

# Resettlement and Ethnic Minorities Development Plan

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July 2016

## VIE: Support to Border Areas Development Project

# **Resettlement and Ethnic Minorities Development Plan**

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July 2016

## **VIE: Support to Border Areas Development Project**

***Subproject:* Construction of Provincial Road 675A, Section from Se San 3 to Ho Da Sub Border Gate in Ia H'Drai district, Kon Tum province**

## CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)

Exchange rate in 31/5/ 2016: \$1 = 22,300 VND

## WEIGHTS AND MEASURES

- |                               |   |  |
|-------------------------------|---|--|
| m (Meter)                     | – | the <a href="#">base unit</a> of length  |
| m <sup>2</sup> (Square meter) | – | A system of units used to measure areas  |
| m <sup>3</sup> (Volume)       | – | A system of units used to measure the spaces,<br>that an object or substance occupies. |
| kg (Kilogram)                 | – | A decimal unit of weight based on the gram   |

## **ABBREVIATIONS**

ADB	-	Asian Development Bank
AH	-	Affected Household
AP	-	Affected Person
CARB	-	Compensation, Assistance and Resettlement Board
CPC	-	Commune Peoples, Committee
DARD	-	Department of Agriculture and Rural Development
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DPC	-	District Peoples, Committee
DPI	-	Department of Planning and Investment
DTA	-	Development Triangle Areas
EA	-	Executing Agency
EM	-	Ethnic Minority
FS	-	Feasibility Study
GOV	-	Government of Vietnam
HH	-	Household
IMO		Independent Monitoring Organization
IOL	-	Inventory of Losses
LIC	-	Loan Implementation Consultants
LURC	-	Land Use Rights Certificate
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MPI	-	Ministry of Planning and Investment
NTP	-	Notice to Proceed
PIB	-	Project Information Booklet
PPC	-	Provincial People Committee
PPMU	-	Provincial Project Management Unit
RCS	-	Replacement Cost Study
REMDP	-	Resettlement and Ethnic Minorities Development Plan
SIA	-	Social Impact Assessment
VND	-	Vietnamese dong
VWU	-	Viet Nam Women's Union

## GLOSSARY

Affected person (AP) / Affected household (AH)	<ul style="list-style-type: none"> <li>- Means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or subprojects, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement.</li> </ul> <p>In the case of affected household, it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.</p>
Compensation	<ul style="list-style-type: none"> <li>- Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.</li> </ul>
Cut-off date	<ul style="list-style-type: none"> <li>- Means the date of land acquisition announcement made by local authorities. The APs will be informed of the cut-off date for each subproject component, and any people or assets that settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.</li> </ul>
Ethnic minority	<ul style="list-style-type: none"> <li>- People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.</li> </ul>
Entitlement	<ul style="list-style-type: none"> <li>- Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.</li> </ul>
Host community	<ul style="list-style-type: none"> <li>- Means communities receiving physically displaced persons of a project as resettlers.</li> </ul>
Income restoration	<ul style="list-style-type: none"> <li>- Re-establishing productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement..</li> </ul>
Income restoration program	<ul style="list-style-type: none"> <li>- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socioeconomic survey and consultations.</li> </ul>
Inventory of Losses (IOL)	<ul style="list-style-type: none"> <li>- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project area are identified, measured,</li> </ul>

their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.

Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Resettlement and Ethnic Minorities Development Plan (REMDP)	- A plan for resettlement of affected population including ethnic minority population, combining the resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.
Replacement cost	- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- All direct economic and social losses resulting from involuntary land acquisition and/or involuntary restrictions on land use or on access to legally designated parks and protected areas, together with the consequent compensatory and remedial measures..
Natural Habitat	Land and water areas where the biological communities are formed largely by native plant and animal species, and where human activity has not essentially modified the area's primary ecological functions
Resettlement Plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets generating income, and/or (ii) have to relocate.
Stakeholders	- Individuals, groups, or institutions that have an interest or stake in the outcome of a project. The term also applies to those potentially affected by a project. Stakeholders include land users, country, regional and local governments, implementing agencies, project executing agencies, groups contracted to conduct project activities at various stages of the project, and other groups in the civil society which may have an interest in the project.
Vulnerable groups	- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) single-

female headed households with dependents, (ii) disabled household heads, (iii) households falling under the national poverty standard, (iv) children and the elderly households who are landless and with no other means of support; (v) ethnic minority households who are severely affected by project.

**Note:**

The resettlement and ethnic minority development plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

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## EXECUTIVE SUMMARY

1. **Introduction:** The Support to Border Areas Development Project (SBADP) funded by the Asian Development Bank (ADB) covers five provinces, including Dak Lak, Dak Nong, Gia Lai, Kon Tum and Binh Phuoc. Subproject of “*Construction of the Provincial Road 675A, Section from Se San 3 - Ho Da border gate in Ia H'Drai District, Kon Tum Province*” is one of 5 subprojects of SBADP. This road section goes thru Ia Toi and Ia Dal communes of Ia H'Drai district with total length of 70.8 km. The objective of subproject is to facilitate transportation connection between Ia H'Drai – the border district with Kon Tum City and other areas, create good condition for movement and product circulation for the people in the area, especially improve road connection between Ia H'Drai District with potential consumption market, the places creating value-added and encourage income creating activities for non agriculture business, promote economic cooperation and development for border area of Vietnam and Cambodia.

2. **Scope of Impacts:** There is only land acquisition in Section #2 of the subproject. The construction in this section will affect Chu Mom Ray Rubber Company (herein after called Chu Mom Ray Company), 06 workers of this company and Sa Thay frontier post. Subproject will acquire permanently 99,150m<sup>2</sup>, of which 2,216m<sup>2</sup> of garden land, 15,309 m<sup>2</sup> of perennial land for planting rubber trees, 79,625m<sup>2</sup> of internal road land in the rubber plantation of Chu Mom Ray Company, and 2,000m<sup>2</sup> of other land of Sa Thay Frontier post. About 12,800m<sup>2</sup> of 03 kinds of land will be temporarily affected during the construction to be used for temporary road, producing prestress concrete girger yard, and disposal and borrow pit.

3. Subproject will affect 02 drilling wells and 60m<sup>2</sup> fishing pond of 02 workers, and 100m fence of Sa Thay frontier post, 2,496 rubber trees of Chu Mom Ray Company, 114 trees and 106m<sup>2</sup> of crops of 04 workers of this company. About 2,600m<sup>2</sup> of crops and 30 fruit trees of Sa Thay frontier post will be also affected. Beside the negative impact from land acquisition, the EM people in subproject area will benefit from the improvement of road with better transport condition for travelling and production.

4. **Legal and policy framework:** This Resettlement and Ethnic Minorities Development Plan is prepared based on policies and laws of Vietnam Government, policies and regulations of Kon Tum Province and regulations and principles of ADB (SPS 2009) on Involuntary Resettlement (IR) and Indigenous People (IP). The overall objective of these policies is to ensure that all people, including ethnic people affected by the subproject are able to improve or at least restore their living standards to (i) improve or at least restore their living standard to pre-Project levels, (ii) receive culturally appropriate social and economic benefits, (iii) do not suffer adverse impacts as a result of project, and (iv) can participate actively in projects that affect them.

4. **Grievance Redress Mechanism (GRM):** In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism is established in this REMDP. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Furthermore, APs will not be ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. EA and IAs are responsible for resolving timely and successfully all complaints of APs.

5. **Disclosure, public consultation and participation:** Consultations, public meetings, and village discussions with APs and local officials were carried out during the resettlement planning process. Meaningful consultations with EM people have also been conducted during the social impact assessment and the resettlement planning process. Project policies and alternatives of land compensation and resettlement, EM's development plan and income restoration have been discussed during the meetings. Concerns and suggestions raised by the affected persons were

elicited and incorporated into the REMDP. The grievance mechanism is designed and disclosed to people to ensure that APs' concerns and grievances are addressed and resolved in a timely, culturally appropriate and satisfactory manner. APs will be made fully aware of their rights verbally and in writing during consultation, survey, and at the time of compensation.

6. **Issues on gender and EMs:** A majority of people living in the subproject area are EMs with approximately 68.3% of the total population in the subproject communes. They are J'Rai, Ba Na and other ethnic groups such as Thai, Tay , Nung, Muong....emigrated from the north of the country in the district area.

7. Positive and negative impacts of the subproject on EM people have been identified such as land acquisition but insignificant impact with mitigating measures defined for the negative impacts. There are still gender issues in the subproject area such as low status of women in their respective families and communities and their limited participation in decision-making processes. Rate of illiterate women is higher than that of men. A gender action plan is prepared for this subproject to address concerns of women in order to improve their social status in the subproject area.

8. **Institutional Arrangements:** Kon Tum Provincial People's Committee as the Executing Agency will allocate provincial budget and direct its departments and district authorities to implement land acquisition as scheduled. Provincial Department of Planning and Investment (DPI) as the project owner will manage project loan allocated to Kon Tum province, be responsible for overall management and coordination of project implementation. Provincial Project Management Unit (PPMU) will be established under DPI as Implementing Agency to manage and implement subproject and ensure that compensation and assistance are administered according to the provisions of this REMDP. A District Compensation, Assistance and Resettlement Board (DCARB) with representatives from affected persons (AP), will be established or District Land Fund Development Center will be assigned to implement the REMDP to implement the REMDP.

