmer Linguistic Group while Lao ethnic group is Lao-Tai Linguistic Group.¹⁰ Due to the similarity of the spoken languages of Triang, Yae Katu, and Ha Luk these ethnic groups can understand one another. The FGDs and Key Informant Interviews (KIIs) also identified that Lao and Triang are the most common languages for communication in all Project-affected villages. Most of the village members can understand and communicate in mainstream Lao to a great extent, except some of the older generation who have not gone to school and only communicate in their own ethnic group language.

The site visit suggests that the communities have absorbed cultures and ways of life from the mainstream Lao society as evidenced in their clothing and housing styles. It was observed that men have tended to adopt the mainstream Lao clothing while women were observed to still wear 'Sin' (a traditional skirt) in combination with modern clothing. In terms of housing, some villages have adopted the styles and materials from mainstream Lao for their houses, while in some villages traditional housing was still observed, such as in Sieng A and Dak Dom villages (**Figure 3-3**).

In addition, ethnic groups also celebrate Lao mainstream festivals such as Laos' New Year, and wedding ceremonies absorbed from Laos mainstream culture. Access to education and information

¹⁰ IFAD, 2012

also changed preferences for medical treatment, from traditional medicine to modern medical treatments available in healthcare centers.

The communities have absorbed Lao mainstream culture and lifestyle mainly due to increased contacts with people from outside communities, increased access to information through radio, television and mobile phone and internet (young people identified to use internet for social media and contact with other people located outside of the villages), and increased access to infrastructure and education. Integration with Lao mainstream culture and lifestyle are therefore more visible in youth and younger members of the communities.

Figure 3-3: Integration of Lifestyle to Mainstream Society







Current clothing of the surveyed village population which have adopted from mainstream Laos. Additionally, the house has also adopted materials and style from mainstream Laos.





Women in some villages were observed to still wear traditional skirt called 'Sin' in combination of mainstream Laos clothing. In some villages, traditional houses were observed.





Source: Socio-economic household survey by ERM/Innogreen, November and December 2021

Through FGDs and KIIs and desktop research, it was understood that despite common animist beliefs, each ethnic group (Triang, Yae, Katu, Lao, and Ha Luk) has slightly different practices, rituals, customs, and ceremonies. These differences are discussed in more detail in **Table 3.1**.

Table 3.1: Characteristics of Ethnic Groups

Aspect	Triang	Katu	Yae	Ha Luk (Ha Hak)
Language	Triang have their own spoken language, which is similar to Yae and Katu	Katu have their own spoken language, which is similar to Triang and Yae	Yae have their own spoken language, which is similar to Triang and Katu	Ha Luk have their own spoken language, which is similar to Triang, Katu and Yae.
Traditional clothing	<p>Triang's traditional clothing is similar to other ethnic groups in the Mhon-Khmer linguistic group. Men usually wear 'Ka-Tiew' (rolled tail or end of loincloth which runs between the legs and is tucked into the waistband at the back) and cloth across shoulders, women traditionally wear loincloth, running from from chest down to shins.</p>  <p>Source: Department of Ethnic Affairs, 2015a</p>	<p>Katu have unique traditional clothing, men wear 'Ka-Tiew; while women wear shirt and skirt made of traditionally woven cloth. Men have adopted to clothes from the Lao mainstream, while women still preserve traditional clothing as evidenced in ceremonies and festivals.</p>  <p>Source: Department of Ethnic Affairs, 2015b</p>	<p>Men of Yae ethnic groups wear 'Ka-Tiew', and women wear loincloth similar to Triang ethnic groups. The key difference is the pattern of Katiew and skirt for women, which are unique to each ethnic group. During winter, they wear additional clothes to keep warm.</p>  <p>Source: Department of Ethnic Affairs, 2015c</p>	<p>Ha Luk have unique traditional clothing, men wear 'Ka-Tiew; while women wear shirt and skirt made of traditionally woven cloth.</p>  <p>Source: Department of Ethnic Affairs, 2015d</p>
Community features	Each Triang village usually construct fences made of bamboo (height up to 5 meters) around the	Traditionally, the houses are built to form a circle around "Salakuan", a building in the middle of the village	Similar to Katu, the houses are built to form a circle around "Salakuan". In front of the Salakuan and each	Traditionally, fence made of bamboo are constructed around the houses. Salakuan and poles for securing

Aspect	Triang	Katu	Yae	Ha Luk (Ha Hak)
	<p>villages and two gates for entry-exit of the village, known as “Patou Vieng”. The fence is for protection against thieves and wild animals from attacking livestock and village members. Additionally, villages also have Salakuan, a building in the middle of the village, for receiving guests and ritual ceremonies and feasts.</p>  <p>Source: The identity of Triang Ethnic Group [Lao PDR] - Library records OD Mekong Datahub</p>	<p>used as a meeting hall and for ceremonies.</p>  <p>Source: The identity of Katu Ethnic Group [Lao PDR] - Library records OD Mekong Datahub</p>	<p>house, there is usually a pole for securing animals e.g. buffalos, cows, pigs for animal offering/sacrifice rituals.</p>  <p>Source: The identity of Yae Ethnic Group [Lao PDR] - Library records OD Mekong Datahub</p>	<p>animals for ceremonies and sacrifice rituals are not common in the village. Rather, a nearby tree or somewhere else appropriate for securing animals e.g. buffalos, cows, pigs, are used for securing animal for sacrifice rituals.</p>  <p>Source: The identity of Haluk Ethnic Group [Lao PDR] - Library records OD Mekong Datahub</p>
Livelihood	Based on the FGDs with ethnic groups, all ethnic groups have similar livelihoods comprising cultivation of rice, coffee, and cassava plantation. Some are still engaged in shifting cultivation and collection of Non-timber forest products (NTFPs).			
Ceremony	Triang people organize several ceremonies to worship spirits throughout the year. At the beginning of the year, Triang celebrate the ‘new rice ceremony’ or Boun Kin Khao Mai by offering buffalos, cows and pigs to	Katu ethnic group holds several ceremonies throughout the year including rice ceremony (Boun Kwan Khao), ceremony prior to planting rice, ceremony for rice harvest and other ceremonies which organized within the households or together as	Celebrations are conducted after rice harvest for 3 days and 3 nights which involve animal sacrifice / offering (such as buffalo, cow, pig) to worship spirits – known as the ‘Boon Ja’ ceremony.	Ha Luk ethnic group holds several ceremonies throughout the year including rice ceremony (Boun Kwan Khao), “Chongkapiew” ceremony which is organized within the households or together as a community. The ceremonies usually