9. **Implementation schedule:** This REMDP will be implemented before civil works commence. It is expected that land acquisition will be carried out end of 2017 beginning of 2018.

10. **Monitoring and evaluation:** The subproject is category B in resettlement and ethnic minorities and insensitive subproject, so it is not required external monitoring experts. During resettlement implementation, Kon Tum PPMU will conduct internal monitoring and evaluation to ensure the implementation of the REMDP in compliance with ADB safeguard policy (SPS 2009).

11. **Total resettlement cost:** The total cost for implementation of the REMDP, including administration and contingency cost, is estimated to be 2,310,300,344 equivalent to 103,299.8 USD. This cost will come from the Kon Tum Province's budget.

## I. SUBPROJECT DESCRIPTION

### A. Background

12. Asian Development Bank (ADB) is planning to fund the Support to Border Areas Development Project (SBADP) to support the objectives of the Cambodia-Laos-Vietnam Development Triangle Area (CLV DTA) in Vietnam by improving critical transport infrastructure to increase the connectivity to areas of high economic productive potential with domestic and international market. The project comprises 03 main components: i) Road infrastructure in five VDTA provinces rehabilitated; (ii) VDTA plans and facilities for transport and trade facilitation (TTF) with a focus on inclusive growth developed; and (iii) Institutional Capacity for VDTA Investment Planning, Project Design and Implementation, and Resource Management strengthened. The project will be implemented in five provinces Dak Lak, Dak Nong, Gia Lai, Kon Tum and Binh Phuoc.

13. *“Improving the Provincial Road 675A, from Se San 3 - Ho Da border gate in Ia H’Drai District, Kon Tum Province”* is one of the subprojects in SBADP. The start point of proposed PR675A is Se San #3 Hydropower Plant (Km22+198) and end point is at the Ho Da sub-border gate. The subproject is located in Ia H’Drai District and goes through communes of Ia Toi, Ia Dal. Total estimated length is 70.8Km. When the construction of PR675A is complete, it will facilitate transportation connection between Ia H’Drai – the border district with Kon Tum City and other areas, create good condition for movement and product circulation for the people in the area, especially improve road connection between Ia H’ Drai District with potential consumption market, the places creating value-added and encourage income creating activities for non agriculture business, promote economic cooperation and development for border area of Vietnam and Cambodia.

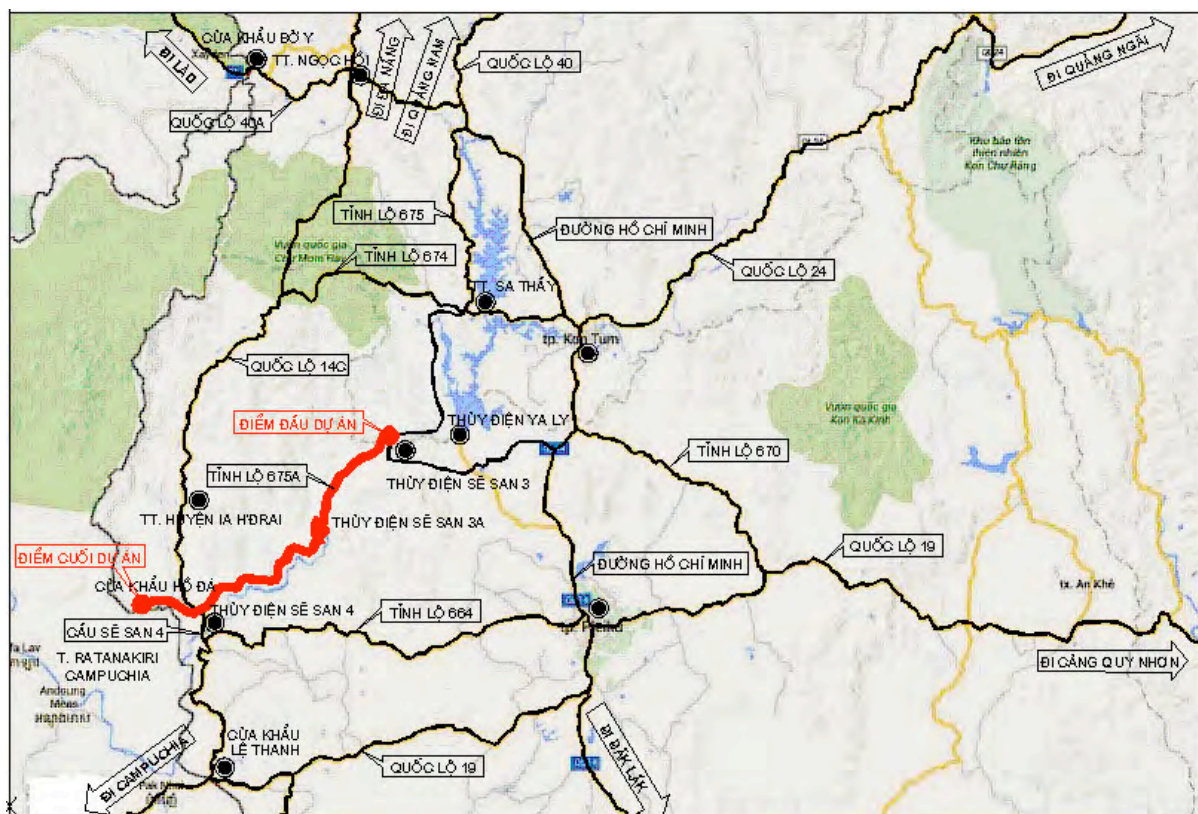


Figure 1: Subproject location

## B. Civil works to be undertaken

14. The PR675A to be invested under SBADP includes two sections: Section #1 is from Se San #3 Hydro power plant to NH14C, Section #2 is from NH14C to Ho Da border gate with the total length of 70.8km. The scope of works of two sections are presented as below:

15. **Road section #1 from Sê San 3 Power Plant to NH14C:** L= 58.7Km, this section start at Km22+198, the road passes Ya Tâng, Ia Toi communes; Ending point of the road section is at the crossing point with NR 14C. According to the Investment report, this road will be invested with the scope of rural road level B with 5m of embankment, 3.5m of pavement with cement concrete or macadam structure depending on the slope in individual sections; road shoulders: 2x0.75m. Due to the budget limitation, only some major items were constructed in the first phase to ensure for traffic and travel of local people such as i) road embankment was complete construction according to the approved design; ii) drainage culverts; iii) Ia Toi bridge at Km58+556.

16. Under this project, the remaining items which were not invested in phase 1 will be constructed including:

- i. Construction of road pavement and other auxiliary works within the existing road embankment constructed in Phase 1;
- ii. Construction of 07 remaining bridges includes:

No.	Name of bridge	Location	Length
1	Ya Ri Bridge	Km23+186	2x33m
2	Pre-stressed reinforced concrete bridge	Km25+783	24m
3	Pre-stressed reinforced concrete bridge	Km29+621	24m
4	Ya Blook bridge	Km36+449	2x33m
5	Ya Doy bridge	Km49+069	33m
6	Ya Ko Ring bridge	Km50+012	33m
7	Ya Mo Nang bridge	Km52+883	24m

17. **Road section #2 from NH14C to Ho Da Sub Border gate:** this section starts at NH14C and ends at Ho Da border gate with total length of 12.1km, rural road class B like section 1 with embankment of 5 meter width, pavement of 3.5 meter width, 01 meter of shoulders width for both sides. This section locates in Ia Dal commune. Pavement of this section will be asphalt concrete. According to the proposed alignment, first 2.2 km has been invested by government in Border patrol road project. Remaining section passes through rubber farm of Chu Mom Ray Rubber Company (State Owner Company). There are two bridges to be constructed in this section:

- i. Bridge cross Sa Thay river at the upstream at Km1+552 with 5 spans of 33m;
- ii. Bridge at Km4+767 with 2 spans of 33m.

## C. Mitigation measures

18. To minimize impacts of land acquisition and resettlement on the local people and organizations, the measures taken are as follows: improving the roads based on the existing alignments. Realignment will only be undertaken locally where the curves do not meet the design standard or where the bridges will be built. Temporary use of land maybe considered to avoid more loss for local people. The APs and affected organizations will be informed early about the land acquisition schedule so that they will not plant crops that cannot yet be harvested by the time the land is required for construction and also will not construct new houses and structures in the ROW.

## D. Objective of Resettlement and Ethnic Minority Development Plan

19. This REMDP ensures that the subproject will (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

20. Further, this document develops a roadmap for affected EMs. The objective is to design and implement subproject in a way that fosters full respect for EMs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the EMs 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.

21. This REMDP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB's SPS (2009) on Involuntary Resettlement and Indigenous Peoples Policies with national and provincial government policies. Concerns of people for involuntary resettlement and ethnic minorities have been integrated in this document and will govern subproject design, implementation, and monitoring. This REMDP includes key issues as follows:

- (i) Policy and procedural guidelines for asset acquisition, compensation, resettlement, and strategies that will help ensure full restoration of the AH's livelihood and standard of living;
- (ii) Identification of HHs and communities to be adversely affected by the subproject, where they are located, what compensation and related alleviating measures to be provided to them and how and when these measures will be carried out;
- (iii) A plan on how AHs will be involved in the various stages of the Project, including resolution of grievances;
- (iv) An estimate budget for REMDP implementation; and
- (v) A monitoring mechanism on resettlement implementation for the subproject.

22. The REMDP is prepared based on the subproject's basic design which required for the preparation of the subproject's feasibility study to be approved by Kon Tum PPC. The summary of the REMDP is to be included in the feasibility study to ensure the allocation of government counterpart funds for the subproject's implementation. The REMDP may be updated following detailed technical design approved by the PPC and results of DMS and replacement cost survey and meaningful consultation as well.

## **II. PROJECT IMPACTS**

### **A. Survey process**

23. The social impact assessment (SIA) was conducted in the communes affected by the subproject. The SIA comprised of census and inventory of loss (IOL) for all AHs and affected organization and socioeconomic survey (SES) of AHs and none-AHs within the subproject area. Additionally, a rapid replacement cost study (RCS) was also carried out.

24. *Census and Inventory of loss* were done for all affected households, organizations based on the preliminary design. Agricultural land and other lands to be acquired have been identified through referencing of commune cadastral records, decision of Kon Tum PPC for land leasing or land management of organizations. Affected trees and crops have been determined by actual measurement and counting. The amounts indicated for area of land loss and affected trees/crops will be validated during the DMS that will be done when detailed technical design approved.

25. *Socioeconomic survey*: Due to the subproject goes through the land of organizations therefore the SES was conducted by mainly collecting socioeconomic information of communes and of workers. The survey also collected statistic data of the Province, District and Communes from Year Books of Province and district, and annual socioeconomic reports of communes.

26. *Replacement cost study*: The purpose of the RCS was to collect information on the land leasing cost, investment cost on the land of organizations and non-land assets, replacement cost of trees, structure in the subproject area, in order to apply for compensation to ensure that APs and affected organizations would be compensated at the current market value. In future, during the detailed measurement survey, a replacement cost study will be carried out by an independently qualified and experienced appraiser to determine the unit prices for individual types of asset

affected by subproject and submitted to PPC for approval. Such unit prices will be the basis for calculating compensation packages for AHs.

## **B. Permanent impacts**

**27. Impact on households and organizations:** According to IOL data provided by Kon Tum DPI, Section #1 of the subproject will not have land acquisition as the road will be constructed on the existing road built previously by government and 07 bridges will be constructed on the public land which was conducted site clearance in 2010.

**28.** Section #2 of subproject will affect the land of 02 organizations namely Chu Mom Ray Rubber Company (a state owner company hereinafter called Chu Mom Ray Company) and Sa Thay Frontier Post (Army division) located in Ia Dal and Ia Toi communes. 06 workers of Chu Mom Ray Company will be affected the following assets: garden land, drilling wells, fishing pond and trees planted on land of the company. All 06 affected workers are poor households.

**29. Impact on lands:** Based on the results of IOL, as mentioned in para 10 above, only Section #2 of the subproject has land acquisition. The construction of this section will permanently recover 99,150 m<sup>2</sup> of various kinds of land, of which 2,000 m<sup>2</sup> of garden land and 2,000m<sup>2</sup> of other land of Sa Thay frontier post, 15,309m<sup>2</sup> is perennial land for planting rubber trees, 79,625m<sup>2</sup> of road land have been used for inner transportation roads in the rubber farm of Chu Mom Ray company (will not be compensated), and 216m<sup>2</sup> is garden land of 02 workers of Chu Mom Ray company.

**30. Impact on house, structures and public assets:** The subproject will only affect auxiliary structures including 100m of fence of Sa Thay Frontier Post, 02 drilling wells and 60m<sup>2</sup> of fishing pond of 02 workers of Chu Mom Ray Company.

**31. Impact on crops and trees:** The subproject will affect in total of 2,640 various trees, and 2,706m<sup>2</sup> crops of which 2,496 are rubber trees of Chu Mom Ray Company, 2,600m<sup>2</sup> of crops and 30 fruit trees of Sa Thay Frontier Station, 106m<sup>2</sup> of crops and 114 trees (including 37 cashew trees, 02 timber trees and 45 fruit trees) of 04 workers planted on the land of Chu Mom Ray company.

**32. Impact on income and livelihood:** The subproject will acquire the agricultural land of Chu Mom Ray Rubber Company. According to consultation with Chu Mom Ray Company the income of workers will not be affected as they get the monthly salary from this company for taking care specific area of rubber farm. In addition, the affected land area is small less than 10% of total land the workers are assigned to manage. Therefore special support and assistance to the affected workers is not required.

**33. Impact on natural habitat and culture of ethnic minority:** The subproject will not affect natural habitat, and livelihood system, cultural practice and ancestral domains of ethnic minorities' people living in the subproject area because the road will be improved on the existing road and within the right of way and the EM groups live far from the road. Only few EM households live scatteredly with Kinh people along the road.

## **C. Temporary impact**

**34.** According to the preliminary design, during construction, the subproject will temporary impact totally 12,800m<sup>2</sup> of different kinds of land including 1,250m<sup>2</sup> of residential land of 03 workers, 1,850m<sup>2</sup> and 8,600m<sup>2</sup> of other agricultural land respectively of Chu Mom Ray Company, 1,100m<sup>2</sup> of garden land of Sa Thay Frontier Post which will be used for constructor's temporary yard or temporary roads. However, to ensure that the temporary impacts are minimized, if not avoided entirely, in the civil works contract, it will include the following provisions, (i) contractor to pay rent for any land required for construction work space based on negotiation with and concurrence of AHs; (ii) to the extent possible, only unused land will be used as construction work space; and (iii) temporarily used land will be restored or improved to its pre-project condition before returning affected people. With the mitigation measures, the remaining temporary impact will be insignificant.

**35.** Table 1 below is the summary of permanent and temporary impacts of subproject.



**Table 1: Summary of permanent impacts on land and assets**

No.	Category		Unit	Quantity
	<b>Affected assets</b>			
<b>1</b>	<b>Land permanently affected</b>		<b>M<sup>2</sup></b>	<b>99,150</b>
	1.1	Garden land	m <sup>2</sup>	2,216
	1.2	Perennial land	m <sup>2</sup>	94,934
	1.3	Other land (bed of stream, river, )	m <sup>2</sup>	2,000
<b>2</b>	<b>Land temporarily affected</b>		<b>M<sup>2</sup></b>	<b>12,800</b>
	2.1	Residential land	m <sup>2</sup>	1,250
	2.4	Garden land	m <sup>2</sup>	1,100
	2.2	Perennial land	m <sup>2</sup>	1,850
	2.3	Other agriculture land (bed of stream, river, )	m <sup>2</sup>	8,600
<b>3</b>	<b>House and Structures</b>			
	3.1	Drilling well	Pc	02
	3.2	Pond	M <sup>2</sup>	60
	3.3	Fence	M	100
<b>4</b>	<b>Crops and trees</b>			
	4.1	Crops	M <sup>2</sup>	2,706
	4.2	Rubber	tree	2,496
	4.3	Cashew	tree	37
	4.4	Timber tree	tree	2
	4.5	Fruit tree	tree	75

Source of data: IOL data provided by PPMU of Kon Tum DPI

#### **D. Tenure status of AHs**

36. In Ia H'Drai district, agricultural land accounts for 92.6% of total natural land area, main crops in this area used for growing rubber, cassava and managed by rubber companies. Chu Mom Ray company is leasing about 1,200 ha of productive forest land from local government to develop the rubber farm for 27 years. The affected households are workers of this company. Each worker household is allocated averagely residential land area of 500m<sup>2</sup> within the company's land area for living and for gardening and 11 hectares of rubber farm for taking care. Therefore, no one has LURC for their land they are using now. However, workers are allowed to build house and plant fruit trees or crops on the residential and garden land assigned.

#### **E. Vulnerable households and Ethnic Minority households**

37. There are 06 vulnerable AHs identified in the subproject area. All of them are poor households. 03 of them are EM households (Thai group).

### **III. GENERAL SOCIOECONOMIC PROFILE**

#### **A. Socioeconomic condition in the subproject area**

##### **Ia H'Drai district.**

38. Ia H'Drai is the new district of Kon Tum province split from Sa Thay district since 2015. It has border with Cambodia and comprises 03 communes namely Ia Dom, Ia Dal and Ia Toi.

39. Ia H'Drai economic is relying heavily on agricultural production especially rubber production of rubber companies (Sa Thay Rubber Company, Chu Mom Ray Limited company, Duy Tan, and Branch 716 of No. 15 Army Corps) and cassava. In 2015, agriculture, forestry and fisheries production holds more than 67% of total production value while industry and construction, business and services contribute only 20% and 13% respectively. By end of 2015, the poverty rate in Ia H'Drai is 55.49% (according to national poverty standard for the period 2011-2015).