Aspect	Triang	Katu	Yae	Ha Luk (Ha Hak)
	worship and food for community members. In June, they celebrate the festival "Boun Duean 6". At the end of the year, worshipping spirits by offering buffalos for any wrong deeds or rites that have been caused in that year.	a community. The ceremonies usually involve offering of chicken, pig or buffalo to worship spirits.	Yae have Boun Phao Thane, Boun Sak Khao, Boun Hor Khao Tom are three festivals celebrated for the rice harvest and they prepare tools for land clearing for the new plantation season, with the tool attended to by local ironsmiths.	involve offering of buffalos and cows to worship spirits. At present, the "Chongkapiew" ceremony is performed once in 2-3 years.
Religion and belief	Belief in animism and worship of ancestral spirits.			
Skills sets	All ethnic groups engage in ironsmithing, bamboo handicrafts, and weaving, which are unique to their ethnic groups. These skills have been passed on from generation to generation.			
Tangible and intangible cultural heritage	<p>Cemeteries are highly respected sacred places for the Triang ethnic group. Additionally, they also have sacred forests, sacred ponds and prohibited areas.</p>  <p>Triang maintain folk songs and folk tales in their own language. Moreover, they have musical instruments such as drum (Kong La).</p>	<p>Similar to Triang culture, cemeteries, sacred forests, ponds and prohibited areas are highly respected sacred places for the Katu ethnic group.</p>  <p>Katu maintain folk songs and folk tales in their own language. Additionally, they also have local musical instruments such as drum and pipe.</p>	<p>Same for the Yae ethnic group in terms of cultural heritage.</p>  <p>Yae have their song known as "Lam Yae", as well as their own drum (Kong La) and sarong (Sin Lom).</p>	<p>Similar to Triang, Katu and Yae, sacred forests and prohibited areas are highly respected sacred places for the Ha luk ethnic group.</p>  <p>Ha Luk maintain folk songs and folk tales in their own language. Additionally, they also have local musical instruments such as drum and pipe.</p>

Source: Department of Ethnic Affairs, 2015a, 2015b, 2015c & 2015d

3.1.2 Tangible Cultural Heritage (built, or archaeological sensitivity)

One of the core beliefs of animism is the belief and worship in ancestral spirits, with cemeteries observed in all surveyed villages (**Figure 3-5**). The cemeteries are mostly forested areas and are sacred as a burial place of the deceased from the villages. People are prohibited from entering for any kind of activities such as hunting or collecting timber and NTFPs. In the cemeteries, there are usually small huts for the deceased where the local people believe the spirits of the deceased live. Local villagers offer food, tools, and other worshipping materials to the deceased at these small huts.

Each year, villagers perform rituals according to the belief of each ethnic group. In addition to ancestral spirits, local people also believe in forest spirits, land spirits, village spirits, and evil spirits that can make people fall ill.

Poles located in the middle of the villages are used for securing animals and serve as a place for performing animal sacrifice (**Figure 3-4**). In some villages, such as Dak Jom village, sacred houses or Salakuan in the middle of villages are used for performing animal sacrifices. Women and outsiders are strictly forbidden from entering Salakuan.

Figure 3-4: Pole Used for Securing Animals to Perform Animal Sacrifice



(i) Dak Den village



(ii) Sieng A village



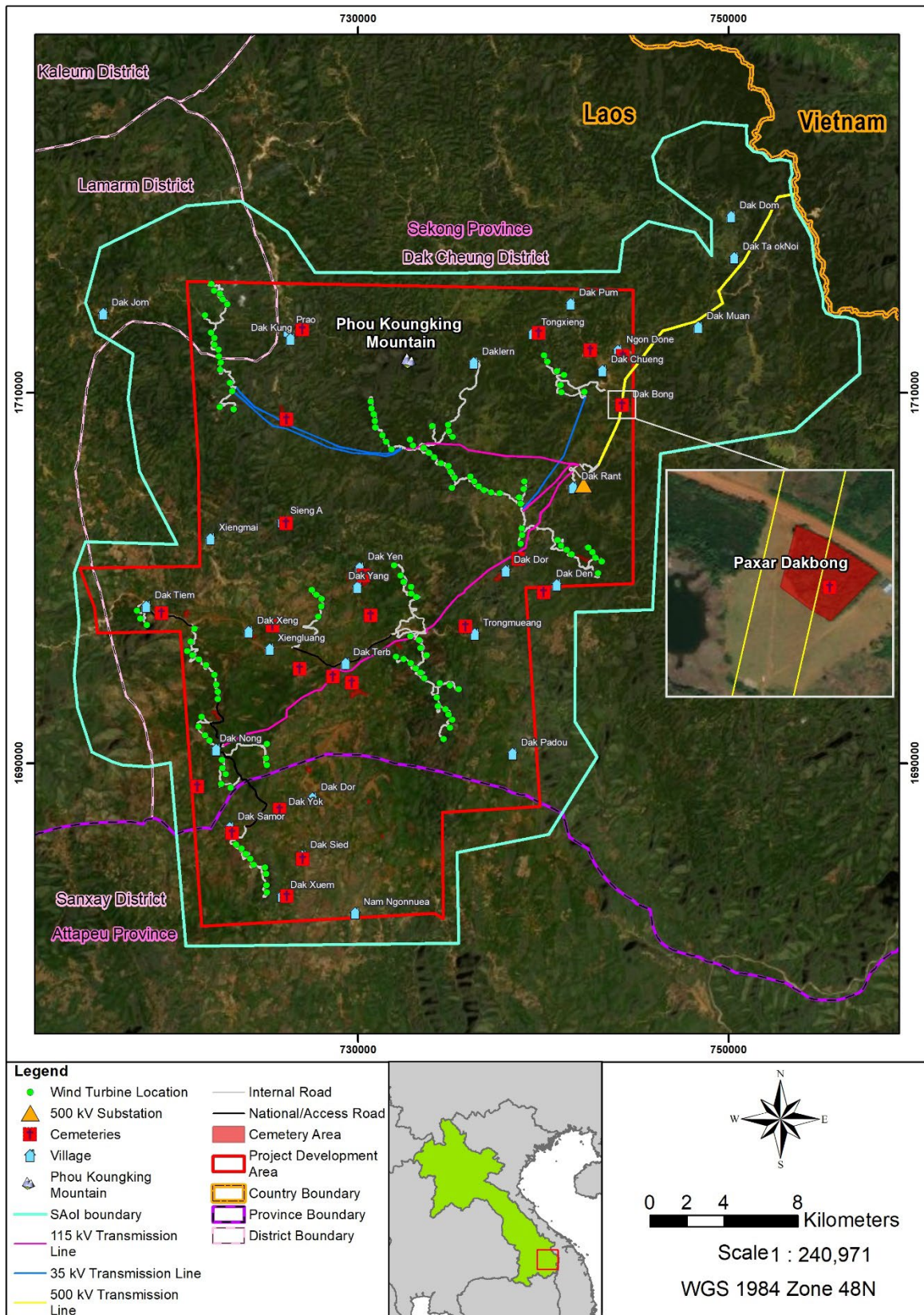
(iii) Dak Dom village



(iv) Dak Jom Village

The wooden pillars located in the ceremonial courtyard in the center of the villages are used for securing animals such as buffalos to perform animal sacrifice. In some villages, Salakuan, a building in the middle of the village, is used as a meeting hall and to organize ceremonies (refer to (iii) and (iv)).

Figure 3-5: Cultural Heritage Sites



Source: ERM/Innogreen, 2021

3.1.3 Intangible Cultural Heritage

In addition to presence of cemeteries throughout the Project development area, the ESIA survey team in consultation with the village heads and local villagers of Ban Dak Dreun and Prao have identified potential intangible cultural heritage located in Phou Koungking Mountain (as shown in **Figure 3-5**) in the central north of the Project development area. The forest is believed to be inhabited by a spirit known as Phi Bang Bot who can cause ill health for people entering the forest without permission. This area is listed as a protected forest under the National guidelines and is under the management of the Provincial government. It was noted during the field survey that the belief in similar spirits is not limited to only Phou Koungking mountain, but common in in all areas, particularly forested areas. For instance, prior to undertake any survey activities, the field team had to perform ceremony according to villagers' belief to ask for permission from the spirits. This type of belief is common across southern Lao.

In their animist belief, worshiping spirits involves sacrifice of large animals such as buffalos, cows, and pigs. Animal sacrifice is also practiced during ceremonies such as Kin Khao Mai as a means to worship and offer food for the guests in the ceremonies/ festivals. It is also performed when a family member falls ill as an offering to evil spirits which are believed to have caused the illness. **Table 3.2** provides a summary of key ceremony/festival cycle practiced by the affected villages.

Table 3.2: Cycle of Ceremony and Festival

Month	Ceremony/Festival	Description
January	Boun Phao Thane or Boun Thang Hai	Boun Phao Thane or Boun Thang Hai is usually held in the first month in each year. Before the forest was cleared for rice farm or plantation (cassava, coffee, banana, etc.), villagers burn wood or charcoal in a forest and cut down grass or trees with a 'big knife' in the burning area for land clearing. Thereafter, the villagers would go into the forest to collect mushrooms, vegetables and hunt wildlife to celebrate in that area. This is to worship to forest spirit in order to have productive agriculture season in local beliefs.
June	Boun Duean 6 or Boun Sak Khao	Boun Duean 6 and Boun Sak Khao is held June each year prior to rice growing and land clearing. A duck/chicken or a cow/buffalo will be sacrificed using 'a big knife' – as an offering and to worship the mountain spirit and forest spirit, and to ask for blessings for productive and fertile rice farming and plantation (cassava, coffee, banana, etc.) season.
September to October	Boun Kin Khao Mai	Boun Kin Khao Mai is usually held at the conclusion of the rice harvest (between September-October). The ceremony takes place within families and then within the community to celebrate. During the ceremony, a duck/chicken or a cow/buffalo will be sacrificed as an offering to the village spirit and forest spirit. Villagers usually bring food to eat together to celebrate the success of the harvest season.
November to December	Boun Hor Khao Tom or Boun Sa Loup Khao	Boun Hor Khao Tom or Boun Sa Loup Khao is usually organized after the finish of harvest season after Boun Kin Khao Mai between November to December on each year. All households in the villages would bring 1 basket of unmilled rice, a chicken (for sacrifice), rice whisky and some flowers to worship the village spirit and forest spirit. The villagers would also eat and celebrate together. It is

Month	Ceremony/Festival	Description
		believed that this ceremony will bring as much agricultural productivity as this year to the next year.

Source: FGDs and KIIs conducted by ERM/Innogreen, November and December 2021

3.2 Consultation Conducted in Relation to Cultural Heritage

3.2.1 Past Consultation

Consultation for the supplementary ESIA was conducted during November and December 2021, with a focus on:

- Disclosing updated Project information and development status to the 32 potentially affected communities and other stakeholders. This included supplementary ESIA studies, and the risks, impacts, and opportunities of the Project.
- Soliciting stakeholders' ideas, opinions, and recommendations on various alternatives.
- Assessing the level of stakeholder interest and support for the Project and enabling stakeholder views to be taken into account in Project design and environmental and social mitigation measures, as well as development of benefits and opportunities.
- Undertaking extensive stakeholder engagement for land acquisition and resettlement

With regards to cultural heritage, consultation focused on:

- Identification of the presence of cultural heritage sites within the Project development area including sites of worship, sites of ritual performance and festivals, or sites with cultural value.
- Understand local culture and traditions such as ceremonies and rituals.
- Understand locals' concerns about Project induced impacts on cultural heritage.

A summary of concerns related to cultural heritage based on the consultation with affected villages is provided in **Table 3.3**.

Table 3.3: Key Stakeholder Concerns on Cultural Heritage And Relevance for ESIA

Stakeholder Concern	Relevant ESIA Considerations
The Project should ensure that there will be no encroachment into villagers' land containing houses/dwellings.	Land and economic displacement is assessed in Section 8.5.3 of the ESIA Report. This includes proposed mitigation measures. The Project will ensure all required processes for land acquisition are conducted in conjunction with relevant stakeholders.
Concern about nuisance from wind turbine noise during operation.	Noise impacts (including from turbines) are assessed in Section 8.3.7 and Section 8.5.7 of the ESIA Report. This includes proposed mitigation measures.
Concern about nuisance from shadow flicker and negative impacts on agricultural productivity.	Shadow flicker impacts are assessed in Section 8.3.10 and Section 8.5.7 of the ESIA Report. This includes proposed mitigation measures.
Concern that the Project development may impact cemeteries of the village.	Impacts to cemeteries and other cultural heritage are assessed in Section 8.5.9 of the ESIA Report. This includes proposed mitigation measures.
Prior to commencement of the Project construction, the village heads should be informed.	Village heads will be informed prior to construction, this commitment is included in Section 9 (ESMP) of the ESIA Report.

Stakeholder Concern	Relevant ESIA Considerations
During construction and operation of the Project, there will be influx of workers and people from outside to the villages. There are concerns that these people may bring transactional sex to villagers, disrupt community dynamics, increase gender-based violence, and/or negatively impact on public infrastructure and resource.	Impacts from worker influx are assessed in Section 8.5.6 of the ESIA Report. This includes proposed mitigation measures.

3.2.2 Future Consultations

ADB require that broad community support (BCS) should be obtained if project have activities that include the following:

- (iv) Commercial development of the cultural resources and knowledge of Indigenous Peoples (IPs);
- (v) Physical displacement from IP traditional or customary lands; or
- (vi) Commercial development of natural resources within customary lands under use that would affect the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IP.

For policy application, BCS of affected IP communities refers to a collective expression by the affected IP communities, through individuals or recognized representatives, of BCS for such project activities. BCS may exist even if some individuals or groups object to them. For project activities requiring BCS, evidence of the support including documentation of processes and outcomes will be required.¹¹

The Project was assessed against the criteria for ADB BCS requirements in **Table 3.4**. The assessment determined that BCS is not applicable to the Project.

Table 3.4: BCS Definition and Applicability

ADB Criteria for BCS	Observations/Findings	Applicability
(i) Commercial development of the cultural resources and knowledge of IP	<ul style="list-style-type: none"> ■ The Project has optimized the Project layout to avoid all Project impacts on cemeteries. ■ Phou Koungking has been identified as a ‘Potential Intangible Cultural Heritage’ site as the forest is believed to be inhabited by a spirit known as Phi Bang Bot who is can to cause ill health for people entering the forest without permission. Although the Project will be developing WTGs within Phou Koungking, the Project will limit land clearance and therefore will not cause disruption to the integrity of the forest in which the spirit resides. In addition, the Project has committed to perform ceremonies as required by local communities to enter the forest in a culturally respectful manner. 	Not Applicable

¹¹ ADB (2013) A Planning and Implementation Good Practice Sourcebook. Retrieved from: <https://www.adb.org/sites/default/files/institutional-document/33748/files/ip-good-practices-sourcebook-draft.pdf>