### Subproject communes:

40. **Population, ethnic minority and migration:** In general, population in the project communes is evenly and about 3,300 to 4,700 people. Rate of EM population is very high and high in Ia Toi and Ia Dal (75% and 55% respectively), where ethnic minority communities have settled many years ago. Besides, the communes have number of other EM people such as Thai, Tay, Nung, Muong...self- migrated from the North and number of Kinh people as a result of immigration policies planned by the state in the 1980s. Average household size is 4.25 persons per family.

41. Most residents in subproject live in small villages close to rubber farm and some of them are far from the project road to 10-12 kilometers. Their main income is from agricultural production (coffee, cassava, rubber).

**Table 2: Population of district and communes in the subproject area**

District/ Commune	Total		Kinh		EM		Average size of HH
	(person)	%	(person)	%	(person)	%	(person)
Ia H' Draï	11,644	100	5,123	44	6,521	56	4.25
1 Ia Toi	4,739	100	2,133	45	2,606	55	4.52
2 Ia Dal	3,341	100	835	25	2,506	75	3.89
3 Ia Dom	3,564	100	1,853	52	1,711	48	4.28

*Resource: Statistical data of Ia H'Drai district and its communes in March, 2016*

42. **Land use status:** According to 2015 statistics, agricultural land of Ia H'Drai is majority in land area of the district taking account for 92.6%. Land area for perennial trees (coffee, rubber, cashew, cassava...) is about 24,598.36 hectares, and land area for forest is 64,961.5 hectares (See table 3 below).

43. Progress of issuing the LURC in Ia H'Drai district is very slowly. By end of 2015 in Ia H'Drai district only 64 HHs were issued the LURC.

**Table 3: Situation of land use in project area**

	Ia H'Drai district	Ia Toi	Ia Dal	Ia Dom
<b>Total natural land area (Ha)</b>	<b>98,002.28</b>	<b>43,666.18</b>	<b>21,794.70</b>	<b>32,541.40</b>
<b>I. Agriculture land (Ha)</b>	<b>90,771.90</b>	<b>40,187</b>	<b>20,216</b>	<b>30,538</b>
<i>Ratio (%)</i>	92.6	92.0	92.8	93.8
1. Annual crop land (ha)	1,203.4	102.4	1003.5	267
2. Perennial tree land (ha)	24,598.36	10,311.2	9,242.5	5,044.7
3. Forestry land (ha)	64,961.50	29,773.0	9,964.4	25,224.10
4. Aquatic land (ha)	8.5	0	6.0	2.5
<b>II. Non-agriculture land (ha)</b>	<b>5,753.80</b>	<b>3,108.0</b>	<b>1,402.8</b>	<b>1,243</b>
<i>Ratio (%)</i>	5.9	7.1	6.4	3.8
<b>III. Un-used land (ha)</b>	<b>1,476.59</b>	<b>371.5</b>	<b>175.0</b>	<b>760.1</b>
<i>Ratio (%)</i>	1.5	0.9	0.8	2.3

*Resource: Statistical data in project district and communes March, 2016*

44. **Education:** In all communes, there is a primary school, a secondary school and kindergarten. Facilities for such schools are poor and simple. Dropout rate at commune level is 0.6%; dropout rate of girls is higher than boys' at secondary level. The reason is that: in the one hand, all households have financial difficulty and the secondary school is too far so most of the

girls in the family have to stay home to help their parents instead of going to school (the children from Ia Dom commune go to the secondary school about 20km, every day, they go to school by private bus and pay 500,000VND/month/person). On the other hand, the awareness of local people on women's education is still limited.

45. **Poverty:** The poor households rate in Ia H'drai district in 2015 (new poor line for 2016-2020) occupied 55.49% of the total households in the district, in which the poor ethnic minority households rate occupied 72% in the total of poor households. The poor ethnic minority household rate in 02 communes in the subproject (Ia Toi, Ia Dal) is very high with poverty rates over 60%.

**Table 4: Rate of Poor households in the subproject area in 2015**

No.	District and communes	Total HHs	Total of poor HHs	Rate of Poor HH (%)	Total of poor ethnic minority HHs	Rate of poor EM HH in the total of poor HH (%)
	<b>Ia H'Drai</b>	<b>2,739</b>	<b>1,520</b>	<b>55.49</b>	<b>1,095</b>	<b>72.0</b>
2	Ia Toi	1,048	347	33.10	229	66.0
3	Ia Dal	858	672	78.32	469	69.8
4	Ia Dom <sup>1</sup>	833	501	60.14	397	79.2

*Resource: Survey data in project district and communes March, 2016*

46. **Cause of poverty:** Like the other provinces of the Central Highlands, the lack of capital for production is the main cause of poverty in subproject villages. Other causes of poverty include (i) lack of land, (ii) lack of production facilities, (iii) lack of labour and (iv) unemployment.

47. According to the report on the survey result of reviewing poor households in 2014 in Sa Thay district, most of the poor households are ethnic minorities who lack productive land, funds and production facilities. In addition, these households have very limited qualifications and awareness of application of scientific advantages into production. 56.4% of the poor households in the district do not have enough production land (100% in Ia Dom commune, 41.9% in Ya Tang commune and, and 42.5% in Ia Dal commune). Households lacking production means in district account 20.5% of the poor household in the district and Ia Toi and Ia Dal communes account 60% of the poor household in each commune.

48. The survey result of reviewing poor households in 2015 in Kon Tum province and Ia H'Drai district showed that most of the poor households lack awareness of advanced technology application into production, assets serve access to information, clean water.

## **B. Affected Household Profile**

49. A simple socio-economic survey has been carried out in March 2016 in 02 subproject communes by survey team. Consultations with local authority, mass organizations, and APs were carried out in all two affected communes. Secondary data were also collected in 02 communes. There are 06 households will be affected by the construction of subproject. All of them are the workers of Chu Mom Ray Company and they are poor households. 03 of them are Kinh people and 03 others are Thai people. The aging range of head of households is from 22 to 50. 01 head of AH graduated from college, 01 graduated high school, 02 others have not graduated from secondary school yet and 02 remaining heads of households graduated primary school. As the affected households are the workers of Chu Mom Ray company their income is mainly from the salary.

<sup>1</sup> Ia Dom is beneficiary commune of project

50. **Income, expenditure and debt:** all 6 households affected by subproject belong to poor group. Due to the drop in price of rubber, the income of such households is not stable as the salary is low and paid irregularly. They have to plant cassava on the land of company to get more income source. In recent years, price of cassava also dropped therefore these households have difficulties in income and livelihood.

51. **Housing condition:** Most of AHs are living in houses with wood wall and roof from various materials such as fibrocement or corrugated iron. They own basic housing facilities such as motorbike, TV, electric fan, mobile phone.

52. **Sanitation:** Households reported that their main source of water is from well. Regarding to sanitation facilities, majority of the affected households answered to use semi-septic compartment outside the house and other kind of toilet.

53. **Energy:** The most commonly-used power source for lighting is electricity from the national grid. For cooking, the main types of fuel to be used are leaves and straw or wood.

### C. Ethnic Minorities in the Project Area

54. J'Rai is the native ethnic in the Ia H'Drai district however other ethnic groups such as Thai, Tay, Nung, and Muong... that migrated from the north are majority. They migrated long time ago to work in rubber farms of rubber companies as the worker. As the road to be constructed is far from the villages of native ethnic groups therefore subproject will not affect to the native community. The subproject will affect mainly to self-emigrated group such as Thai, Tay, Nung. Self-emigrated group comes from different places from the north provinces; Some habitants live in between the native residents, other habitants live in groups and doing cultivation, developing land together like Kinh people in Ia Toi, Ia Đal and Ia Dom communes (Ia H'Drai district). No conflict or land dispute between EM groups is found in the project area.

55. **Social and Cultural Systems of the J'Rai.** Traditionally, The J'Rai lives in separate villages (polio or bon) with 50÷500 people in population. The village chief and the elders have great prestige and play the role of running collective activities. In village centre, there often has a communal house named "Nha Rong". Traditional houses of The J'Rai have been constructed entirely from bamboo, however in many recent years wooden houses with corrugated roofs are more popular due to their durability. The J'Rai has a matrilineal custom, that is, the lineage is traced through the mother rather than the father. Females are free to choose their lovers and decide their marriage. After wedding, the husband lives in his wife's family and has no right to inheritance. On the contrary, the daughter after marriage no longer lives with her parents and inherits from them. The children take the family name of the mother. In society, men play a more important role but in the family the women have more power.

56. The majority of J'Rai is animists and they believe in the existence of demons. Sacrifice of pig, cow, and buffalo are periodically made to the spirits to appease them. In the past, when the people died, he will be buried at the same place as those people of his maternal lineage. Today, this customs is reduced.

57. The J'Rai has their traditional clothes for man and for woman. Regarding to folklore, the J'Rai performs their music on gongs, T'rung, Krong put, and some other traditional instruments. These traditional instruments are closely associated with the people's spiritual life. The J'Rai has famous and long epics and old tales such as "Dam Di di san" (Dam Di goes hunting), "Xinh Nha"...

58. **Language:** The J'Rai has own language and use it in family and in their society. J'Rai students are also learning and studying national languages.