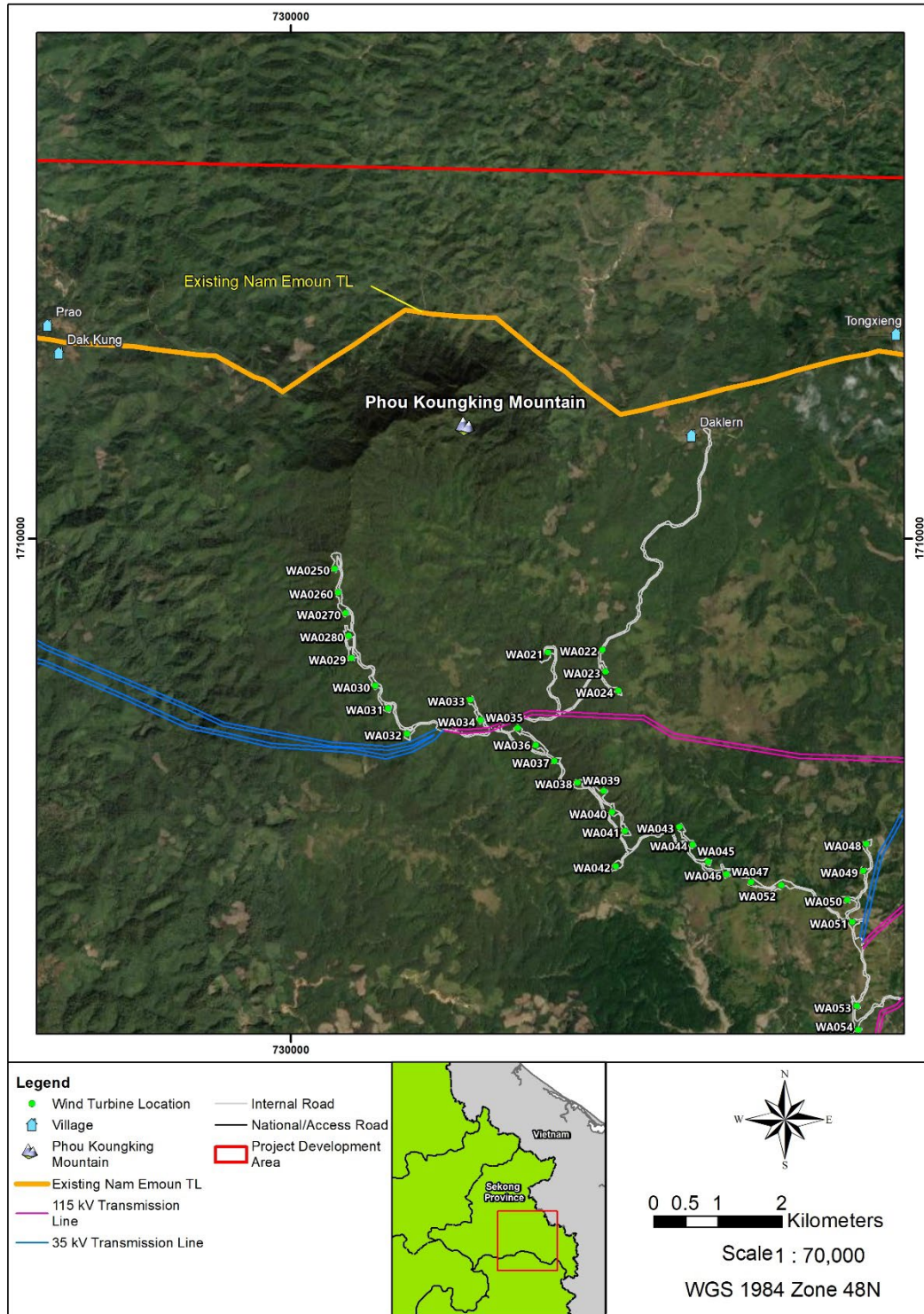
ADB Criteria for BCS	Observations/Findings	Applicability
(ii) Physical displacement from IP traditional or customary lands	<ul style="list-style-type: none"> ■ There is no physical displacement as a result of Project's land acquisition. The Project will only result in economic displacement whereby the Project has proposed mitigation measures in as outlined in the Resettlement Plan (RP) and Community Development Plan (CDP). 	Not Applicable
(iii) Commercial development of natural resources within customary lands under use that would affect the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IP	<ul style="list-style-type: none"> ■ The Project acquisition/use will impact customary land use of IPs for livelihood support e.g. non-timber forest products and upland rotational cultivation. However, the Project ESIA Section 8.5.2 and Section 8.5.3 demonstrated that small, fragmented areas of clearing will be undertaken, instead of larger areas, and new access to NTFP collection and agricultural areas provided by the Project, the overall impact to the supply of NTFPs will be negligibly affected. The impacts to livelihood, particularly NTFP collection, is therefore not expected to be significant. Additionally, livelihood restoration measures will be outlined in the RP and CDP. 	Not Applicable

Although it was determined that ADB's requirement for BCS criteria are considered not applicable as discussed in **Table 3.4**, the Project will take precautionary approach to ensure that the Project obtains broad community support from IP communities, particularly the villages located near Phou Koungking. The Project will undertake additional consultation with the villagers of Proa Village and Dak Ran Village as they are located nearest to Phou Koungking (approximately 4.5 km and 2.0 km from Phoud Koungking, respectively) and Dak Bong village as overhead transmission line will pass over Dak Bong cemetery. It is noted that the transmission line is 70 m above the ground and no physical impacts (e.g. land clearance, earthwork, etc.) will be made Dak Bong cemetery area (refer to **Section 3.3.2** for more details). Objectives of additional consultation will be to:

- Better understand the villagers' beliefs towards the Phou Koungking mountain and the spirit that inhabits the mountain and Dak Bong cemetery.
- Solicit villagers' concerns regarding Project development in Phou Koungking area and Dak Bong cemetery.
- Understand conditions and requirements from the villagers in order for the Project to enter and develop Project components within Phou Koungking area and Dak Bong cemetery, such as particular ceremonies or rituals that should be undertaken by the Project according to the villagers' beliefs.
- To provide commitments to comply with villagers' conditions, requirements and mitigation measures to minimize impacts such as land clearance to the Phou Koungking area and Dak Bong cemetery.
- To obtain and document a collective expression of BCS from affected IP communities for Project activities within the Phou Koungking and Dak Bong cemetery area.

The consultations will be recorded and the IPs communities' expression of BCS will be documented in the minutes of meetings. The minutes will be approved by village heads, and this will be used to document that the Project has obtained BCS for Project activities within Phou Koungking mountain and Dak Bong cemetery.

Figure 3-6: Villages Located near Phou Koungking



3.3 Project Impacts on Cultural Heritage

3.3.1 Old Layout (GoldWind)

There are cultural heritage sites, mostly cemeteries and sacred forests, present within the Project development area as shown in **Figure 3-5**. The previous Project layout, GoldWind Technology with 148 WTGs, resulted in overlapping of Project components and sacred forests and cemeteries. The cultural heritage sites potentially impacted by the original proposed Project layout are discussed in **Table 3.5**.

Table 3.5: Affected Cultural Heritage

Name	Location	Overlap with	Potential Impacts
Paxar Dak Terb (southwest)	500 m southwest of Dark Terb Village	115 kv Transmission Line (TL)	<ul style="list-style-type: none"> ■ Land acquisition and clearance for 115 kv TL ■ Construction activities of 115 kv TL
Paxar Dak Terb (south)	300 m south of Dark Terb Village	WH1050 and WH1060 and internal road	<ul style="list-style-type: none"> ■ Land acquisition and clearance for WTGs and internal roads ■ Construction activities of WTGs and internal roads ■ Noise and shadow flicker impacts from operation of WTGs
Paxar Dakbong	Adjacent to Dakbong Village (east)	500 kv TL	<ul style="list-style-type: none"> ■ Land acquisition and clearance for 500 kv TL ■ Construction activities of 500 kv TL
Paxar Dak Den	1.7 km northeast of Dak Den Village	Internal road and WH059 to WH061	<ul style="list-style-type: none"> ■ Land acquisition and clearance for WTGs and internal roads ■ Construction activities of WTGs and internal roads ■ Noise and shadow flicker impacts from operation of WTGs

It is noted that the impacts to cultural heritage sites shown in **Table 3.5** have been avoided where possible and minimize through the Project layout optimization as discussed in the next section (**Section 3.3.2**).