59. **Production activities:** Previously, the J'Rai cultivate mainly on the burnt-over land. Ordinary rice is the stable food. Tools for farming are simple, including machete, cleaver, picks and hoes, and digging stick to put seeds into holes. Livestock-breeding develops, covering cattle, pigs, dogs, and poultry. In the past, the J'Rai possessed a large herd of horses. They also tamed the elephants. Men are skillful in basketry, and women in cloth weaving. Hunting, gathering and fishing are subsidiary activities generating significant income for the J'Rai. With the support of government for economic development and forest management of state, such activities are reduced.

Nowadays, beside the traditional income generating activities such as planting ordinary rice on their burnt-over land, husbandry, fishing... the J'Rai also plant rubber, coffee, pepper and cashew as King People.

#### **D. Social Impact Assessment**

60. **Potential negative project impacts.** A social impact assessment (SIA) has been conducted through census and Inventory of loss (IOL) and meaningful consultation to identify the subproject impacts both positive and negative, and measures of negative impact mitigation and enhancing subproject benefits to local people. Results of SIA show that land acquisition is minor so that it does not much impact on income and livelihood of APs including EMs. The current educational level and vocational skills of EMs are limited. It is therefore probable that any new employment opportunities may be taken by people coming from the outside and not by the local EMs. Moreover, under construction period, exterior laborers may bring health risks to EM peoples, particularly women, for instance, sexually transmitted diseases.

61. **Tourist** component will invest in improvement of existing domestic roads within villages, upgrading traditional markets and traditional community houses and restoration of traditional handicrafts of EM people. This component does not require land and/or restriction of land use of EM people as well as impact on culture and identity of EMs. However, development of tourist may enhance migration from other provinces and increase tourists and traders/middlemen to the villages leading to social evils such as prostitute, HIV/AIDs, women trafficking and environment pollution

62. In addition, during construction, environmental pollution caused by dust, construction waste, noise may occur and affect people.

63. **Expected Positive impacts.** The subproject will bring a lot of positive effects to local people in general and to EM women in particular. The potential impacts were discussed with EM people in meaningful consultations undertaken during the social impact assessment process as follows:

- (i) Improving transportation conditions of project communes where the EM people are majority, thus improving accessibility to the market, production locations, health and education locations of local people especially the EM people, reducing the cost and creating more value added to agricultural products;
- (ii) Creating new jobs/works for local people leading to improving income for them, particularly for poor EM women and/or vulnerable persons from the subproject;
- (iii) Providing opportunities to improve the status of women, especially EM women and enhance their participation in community activities through gender action plan; and
- (iv) Directly contributing to poverty alleviation in the subproject commune.

#### **E. Measures taken to minimize the negative impacts**

64. In order to mitigate negative impacts on local peoples including EM people, before and during the subproject design, implementation, as well as monitoring process, the project staff will enhance the dissemination of project information to and conducting meaningful consultation with ethnic minorities to ensure that EM get maximum benefit from the advantage conditions brought by the subproject in culturally appropriate manner.

- 1. The measures to minimize resettlement impacts was applied:
  - i. *alternative location selection*: all components have been selected based on the existing roads and public vacant land.
  - ii. *design sollution*: roads will be designed within the existing road's ROW to minimize resettlement impact from households living or cultivating along these roads.
  - iii. *public consultation*: during technical design and updating REMDP, public consultations with local people will be conducted to inform people about project information as well as

resettlement impacts. Broad discussion on design solutions, alternative location selection will be carried out aiming on minimizing land acquisition. Local people will be also informed of scope of land acquisition and resettlement implementation schedule, e.g informing 90 days before acquisition of agricultural land and 180 days for residential land acquisition, so that people will not cultivate or construct structures on the land to be acquired.

2. For tourism component, further consultations with EM community and local people on how to mitigate the negative impact of tourism activities and increase the knowledge of EM people on the commercial market will be carried out in next steps. The proposed mitigation measures will be applied and monitored during project implementation.

65. In addition, during construction, environmental pollution caused by dust, construction waste, noise, etc may occur and affect people. These effects can be considerably reduced by the proposed mitigation measures through implementation of environment management plan. It needs measures of propagation on and prevention from risks of sexually transmitted diseases (if necessary).

#### **IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION**

##### **A. Information Disclosure**

66. In compliance with the ADB requirements, the PPMU will assist the CARB in publicly disseminating the final REMDP as approved by the PPC and ADB. The subproject information booklet will be made available in the Vietnamese language and EM language (if needed).

67. APs are notified in advance of resettlement activities, including community meetings to disseminate subproject information about the scope of the subproject, work alignment plan, site clearance plan and construction plan; They are also involved in public meetings to discuss on (i) detailed measurement survey results; (ii) lists of eligible APs and their entitlements; (iii) compensation rates and amounts, (iv) payment of compensation and other assistance; and (v) other contents such as the grievance redress mechanism. Notices are posted in the commune PC offices or other easily accessible locations; letters, notices or small brochures are delivered individually to APs; and radio announcements.

68. This REMDP will be uploaded in ADB websites in both English and Vietnamese and disclosed to the EMs through commune and village meetings. The staff of CPC and mass organizations will translate into EM language (if needed) and disseminate the information to the EMs through loud speakers and other oral communication means in traditional market days as well as in public meetings. Table below shows different public consultation meetings with various stakeholders carried out.

##### **B. Public Consultation and Participation**

69. Public consultations and community participation is encouraged in all the project cycle, including planning, designing, implementing, and monitoring. The objective of the Public Consultation and Participation is to develop and maintain avenues of communication between the Project and stakeholders including APs to ensure that their views and concerns are incorporated into project preparation and implementation with the objectives of reducing or offsetting negative impacts and enhancing benefits from the Project. Feedback from consultations plays an important role in the planning process, leading to the formulation of mitigation measures and compensation plans for project-affected communities, and for environmental mitigation measures.

70. The aims of Public Consultation and Participation are to:

- i. provide full and impartial information to affected persons about the subproject, its activities, and potential impacts that affect them, and to provide an opportunity for their feedback on the subproject;
- ii. explore a range of options for minimizing subproject negative impacts, and for those impacts that cannot be avoided, explore the range of options for, and ensure APs participation in the design of mitigation measures;

- iii. gather information about the needs and priorities of APs as well as their feedback on proposed resettlement and compensation policies, options and activities;
- iv. obtain the cooperation, participation and feedback of APs on activities to be undertaken in resettlement planning and implementation, in particular on the location for resettlement, planning and design of housing (if necessary), land and community facilities, and the development and implementation of the livelihood program to affect livelihood restoration and development;
- v. provide a mechanism for continued dialogue, raising of concerns and monitoring of implementation; and
- vi. Exploring options for the co-management of natural resources through participatory approaches aimed at sustainable use and conservation.

71. The method of consultation and participation has to ensure two-way exchange of information between the affected community and the project in accordance with the traditional culture of the locality and EMs as well, taking into account gender issues, social justice and the principle of equality.

72. **Consultation and participation during the REMDP preparation.** 02 consultation meetings were conducted with local authorities, organizations in March 2016 and April 2016. The objectives of the consultation meeting was to provide information, as much as possible, on the subproject to local authority in Ia Dal commune, non-APs and affected organizations, discuss and document their comments on subproject issues. Specifically, the following subjects were presented and discussed:

- (i) subproject description: location, size and scope of impacts;
- (ii) the subproject's implementation plan;
- (iii) the Sub-Project's policies in terms of land acquisition, compensation and resettlement assistance as well as eligibility criteria;
- (iv) the Sub-Project's grievance redress mechanism; and
- (v) issues related to EMs, gender, restoration of incomes, livelihood and other support policies

73. The results of observations and the public consultation meetings with local authorities, manss organizations and APs are summarized as follows:

- (i) the affected organizations supported and agreed with the subproject for construction of PR675A;
- (ii) during the meetings, the potential impacts of the subproject in terms of land acquisition were duly discussed with organizations whose lands and assets will be affected; All agreed that the impact of subproject is marginal in comparison with the benefits brought from the road. The land used by organizations is land leased from provincial government so they will handed over the land when the state recover it however all impacts on the assets should be compensated and assisted according to the Land Law;
- (iii) during the detailed design phase, it is necessary to consult with communal authority, affected organizations and local people;
- (iv) it was noted that the environmental impacts of the subproject during construction are inevitable, but these can be minimized with the proposed mitigation measures in the EMP;
- (v) During the construction period, the traffic should be controled so that the disturbances to transportation, production and business of local people as well as enterprises will be avoided.
- (vi) Before civil work commencement, it is necessary to check the condition of houses close to the road to avoid the dispute on the craking of the house;

- (vii) it was proposed that meaningful consultation with and participation of women and EMs in the process of REMDP implementation, management and monitoring will be continuously undertaken in next steps;
- (viii) Complaints of APs should be resolved timely and successfully.

74. **Consultation and participation during REMDP implementation.** During the implementation phase, the PPMU in combination with district resettlement committee (or land fund development center) and Commune PC is responsible for the dissemination of subproject information (translated into local language if necessary) using various media such as organizing seminars, presentations, and public meetings for which subproject APs and beneficiaries are invited. The PPMU will deliver the Project Information Brochure (PIB) and other documents of the subproject to the APs.