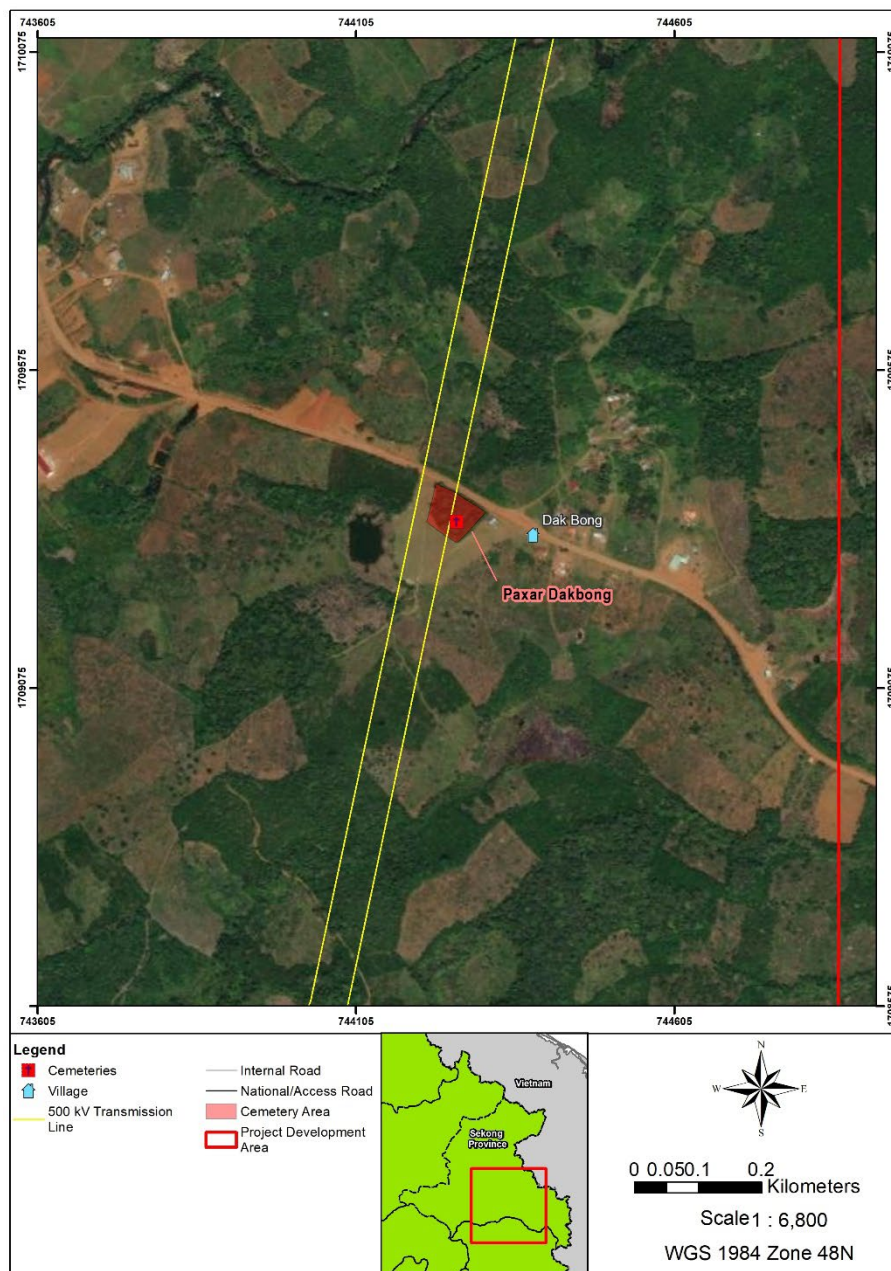
3.3.2 Current Layout (EnVition)

The Project has taken into consideration impacts to cultural heritage resources for Project layout optimization. The Project has reduced the number of WTGs from 148 to 133 to avoid impacts to cemeteries. The current Project layout (EnVition with 133 WTGs) has been optimized to reduce impacts to cemeteries, including re-routing of the transmission line and internal road alignment to avoid cutting through cemeteries (**Figure 3-5**). It is noted that an overhead transmission line will pass over Dak Bong Cemetery (**Figure 3-7**). The transmission line is approximately 70 m above the ground, therefore there will be no modifications (i.e. vegetation clearance and earthwork) made to the cemetery area. The Project will conduct additional consultation with Dak Bong villagers and comply with required ceremony or ritual in order to enter and proceed with Project activities within Dak Bong cemetery.

Eight (8) WTGs, transmission line and internal roads will be developed within Phou Koungking (**Figure 3-6**). Although Phou Koungking is not officially classified as “sacred forest” there is Potential Intangible Cultural Heritage associated with this mountain area (as reported during the field studies). Phou Koungking overlaps with WA0250, WA0260, WA0270, WA0280, WA029, WA030, WA031, WA032, the transmission line and internal road. Phou Koungking is classified as a Protected Forest, managed by the Provincial Government. It is noted that this forest receives this designation, in part, to protect the area’s watersheds. Any potential ecological impact of the Project on the sacred forest is assessed in **Section 8.4** of the ESIA and the mitigation measures are proposed in the BAP.

Avoidance of impacts to Phou Koungking by relocating WTGs has been taken into considerations by the Project. This approach would, however, result in delivering below expected electricity generation to EVN by 30-99 GW annually as agreed in the Power Purchase Agreement, which would be economically unfeasible for the Project. The Project therefore proposed mitigation measures for impacts to Phou Koungking to minimise impacts to cultural heritage resources. As with other sacred areas, villagers do not typically enter this sacred forest. In this instance, villagers fear angering the spirit and/or receiving punishment as the spirit can make people feel ill. People who want to enter the forest are required to consult with village heads. A ritual must be performed in accordance with local customs that includes animal sacrifice, in order to gain the spirit's permission to enter the sacred forest. This belief and ritual ceremony are commonly practised in the region. It is noted that the intangible value is associated with the spirit that lives within the forest, not the forest nor trees themselves. The Project will strictly comply with the regulation and requirements from relevant authorities and the Biodiversity Action Plan (BAP) and limit land clearance within this mountain as this area is also listed as a protected forest under the National guideline and is under the Provincial government management.

Figure 3-7: Dak Bong Cemetery



3.3.3 Construction Phase Potential Impacts to Cultural Heritage

The construction phase has been identified as having the greatest potential to impact cultural heritage resources. Several types of construction activities have the potential to cause direct impacts to cultural heritage. These direct impacts are anticipated to occur during activities that disturb the ground, including:

- Vegetation clearance;
- Grading and excavation;
- Cut and fill operations;
- Road construction;
- Use of heavy vehicles;
- Soil boring;
- Pile driving; and
- Drilling.

The Project Supplementary ESIA identifies the following key Project risks and impacts to cultural heritage resources during the construction phase:

- Potential impacts to Intangible Cultural Heritage associated with the Phou Koungking. The area will be impacted from land acquisition, land clearance, and construction activities of WTGs, transmission line and internal roads. Impacts may arise from noise and shadow flicker impacts from operation of WTGs.
- Impact of construction related environment nuisance such as vibration, noise, and dust affecting cultural heritage sites close to construction sites.
- Potential disruption to local ceremonies and activities from increased noise levels, vibration and dust, including exclusion areas being set up to protect villagers from heavy vehicle/machinery use.
- Potential of inward migrating workers to negatively influence existing customs and religious practices undertaken by the ethnic groups, the result of which could be an erosion or loss of ethnic culture. The loss of ethnic culture may occur if migrant workers and other outsiders are not respectful of or understand the various customs and religious practices, such as boundaries placed on areas that may only be accessed by women or men.

This potential impact is concerned primarily with the construction phase, as this is when workers and other related people are likely to move to the villages in the AoI. Only a small workforce (40 people) will remain in the operation phase.

- Construction of Project components will involve excavations at several wind turbine locations. Potential impacts to cultural resources that are not yet known may occur during the construction phase of the Project during clearing or excavation work.

In addition to these direct physical impacts described above, the Project has the potential to cause indirect impact to cultural heritage resources. Indirect impacts result from Project activities that do not physically damage a resource, but rather, impact stakeholders' ability to use or access to cultural heritage resources, thereby negatively affecting its cultural value. For instance, restriction on public access to existing tangible cultural heritage sites or areas used for Intangible cultural heritage activities, such as forests.

3.3.4 Operation Phase Potential Impacts to Cultural Heritage

Project risks and impacts to cultural heritage resources during the operational phase are not expected to be significant, and are expected to be limited to the following:

- Impacts of shadow flicker on cultural heritage sites located in close proximity to the wind turbine towers; and
- Changes to the natural landscape resulting from presence of WTGs.

4 CULTURAL HERITAGE MANAGEMENT PROCEDURES/CONTROLS

In aligning Project activities with legal requirements, international standards and ESIA commitments (as described in **Section 8.5.9** of the ESIA), the Project has committed to the following management measures in order to ensure minimum impacts to known and unknown cultural heritage resources.

4.1 Management Measures

4.1.1 Pre-Construction Phase

During the pre-construction phase, the Project has made efforts to minimize Project impacts on cultural heritage resources as follows:

Pre-construction Survey

The Project conducted a cultural heritage survey during field data collection in November to December 2021. In addition, the Project has also conducted consultation with local authorities and community members/and owners/users within the Project development area to identify the presence of cultural heritage resources, both tangible and intangible, and to understand the communities' concerns and preferences for mitigation measures in relation to Project impacts on cultural heritage resources. The outcomes from the survey and stakeholder engagement are presented in **Section 3.1.2** and **Section 3.1.3**, and the outcome of consultation with local communities in relation to cultural heritage is presented in **Section 3.2**.

Commitments during ESIA Technical/Field Studies

The Project placed a strong emphasis on respecting the cultures and customs of the villagers, and has been participating in various rituals as part of granting access and permission to undertake technical/field studies to support the ESIA. This will be formalised as part of this plan to apply to all Project stages and all Project workers.

Project design

The Project has also sought to minimise any impact to cultural heritage through optimisation of the Project layout as previously discussed in **Section 3.3**.

4.1.2 Construction Phase

During the construction phase, the following cultural heritage protocols will be implemented:

- Ongoing consultation with the villagers who reside nearby the sacred forest to ensure communities have a good understanding of Project activities and potential impacts on the sacred forest (including the potential for the Project to disrupt ceremonies and activities), and the grievance mechanism.
- Seek permission from the village leaders, elders and the broader community to enter and utilise the sacred forest areas that overlap with the Project footprint. Document the consent process and the consent itself, taking a precautionary approach, to address the potential for ADB Indigenous People Safeguards (**Section 2.2.1.3**) to be triggered in terms of consent for Project impacts on IP cultural resources, and strictly comply with IPs requirements in other management plans including Stakeholder Engagement Plan (SEP) and Community Development Plan (CDP).
- The Project will plan Project activities to avoid activities that involve the use of large equipment and machinery which may cause noise and dust disturbance to the nearby villages during their ceremonies and festivals. The annual cycle of the ceremony and festival is presented in **Table 3.2**.
- To ensure workers are aware of the cultural heritage sensitivities and the various protocols in place, the Workers Code of Conduct will contain a statement requiring workers to respect cultural heritage and adhere to all protocols and management plans.

The cultural heritage protocol will be supported by various plans such as the Stakeholder Engagement Plan (SEP) which provides stakeholder engagement strategies and activities throughout the Project lifecycle. The Construction Environmental and Social Management Plan (CESMP) will also outline requirements for the EPC Contractors to notify the community relations team prior to entering the sacred forest to ensure appropriate notification and rituals are taken place prior to start of work.

In addition to cultural heritage protocol and measures above, the Project has committed to developing and implementing the following construction phase cultural heritage management programs:

- A Cultural Heritage Training and Awareness Program for Project personnel and contractors
- A Cultural Heritage Monitoring Program; and
- A Cultural Heritage Finds Procedure.

The following sections provide information on these construction phase programs.

4.1.2.1.1 Cultural Heritage Training and Awareness

The Project will develop cultural heritage awareness training materials, including training specific to identification of cultural heritage finds and the implementation of the CHMP. Training awareness materials shall be developed to:

- Raise awareness of tangible and intangible local customs, and traditional norms, including how to behave within different cultural environments.
- Provide a basic understanding of known finds in the work areas and explain cultural heritage find identification, stop work, and notification and reporting procedures as per the Chance Find Procedure.

Awareness training will be available for all personnel with the potential to encounter tangible or intangible cultural heritage resources during their day-to-day activities. This training shall be provided as part of general site induction training. Examples of Contractor staff who should receive this training include environmental and health and safety staff, construction plant operators and flaggers and construction labourers.

The cultural heritage awareness training will be delivered to Project and Contract staff in two ways. The first, training will be delivered during general site induction. The second training method will consist of a short, “toolbox talk” style training delivered to Project and Contractor staff by IEAD Environmental and Social Manger.

4.1.2.1.2 Cultural Heritage Monitoring Program

In order to identify chance finds, the Project will implement cultural heritage monitoring programs for all ground disturbing activities. The purpose of this monitoring is to record and protect cultural heritage by utilizing Project personnel and Project contractors to monitor project activities to prevent impacts to resources.

Cultural heritage construction monitoring refers to construction monitoring performed by Project personnel and Project contractors during their day-to-day activities. As described in **Section 4.1.2.1** of the CHMP, cultural heritage awareness training shall be provided to all personnel with the potential to encounter tangible or intangible cultural heritage resources during their day-to-day activities. The expectation is that individuals will use the cultural heritage awareness training they have received to identify potential cultural finds they may encounter during their day-to-day activities and report them to Site Manager or IEAD/Contractor Environmental and Social Manager.

4.1.2.1.3 Cultural Heritage or Chance Finds Procedure

According to the ADB Safeguard Policy Statement (SPS) 2009 and ADB Environmental Safeguards: A Good Practice Sourcebook 2012, under circumstances where archaeological and cultural heritage resources are discovered, it is required that the project will not remove any of them unless the following conditions are met:

- No alternatives to removal are available;
- The overall benefits of the project substantially outweigh the anticipated cultural heritage loss from removal;
- Any removal is implemented in compliance with relevant provisions of national and/or local laws, regulations, and protected area management plans and national obligations under international laws, and employs the best available techniques.