75. Local people, especially affected persons have right to work for the subproject as specified in the Gender Action Plan and in this REMDP. All communities have rights to monitor not only the construction of the subproject but also the implementation of the REMDP (see part XI – Monitoring and evaluation), and their representatives should be members of the Community Monitoring Board of the commune to monitor the implementation process. They can make grievance if they find any illegal actions or things they disagree as specified in Section V.

## **V. GRIEVANCE REDRESS MECHANISM**

76. In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Furthermore, APs will not be ordered to pay any fee from all administrative and legal fees that might be incurred in the resolution of grievance and complaints at any level of trial and court. Grievances redress mechanism of the project will be followed Law on complaint No. 02/2011/QH13 and regulation on grievance at Government Decree 75/2012/NĐ-CP dated 20/11/2012. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort.

- **First Stage, Commune People's Committee:** The aggrieved affected household can bring his/her complaint in writing or verbally to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days and maximum of 45 days following the lodging of the complaint, depending on complicated case or distance, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- **Second Stage, District People's Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbal, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days following the lodging of the complaint, depending on complicated case or remote area, to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DCARB of any determination made and the DCARB is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure their decision is notified to the complainant.

- **Third Stage, Provincial People's Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the PPC. The PPC has 30 days or maximum of 70 days, depending on complicated case or remote area, to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping file of all complaints that reaches the same.
- **Final Stage, the Court of Law Arbitrates:** If after 30 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a Court of law for adjudication. If the court rules in favour of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favour of PPC, then the complainant will receive compensation approved by PPC.

77. The grievance redress mechanism has been disclosed to APs during REMDP preparation and will be continuously disseminated to people during REMDP implementation.

## VI. LEGAL AND POLICY FRAME WORK

78. The legal and policy framework for dealing with the resettlement impacts of the subproject is given based on relevant policies and laws of Viet Nam and the ADB's Involuntary Resettlement Policy (SPS 2009). In this section, the relevant policies and laws of Vietnam, including policies of Kon Tum Province, and policies of ADB are outlined, then if difference between these policies (of Vietnam and of ADB) exist, reconciliation is done to establish policies and principles to be applied under this subproject.

### A. ADB Policies

79. **Involuntary Resettlement.** The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize the adverse impacts on people, HHS, businesses and others in the implementation of development project. Where resettlement is not avoidable, the involuntary resettlement must be minimized by exploring project and design alternatives, and enhance or at least restore the living standards of the affected persons to at least their pre-project levels. The SPS June 2009 also stresses on a new objective of improving the standards of living of the displaced poor and other vulnerable groups. The policy applies to full or partial, permanent or temporary physical and economic displacement resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition those results in displacement.

80. **Indigenous Peoples (IP)/ Ethnic Minorities (EMs).** The main objectives of ADB's IP safeguards policy under the SPS 2009<sup>2</sup> are to: (i) avoid adverse impacts of projects on the environment and affected persons, where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected persons when avoidance is not possible; and (iii) assist in strengthening country safeguard systems and develop the capacity to manage environmental and social risks. The policy is triggered if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of EMs or affects the territories or natural or cultural resources that EMs own, use, occupy, or claim as their ancestral domain. Should ADB projects affect EMs, a set of general policy requirements are observed to maintain, sustain, and preserve their cultural identities, practices, and habitats (SR-3 of SPS 2009). A set of special requirements are in place should projects be (i) within ancestral domains and lands and related natural resources, (ii) commercial development of cultural resources and knowledge of EMs; (iii) physical displacement from traditional or customary lands; and (iv) commercial development of

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<sup>2</sup>Safeguard Policy Statement, 2009



natural resources within customary lands under use that would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of EMs.

81. The subproject will affect marginally 03 EM households with minor land acquisition which does not significantly impact livelihood and income of the EMs.. The subproject also does not affect identity, culture and custom livelihood system of EMs so Ethnic Minority Development Plan is incorporated with Resettlement Plan of the subproject in a combined document named REMDP with all elements of EMDP are included in the REMDP.

## **B. National Laws on Involuntary Resettlement and Ethnic Minority (EMs)**

82. **Compensation, Assistance and Resettlement.** The Constitution of the Socialist Republic of Viet Nam (2013) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement. The principal documents include the Land Law No. 45/2013/QH13, dated 29/11/2013, providing Vietnam with a comprehensive land administration law; Decree No. 47/2014/ND-CP, dated 15/5/2014 on compensation, assistance, rehabilitation and resettlement in the event of land recovery by the State; Decree No. 44/2014/ND-CP, dated 15/5/2014 specifying the methods for land pricing and land price frameworks in the event of land recovery by the State and Decree No. 43/2014/ND-CP dated 15/5/2014 providing guidelines on implementation of the Land Law 2013 and Circular No. 37/2014/TT-BTNMT, dated 30 Jun 2014, guiding on implementation of Decree 47/2014/ND-CP, and Circular No. 36/2014/TT-BTNMT, dated 30 Jun 2014, guiding on implementation of Decree 44/2014/ND-CP.

83. Laws, decrees and decisions relevant to public disclosure of information include the Law on Land, No. 45/2013/QH13, Article 67, requiring disclosure of information to the DPs prior to recovery of agricultural and non-agricultural lands of a minimum of 90 and 180 days respectively.

84. **Ethnic Minorities.** The definition of ethnic minorities in Vietnam is based on the following criteria:

- (i) A language different from the national language;
- (ii) Long traditional residence on, or relationship with land, and long traditional social institutional system;
- (iii) A self-provided production system; and
- (iv) A distinct cultural identity and self-identification as a distinct cultural group that is accepted by neighboring ethnic groups.

85. Article 5 of the Constitution 2013 clearly indicates that (i) the State of Vietnam is the united state of the various ethnic communities co-habiting on the territory of Vietnam; (ii) All EMs are equality, solidarity, respect and mutual assistance among all nationalities, and forbids all acts of national discrimination and division; (iii) National language is Vietnamese, every ethnic community has the right to use its own language and system of writing, to preserve its national identity, and to promote its fine customs, habits, traditions and culture; and (iv) the State applies a policy of comprehensive development and give good conditions for EMs to promote their internal force for the country development.

86. Articles 58 and 60 of the Constitution 2013 obviously stipulate that (i) the State of Vietnam is in charge of preserving and developing Vietnamese culture of the various ethnic communities; and (ii) the State undertakes priority policies for education development in mountainous areas, ethnic community regions, particularly difficult areas and the State implements foreground programs of health care for mountainous people and EMs.

87. A series of policies related to ethnic minorities was promulgated. Two of the most important policies is the Program 134 (or Decision No. 134/2004/QĐ-TTg of the Prime Minister) and Program 135 (or Decision No. 135/1998/QĐ-TTg of the Prime Minister). The earlier promulgates on some policies on supporting productive land, residential land, housing and domestic water for poor EM HHs. The latter promulgates on approving the program on socioeconomic development in mountainous and remote communes with special difficulties. In addition, Decree No. 60/2008/ND-

CP of the Government is the very important organization policy related to nationalities issues. This decree defines the functions, tasks, powers and organizational structure of the Committee of Ethnic Minorities, a ministerial level agency under the Government, performs its functions of state management on EM affairs nationwide, and on public services within its authorities as prescribed by the law.

88. The following lists important policies related to ethnic minorities in Vietnam:

- (i) Decree No. 70/2001/ND-CP of the Government, on detailing the implementation of the marriage and family law. This stipulates that all documents registering family assets and land use rights must be in the names of both husband and wife;
- (ii) Decision No. 112/2007/QĐ-TTg of the Prime Minister, on assistance policy for improving legal awareness under the Program 135 – phase II;
- (iii) Decision No. 06/2007/QĐ-UBND of the Committee of Ethnic Minorities, on media strategies for the Program 135 – Phase II;
- (iv) Circular No. 06/2007/TT-UBND of the Committee of Ethnic Minorities, on guiding implementation of assistance of services, improvement of livelihood, technical support for enhancement of legal awareness, following Decision 112/2007/QĐ-TTg of the Prime Minister;
- (v) Decision No. 05/2007/QĐ-UBND of the Committee of Ethnic Minorities, on recognizing mountain and three EM regions based on development situation;
- (vi) Decision No. 01/2007/QĐ-UBND of the Committee of Ethnic Minorities, on recognizing mountainous communes and districts;
- (vii) Decree No. 60/2008/ND-CP of the Government, on defining the functions, tasks, powers and organizational structure of the Committee of Ethnic Minorities;
- (viii) Resolution No. 30a/2008/NQ-CP of the Government, on the support program for fast and sustainable poverty reduction in the 61 poorest districts;
- (ix) Decree No. 82/2010/ND-CP of the Government, on teaching and learning EM languages in schools;
- (x) Decree No. 05/2011/ND-CP of the Government, on EM work; and
- (xi) Joint Circular No. 01/2012/TTLT-BTP-UBND of the Ministry of Justice and the Committee of Ethnic Minorities, on guiding implementation of legal assistance for EMs.
- (xii) Decision 551/QĐ-TTg of Prime Minister dated 04/04/2013 on approval to 135 Program for providing the assistance to develop infrastructure, production for especially difficult communes, border communes, communes in ATK zone, especially difficult villages in periods 2012-2015 and 2016-2020.