Based on the results of cultural heritage survey in the Project development area, the Project has the potential to disturb or alter undiscovered cultural heritage resources (including human remains) discovered during construction activities (i.e. finds). The Project has developed a Chance Finds Procedure that governs the management of cultural heritage finds¹² discovered during Project activities. The Chance Finds Procedure has the following objectives:

- Define the procedures to be followed to ensure appropriate management of cultural heritage finds, while also minimizing disruption to the construction schedule;
- Provide a consistent approach to management of cultural heritage finds to streamline worker acceptance and compliance; and
- Ensure compliance with relevant Laos laws and regulations, ADB SPS requirements and other requirements (see **Section 2**) and align with local customs and traditional norms.

Refer to **Appendix A** for detailed Chance Find Procedure.

4.1.2.2 Additional Mitigation Measures for Cultural Heritage

In addition to the mitigation measures and programs presented above, the Project will also implement the following to further support and promote local cultural heritage:

- Provide support for the documentation and preservation of traditional knowledge on herbs and their benefits/usage, skills, and indigenous crafts passed through women (e.g., hand knitting mats, bamboo baskets, and woven woollen carpets).
- Set up a women's cooperative to promote indigenous crafts, which will involve the investigation of where indigenous crafts can be sold and market for these crafts. This will support efforts to increase revenue and enhance livelihoods.

¹² For the purposes of this plan, cultural heritage finds are defined using the IFC PS 8 definition of chance finds: Tangible cultural heritage encountered unexpectedly during project construction or operation.

5 MONITORING AND REPORTING

This section summarizes the proposed mitigation/management measures described in **Section 4** , and provides corresponding monitoring and reporting requirements. These measures are outlined in **Table 5.1**.

Table 5.1: Management and Monitoring

Potential Impact and Impact Source	Management	Monitoring			
	Management Measures	Monitoring Activities	Performance Indicators	Frequency	Responsible Person(s)
Damage to, or disturbance (e.g. noise, dust, etc.) of, cultural heritage sites, structures and values by Project activities, including earthworks (e.g. excavation) and movement of people and vehicles.	<ul style="list-style-type: none"> Consult stakeholders who may be impacted by damage to or removal of cultural heritage sites, structures, and values, and provide opportunities for them to give feedback. 	<ul style="list-style-type: none"> Record consultation activities with impacted stakeholders 	<ul style="list-style-type: none"> N/A 	Prior to Construction	IEAD
	<ul style="list-style-type: none"> Develop a calendar of festivals, ceremonies or similar events and a map of known cultural heritage sites, structures and values to avoid potential Project impacts during these events. 	<ul style="list-style-type: none"> Verification of completion 	<ul style="list-style-type: none"> N/A 	Prior to Construction	IEAD
	<ul style="list-style-type: none"> Ensure relocation of known cultural heritage sites (e.g. cemeteries) within the Project boundary is done in a culturally appropriate manner prior to construction, in line with the applicable standards. 	<ul style="list-style-type: none"> Record the relocation process 	<ul style="list-style-type: none"> Number of non-compliances with the applicable standards 	Prior to Construction	IEAD and EPC Contractor
	<ul style="list-style-type: none"> Conduct toolbox meetings prior to conducting construction activities, particularly earthmoving activities, to ensure impacts to cultural heritage sites, structures, and values are considered. 	<ul style="list-style-type: none"> Record completion of toolbox meetings 	<ul style="list-style-type: none"> N/A 	Construction	IEAD and EPC Contractor
	<ul style="list-style-type: none"> Provide the Project workforce (including employees and subcontractors) with information and awareness training on the surrounding cultural heritage sites, structures, and values, the management measures in place (i.e. the CHMP) and the Chance Finds Procedure during inductions. 	<ul style="list-style-type: none"> Record workforce attendance at inductions 	<ul style="list-style-type: none"> Percentage of workforce attendance at inductions 	Ongoing	IEAD and EPC Contractor
	<ul style="list-style-type: none"> Ensure the person(s) in charge is aware of the protocols for operating near cultural heritage sites, structures and values, and the actions to minimise disturbance to cultural heritage values. 	<ul style="list-style-type: none"> Record workforce attendance at inductions and relevant training 	<ul style="list-style-type: none"> Number of non-compliances with the CHMP 	Ongoing	IEAD and EPC Contractor
	<ul style="list-style-type: none"> Ensure the Worker Code of Conduct contains expectations regarding cultural awareness and sensitivities. 	<ul style="list-style-type: none"> Record non-compliances with 	<ul style="list-style-type: none"> Number of non-compliance with the Worker Code 	Ongoing	IEAD and EPC Contractor

Management		Monitoring			
Potential Impact and Impact Source	Management Measures	Monitoring Activities	Performance Indicators	Frequency	Responsible Person(s)
		the Worker Code of Conduct	of Conduct relating to cultural heritage		
	<ul style="list-style-type: none"> Conduct ongoing engagement with stakeholders so that they are aware of the timing of construction activities (e.g. periods of increased noise and dust) and potential impacts to cultural heritage sites, structures, and values. 	<ul style="list-style-type: none"> Record engagement activities with stakeholders 	<ul style="list-style-type: none"> N/A 	Ongoing	IEAD
	<ul style="list-style-type: none"> Implement and maintain a community grievance mechanism, so that stakeholders can raise issues and concerns. 	<ul style="list-style-type: none"> Record complaints 	<ul style="list-style-type: none"> Number of complaints relating to damage and/or disruption of cultural heritage sites, structures, and values 	Ongoing	IEAD
	<ul style="list-style-type: none"> Establish and mark, where necessary, no go zones for areas considered to be significant cultural heritage sites, structures and values. 	<ul style="list-style-type: none"> Record establishment of no go zone 	<ul style="list-style-type: none"> Number of non-compliances with barriers to avoid damage or disturbance to cultural heritage sites 	Ongoing	IEAD and EPC Contractor
	<ul style="list-style-type: none"> Implement management measures outlined in the Traffic Management Plan, Air Quality Management Plan, and Noise and Vibration Management Plan to reduce disturbance, including dust, noise and vibrations, to nearby cultural heritage sites, structures and values. 	<ul style="list-style-type: none"> Verification of implementation 	<ul style="list-style-type: none"> Number of non-compliances with these plans 	Ongoing	IEAD and EPC Contractor
	<ul style="list-style-type: none"> Establish physical barriers between and/ or setback distances from cultural heritage sites, structures, and values, where necessary. 	<ul style="list-style-type: none"> Record establishment of barriers and setback distances 	<ul style="list-style-type: none"> N/A 	Ongoing	IEAD and Contractor

Management		Monitoring			
Potential Impact and Impact Source	Management Measures	Monitoring Activities	Performance Indicators	Frequency	Responsible Person(s)
	<ul style="list-style-type: none"> Select the location and direction/ positioning of Project lights to minimise impacts to surrounding cultural heritage sites, structures and values, including nearby pagodas and temples, as well as festivals and ceremonies. 	<ul style="list-style-type: none"> Verification of implementation 	<ul style="list-style-type: none"> N/A 	Ongoing	IEAD and EPC Contractor
	<ul style="list-style-type: none"> Seek to maintain access to cultural heritage values for local people, or where necessary relocate cultural heritage values to avoid disturbance. 	<ul style="list-style-type: none"> Record complaints 	<ul style="list-style-type: none"> Number of complaints relating to damage and/or disruption of cultural heritage sites, structures, and values 	Ongoing	IEAD
	<ul style="list-style-type: none"> Implement a Chance Finds Procedure to provide guidance to workers on the actions that should be taken if a cultural heritage site, structure or value is uncovered during Project activities, in line with the applicable standards. 	<ul style="list-style-type: none"> Verification of implementation 	<ul style="list-style-type: none"> Number of non-compliances with the Chance Finds Procedure 	Ongoing	IEAD and EPC Contractor

5.1 Reporting

This section outlines the processes for monitoring and reporting associated with the CHMP. These processes are required to:

- validate predictions made in the ESIA and assess the actual impacts of the Project on cultural heritage sites, structures and values;
- verify and document that the management measures identified have been implemented;
- document and evaluate the effectiveness of the management measures; and
- demonstrate compliance with applicable standards.

In order to assess the effectiveness of the management measures as detailed in **Section 4** and identify the need for further action, the CHMP monitoring program outlined in **Table 5.1** will be followed.

5.1.1 Contractor Reporting

During construction the engineering, procurement and construction (EPC) contractor will be responsible for implementing the CHMP and monitoring activities in compliance with the CHMP. Monitoring results, including any non-conformances and associated corrective actions, will be reported to IEAD.

EPC contractor's monthly construction environmental report to IEAD will include a summary of:

- Incidents of disturbance and/ or damage to known cultural heritage sites, structures and values.
- All cultural heritage sites, structures and values identified through chance finds.
- Management measures undertaken as a result of chance finds.
- Performance indicators (captured in **Table 5.1**) as applicable in the reporting period.

The EPC contractor will notify IEAD immediately should the monitoring program identify any non-compliances with the CHMP. In instances, where a non-compliance with the CHMP occurs the EPC contractor will be responsible for identifying and implementing corrective action/s. The EPC contractor will document non-compliances and corrective actions (**Appendix B**).

In addition, the EPC Contractor Environmental and Social Manager should conduct periodic inspections to ensure workforce are complying with the CHMP requirements.

5.1.2 Audits

The Project will be subject to internal audits. The internal audits will be conducted by the IEAD Environmental and Social Manager Lead to ensure the EPC contractor is appropriately managing and monitoring the CHMP. **Table 5.2** presents a summary of the process.

Table 5.2: Auditing

Audit	Auditor	Frequency
Internal	IEAD Environmental and Social Manager	Bi-annual

Internal auditors will notify relevant Project site staff about upcoming audit events, via written notice. This will provide a mechanism to communicate the schedule, activities, and objectives of the audit. If urgent, the project site may be notified via phone.

The audit process will involve reviewing onsite activities to assess compliance with the management plans and/ or IEAD's internal standards. The auditor will review all records of previous audits and evaluate historic compliance and use of appropriate corrective actions.

Findings from the audit will be summarised in an audit report. A copy of the resulting audit report is to be made available upon request for reference and, where necessary, implementation of any identified corrective actions.

The key performance indicators to be considered when auditing this management plan are:

- Number of non-compliances with the CHMP.
- Number of non-compliances with the Chance Finds Procedure.
- Percentage of workforce attendance at inductions.
- Number of complaints made in relation to damage and/or disturbance of cultural heritage sites, structures and values.

5.1.3 Notification and Reporting of Chance Finds

The EPC contractor should notify IEAD immediately of any potential cultural heritage sites, structures and/or values that have been discovered as a chance find, in line with the Chance Finds Procedure (**Appendix A**). The EPC contractor will also be responsible for completing an Incident Report.

As noted in the Chance Finds Procedure, if a chance find is made the IEAD Environmental and Social Manager will be responsible for liaising with the relevant department of the MICT to notify them of the chance find.

The Project will provide the MICT with copies of Incident Reports, as required.

6 ROLES AND RESPONSIBILITIES

This section provides details of the Project's organisational structure with regards to onsite delivery of the Project, and the various roles and responsibilities of those people involved in delivering the Project.

The Project organisational chart and overall roles and responsibilities are outlined in the Environmental and Social Management Plan (ESMP). The key roles and responsibilities for the CHMP are outlined in **Table 6.1**.

Table 6.1: Roles and Responsibilities

Role	Responsibilities
IEAD Project Manager	<ul style="list-style-type: none"> ■ Ensure appropriate resources are available for the implementation of the CHMP.
IEAD Site Manager	<ul style="list-style-type: none"> ■ Ensuring the MICT's Chance Find Procedure (CFP) is followed in the event of a discovery. ■ Reporting all chance finds to the Project Manager. ■ Ensuring the initial protection of a chance find location. ■ Ensuring that all workers are familiar with IEAD CHMP through induction training and other training provided.
IEAD Environmental and Social Manager	<ul style="list-style-type: none"> ■ Ensure Project compliance with the Project Standards and other requirements set out in this Plan. ■ Ensuring activities do not disturb cultural heritage sites without appropriate approvals. ■ Ensuring that all site managers will be aware of the terms of the EIA, the conduct of the earthworks, the cultural heritage sites located in the areas where the Company operates and the terms of cultural heritage management. ■ Facilitate access on site to the cultural heritage specialists in charge of assessing the presence of cultural heritage values on site. ■ Coordinate interfaces with local government authorities and external stakeholders. ■ Liaising with the relevant department of the MICT and relevant stakeholders in the event of a chance find. ■ Ensure all areas have been given clearance by local government authorities regarding the presence of possible cultural heritage artefacts. ■ Ensure the Chance Finds Procedure is implemented when an unknown cultural heritage value is discovered. ■ Responsible for reviewing and updating of the CHMP, as required. ■ Conduct engagement in relation to the relocation of cultural heritage. ■ Monitor the grievance mechanism and assist in responding to concerns relating to cultural heritage. ■ Provide training and guidance to the workforce as needed to facilitate awareness and implementation of the CHMP. ■ Providing training at project site about chance find procedure, it will also be a part of orientation / inception training of new comers, contractors, sub-contractors, suppliers and visitors. ■ Conducting toolbox talks during construction to ensure that workers will be alert to any signs of past cultural activity in the area.
EPC Contractor Environmental and Social Manager	<ul style="list-style-type: none"> ■ Support implementation of the CHMP and ensure the Chance Finds Procedure is implemented. ■ Provide assistance and advice on site to fulfil the requirements of the CHMP, assess data from inspections, monitoring and reporting, and provide project-wide advice to ensure a consistent approach and outcomes are achieved. ■ Provide training and guidance to the workforce as needed to facilitate awareness and implementation of the CHMP.

	<ul style="list-style-type: none"> ■ Identify and assess risks before commencing works each day and ensure that the appropriate controls are implemented and effective. ■ Ensure all workers on site are aware of the no go zones.
Workforce (incl. employees, contractors and sub-contractors)	<ul style="list-style-type: none"> ■ Implement all applicable management measures. ■ Notify line manager of any artefacts or possible artefacts discovered on site in line with the Chance Finds Procedure. ■ Respect areas identified as cultural heritage no go zones.

6.1 Document Amendment and Distribution

The CHMP shall be reviewed by the IEAD Environmental and Social Manager as follows:

- As requested by the IEAD Project Manager;
- When there is a change in the Project footprint or Project construction method/ technology that may affect the accuracy of this document;
- When there has been a significant event to which this document was relevant; or
- As a result of a non-conformance resulting from an audit.

APPENDIX A CHANCE FIND PROCEDURE

APPENDIX B CORRECTIVE ACTION REGISTER

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