89. **Kon Tum People's Committee Decisions on Land Acquisition and Resettlement.** Legal regulations of Kon Tum Province include:

- (i) Decision No. 53/2014/QĐ-UBND of the People's Committee of Kon Tum Province issued on September 19<sup>th</sup>, 2014 on promulgating regulations on some specific policies on compensation, assistance and resettlement in the event of land acquired by the State;
- (ii) Decision No. 72/2014/QĐ-UBND of the People's Committee of Kon Tum Province issued on December 22<sup>th</sup>, 2014 promulgating the land price in Kon Tum province in 2015 to apply for the period 2015-2019.
- (iii) Decision No. 04/2016/QĐ-UBND of the People's Committee of Kon Tum Province issued on January 29<sup>th</sup>, 2016 promulgating the k coefficient for adjusting land price in Kon Tum province in 2016.

- (iv) Decision No.14/2016/QĐ-UBND of People's Committee of Kon Tum Province issued on 14<sup>th</sup> March 2016 promulgating the k coefficient for adjustment of land price in Kon Tum to apply in year 2016.
- (v) Decision No.51/2015/QĐ-UBND of the People's Committee of Kon Tum Province issued on December 23<sup>th</sup>, 2015 on promulgating various trees prices in Kon Tum Province in 2016; and
- (vi) Decision No.09/2014/QĐ-UBND of the People's Committee of Kon Tum Province issued on January 29<sup>th</sup>, 2014 on promulgating unit price of compensation for house, secondary structures of HHs, individual when land is acquired by the State in Kon Tum Province.

**C. Reconciliation of Government and ADB Policies on Resettlement and ethnic minority.**

90. With the promulgation of the Land Law 2013, including Decree No.47/2014/ND-CP and Decree No.43/2014/ND-CP, Decree No.44/2014/ND-CP, the policies and practices of the national Government have become more consistent with ADB's Policy on Involuntary Resettlement (SPS 2009). However, there are still some significant gaps between the Government policies and the ADB's Policy on Involuntary Resettlement.

91. The following table provides a gap analysis of ADB's Policy (SPS 2009) and Government's policy on involuntary resettlement and ethnic minority, and measures for filling gaps applied for the subproject.

**Table 5: Reconciliation of Government and ADB Policies on Involuntary Resettlement and ethnic minority**

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
<b>Severely impacted APs losing productive land</b>	<b>Decree 47/2014/ND-CP, Article 19, Item 3:</b> APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Losing 10% or more of the household's productive assets and/or relocation shall be considered as threshold of severely affected HHs.
<b>APs without LURC</b>	<b>Land Law 2013, Article 77, item 2 and Article 92:</b> Persons who has used land before 1 <sup>st</sup> July 2004 and directly be involved in agriculture production on the acquired land without LURC or illegal will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, Clause 1, Article 64 and items b, d, clause 1, Article 65 of the Land Law	Those APs without legal title to land will be included in consultations. Ensure that APs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost.  Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures which are occupied/created before cut-off date and was not violated to the regulations of the land law. They will be entitled to resettlement assistance and other compensation social

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
	2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.		support to assist them to improve and or at least restore their pre-project living standards and income levels.
Compensation unit price for land	<b>Land Law 2013, Article 114, Clause 3:</b> land price for compensation calculation is price of specific land.	Compensation at full replacement cost.	Compensation at full replacement cost.
Compensation for house and structures	<b>Land Law 2013, Article 89, item 1:</b> houses/structures used for living purpose will be compensated at replacement cost. <b>Decree 47, article 9:</b> Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.
Compensation for trees, crops and livestock, annual crops, perennial trees	Land Law 2013, Article 90: compensation equal to the value of the output of their crops which will be calculated based on the highest yield of crops season in 3 recent years multiplying with the average local price at the time of land acquisition.  Compensation equal to the existing value of the orchard, calculated at the local price at the time of land acquisition excluding the value of land user right.	Compensation at full replacement cost	Compensation at specific cost that appraised by independent appraiser
Prepare Resettlement Plan	Decree No. 47/2014/NĐ-CP, Article 28: Prepare compensation plan, assistance, resettlement when the State recovers land for the purpose of national defense and security; economic and social development as national interest, public.	Prepare a resettlement plan	Prepare a resettlement plan
<b>Ethnic Minority</b>			
Action planning	No provision of the government on preparation of EMDP	Prepare an EM Development Plan (EMDP) that is based on the social impact assessment and meaningful consultation with the assistance of qualified	The EMDP shall be prepared and updated and consultants will be recruited to assist the EMDP preparation,

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
		and experienced experts and that draw on indigenous knowledge and participation by the affected EM communities.	implementation and monitoring.
<b>Recognition of customary rights</b>	The issues of customary rights or ancestral domains have not been fully recognized	Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that EMs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands..	Full consultation with local EMs will be made to define areas with customary rights and to reflect the issues in an updated EMDP with particular actions to protect or compensate the areas.
Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donations involving marginal portions of land, the third party consultant will verify and report on the negotiation and Settlement processes as part of the due diligence report. A voluntary donation form signed by the landowners, witnesses and village leaders will be attached in the report.
<b>Monitoring</b>	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting. In case of significant or sensitive impacts, an external monitoring organization is required to conduct monitoring on RP and EMDP implementation	The IA must undertake internal monitoring according to the critical indicators.  Anticipated negative impacts of the project are minor, it is no need an external monitoring organization.

Note: <sup>1</sup> Full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments

#### **D. Subproject policies**

92. In pursuit of the above resettlement objectives, the following specific principles are adopted:

- (i) Poor and vulnerable non-titled land users will be provided appropriate assistance to help them improve their socioeconomic status. The type of assistance will be identified during REMDP preparation as per consultation with APs.
- (ii) Payment for affected lands and assets upon lands will be based on the principle of replacement cost.
- (iii) Temporarily affected land will be restored to pre-Project conditions.
- (iv) RCS shall be carried by an experienced appraiser to identify the market rates and replacement costs for the affected lands and assets upon lands.
- (v) Assistance on life and production stabilization will be provided to those who lose 10% or more of their productive income generating assets and/or being physically displaced. The subproject will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable persons and will be entitled to participate in an income restoration program, which will be mainstreamed in the District Extension Program.
- (vi) Assistance shall be provided in accordance with the current Provincial regulations for those below the official poverty line, and for vulnerable groups (e.g. female-headed HHs, elderly headed HHs etc.) as per consultation results.
- (vii) Social impacts assessment will be conducted and updated open to use of similar methods to assess potential project impacts, both positive and adverse, on EMs.
- (viii) Capacity building programs for EMs in the project area will be provided. Meaningful consultations with local EMs will be carried in all stages of the Subproject. The grievance redress mechanism has been developed and will be discussed and disclosed publicly in the communities.
- (ix) The Subproject will ensure the rights of local EMs to benefit from the use of their cultural resource and knowledge.
- (x) The issues of access restriction and physical displacement from protected areas and natural resources will be avoided as much as possible.
- (xi) The REMDP shall be updated and consultants will be recruited to assist the REMDP updating, implementation and monitoring.
- (xii) Key information in the REMDP, including measurement of losses data, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to the APs in an understandable format and in the local language, such as the posting of the full REMDP in commune offices and the distribution of project information booklets (PIBs) to the APs.
- (xiii) Meaningful consultation with local EMs will be made to define areas with customary rights and to reflect the issues in an updated REMDP with particular actions to protect or compensate the areas.
- (xiv) Internal monitors of REMDP implementation will be carried out.
- (xv) Civil works will not be issued a notice to proceed (NTP) for any subproject or project component that entails involuntary resettlement in accordance with the approved REMDP for that subproject or component until (i) compensation payment and relocation to new sites have been satisfactorily completed for that area, and (ii) agreed rehabilitation (income restoration) program is in place.

## VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

### A. Eligibilities

93. Legal rights to the land concerned determine eligibility for compensation with regard to land. There are three types of APs: i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially, ii) persons who lose land they occupy who do not currently possess a LURC but have a claim that is recognized or recognizable under national laws, or, iii) persons who lose land they occupy in its entirety or partially who do not have any recognizable claim to that land. APs included under i) and ii) above shall be compensated for the affected land and assets upon land. APs included under iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they have to relocate.

94. All APs who satisfy the cut-off date for eligibility are entitled to compensation for their affected assets (land, structures, trees and crops), and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.

95. Non-eligible APs including those making claims based on subsequent occupation after the cut-off date. The cut-off date for eligibility will coincide with the day of announcement of the land acquisition within project areas as declared and published broadly by the District People Committee.

### B. Compensation and Assistance

96. The compensation unit price for land, structures and trees and crops applied for resettlement cost estimate of this REMDP is based on the compensation unit price for land (land prices for the period 2015 - 2019), structures and trees and crops issued by Kon Tum provincial People's Committee in recent years. A rapid replacement cost assessment has been undertaken via consultation with local authorities and local people to verify the current unit prices of the PPC for land and other assets. Results of the assessment indicate that the current prices for land, houses and structures and crops and trees issued by Kon Tum provincial People's Committee for compensation are acceptable. The compensation prices for lands and non-land assets will be updated at time of resettlement implementation based on results of replacement cost survey conducted by an independent qualified and experienced appraiser.

97. **Compensation for land:** The compensation unit prices for lands at the time of preparing the REMDP follow the unit prices for lands stipulated in Decision 72/2014/QD-UBND issued by the Kon Tum Provincial People's Committee for the period 2015 - 2019, and the factor for land price adjustment for year 2016 according to Decision 04/2016/QD-UBND of Kon Tum PPC (in Ia Dal and Ia Toi communes:  $k=1.0$ ).

98. **Compensation for structures:** The compensation unit prices for structures are as stipulated in No.09/2014/QD-UBND of Kon Tum PPC.

99. **Compensation for trees:** Estimated value of potentially affected trees was based on the market rate.

100. **Assistance for job changing/creation:** For the households who lost the agricultural land: Following the provincial policy, the cash assistance equivalent to 2.0 times the value of their affected land but not exceed agriculture land quota will be provided to affected households as the assistance for job training and creation.

101. **Assistance for affected vulnerable households:** For poor households who are marginally affected (loss less than 10% of agricultural land holding and loss of secondary structures), female headed households and elderly households with dependents, severely affected EM household the project will support VND 2,000,000/HH.

102. **Land donation:** in case APs donate voluntarily their affected land, following procedures should be applied:

- i. Voluntary land donation (VLD) is allowed only if a sub-project can be technically implemented in another location than where it is planned. If a sub-project is location specific by nature, land acquisition associated with such a sub-project cannot be considered as voluntary, rather, it is an act of eminent domain. In such cases, an agreed and approved entitlement matrix has to be followed accordingly;
- ii. VLD is allowed only for very minor impact (about 5% of total land holding) that meets the following criteria:
- iii. The affected HH are fully informed that they have the right to refuse to donate land and instead receive compensation at replacement cost, and that a grievance redress mechanism is available to them through which they can express their unwillingness to donate;
- iv. The affected people are encouraged to use the grievance redress mechanism if they have questions or inquiries, either in writing or verbally;
- v. Adequate measures are in place to protect complainants;
- vi. Confirmation from face to face meetings and in writing that the affected people are indeed aware that they are entitled to compensation and knowingly agree to donate land or other assets without compensation. The minutes of the meeting, which include confirmation that all conditions for voluntary donations above are met. The voluntary donation form should be attached in the local language (if needed). Once the informed consent of the affected people has been confirmed in writing, both husband and wife of the affected HH sign the form in the presence of the third party, and the affected HH keeps one original signed form;
- vii. Implementation of sub-projects involving VLD starts only once the assigned authority (village committee, resettlement committee, etc.) has approved the signed voluntary donation forms;
- viii. If affected people are unwilling to donate assets without compensation, or if impacts go beyond the threshold for voluntary donations occur, compensation should be paid accordingly.

103. The EA/IAs have to ensure meaningful consultation and communication with AHs in VLD. The Resettlement consultant of the project implementation consultant (PIC) shall act as the third party and facilitate between APs and EA/IAs if required or necessary.

104. **Unforeseen impacts.** If there are any persons or HHs affected arising during the process of implementation of the subproject, a social impact assessment will be conducted after which the necessary compensation and/or assistance as applicable shall be also extended to them.

### **C. Entitlement Matrix**

105. Entitlement Matrix to be applied for this Sub-Project is presented in the Table 18 below.



**Table 6: Entitlement matrix**

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
<b>I. PRODUCTIVE LAND</b>					
1	Garden land of individuals, households	Partially permanent loss (loss of productive land of the HH and the remaining unaffected portion is viable for continued use)	All individuals, households have LURC or have claim recognized or recognizable by law.	Cash compensation for acquired land at replacement cost.  Compensation for trees/crops, structures see item II below.	AHs shall be informed three months in advance before the Notice of land recovery.  AHs shall fully receive the compensation and allowance at the replacement cost before site clearance.
2	Agricultural land of economic organizations leased from Government	Permanent loss	Eligible organization as regulated in Article 75 of Land Law 2013	Cash compensation for the land acquired if the rent is paid by affected organization in one time by their own budget not by state budget;  OR Not compensation for the land acquired if the rent of such land is paid annually by the affected organization but compensation for the remaining of investment cost on such land with the condition that the rent is not used from the state budget. AND Compensation for non-land assets on the affected land at replacement cost.	District CARB shall verify the source of money used for renting such land of the affected organizations.
3	For the portion of agriculture land or residential land to be used temporarily: Cash compensation for temporary use during the using period.				

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
	Contractor will negotiate with AHs.				
<b>II</b>	<b>HOUSES AND STRUCTURES, CROPS AND TREES</b>				
4	Crops and trees	Loss of or damage to crops/trees	Owners regardless of tenure status but crops and trees must be created before cut-off date.	For the annual crops and trees: cash compensation at market price at the time of compensation	<p>APs have the right to use salvageable trees.</p> <p>APs will be given three months notice that the land on which their crops are planted will be recovered and that they must harvest their crops on time.</p> <p>APs will receive cash compensation at current market cost for any un-harvested crops that are near or ready to harvest at the time of land acquisition.</p>
5	Houses and structures	Loss of or damage to houses and structures	Owners regardless of tenure status but house/structures must be built/ created before cut-off date.	For the affected houses and structures: cash compensation at market price for new construction of houses and structures with similar technical standard at the time of compensation.	No depreciation or deduction of salvageable material will be calculated.
<b>III. ECONOMIC REHABILITATION ASSISTANCES</b>					
6	Assistance for job training or job creation due to loss of productive land	Permanent impact	Households that will lose productive land	Assistance for job training/ creation at prices, equal to 2.0 times of value of productive land lost ( as provincial regulation)	Assistance will be paid at the same time of compensation payment and before site clearance.

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
7	For vulnerable groups	Loss of land and non-land assets	Poor households marginally affected by project; Female headed households OR Elderly households with dependents, severely EM households which are affected by project	Cash assistance: 2,000,000 VND per household	<p>Assistance will be paid at the same time of compensation payment and before site clearance.</p> <p>Using the information from the resettlement surveys, the DCARB will prepare the list of vulnerable persons.</p>

## VIII. ETHNIC MINORITY DEVELOPMENT PLAN

106. Based on the analyses above, a simple EM action plan is necessary to facilitate EM affected people participating in project processes. The plan will provide new opportunities for EM people, increasing their income without making their burdens increase and to raise the social status of EM people in the subproject area. The targets of this plan are as follows:

- (i) Local contractors are encouraged to use local labor (both men and women) especially EM people for unskill work in construction/rehabilitation and maintenance;
- (ii) Local contractors will not use child labors;
- (iii) EM communities are consulted in the design of all project infrastructure improvements;
- (iv) Training on HIV prevention to EM community which will be combined and implemented under Gender Action Plan;
- (v) Provide training course on cultivation and husbandry skills which will be combined and implemented under Gender Action Plan based on need assessment;
- (vi) Further training on tourism business, trading etc will be carried out based on the consultation with EM people;
- (vii) Training on EM policy of ADB for implementation agencies at provincial, and local agencies (i.e.: PPMUs and other stakeholders) conducted by Loan implementation consultant;
- (viii) At least one member of the Commune Supervision Boards will be a representative of EM people.

107. The subproject does not affect significantly livelihoods of the EMs, so no livelihood restoration program is needed. Affected EM households will be benefited from their entitlements regulated in the Entitlement Matrix and current programs of the province targeting to the EMs. Therefore, costs for implementation and management of activities of EMDP are included in the costs of resettlement implementation and in Gender Action Plan (GAP).

## IX. RESETTLEMENT BUDGET AND FINANCING PLAN

108. **Replacement cost.** A rapid replacement cost assessment has been undertaken via consultation with local authorities and local people and the results indicate that the current prices for houses and structures and crops and trees issued by Kon Tum provincial People's Committee for compensation are acceptable. The compensation prices for lands and non-land assets will be updated at time of resettlement implementation based on results of replacement cost survey conducted by an independent qualified and experienced appraiser. The compensation prices of land, structures, crops and trees are shown in Table 7. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation.

**Table 7: Replacement costs and provincial prices for land, structures, crops and trees**

No.	Items	Unit	K factor	Unit price stipulated by PPC (VND)	Proposed replacement cost (VND)
1	Perennial crop land	VND/m <sup>2</sup>	1	6,000	6,000
2	Garden land	VND/m <sup>2</sup>	1	12,000	12,000
3	Residential land	VND/m <sup>2</sup>	1	150,000	150,000
4	Drilling well	Each	1	15,000,000	15,000,000
5	Pond	M <sup>2</sup>	1	12,000	12,000
6	Fence	M	1	43,660	43,660

No.	Items	Unit	K factor	Unit price stipulated by PPC (VND)	Proposed replacement cost (VND)
7	Rubber in production period	VND/tree	1	470,000	470,000
8	Cashew $\geq$ 5 years	VND/tree	1	276,000	276,000
9	Fruit tree	VND/tree	1	242,000	242,000
10	Timber tree	VND/tree	1	250,000	250,000
11	Crops	VND/ha	1	30,000,000	30,000,000
13	Unit cost for leveling the inner road	VND/m <sup>2</sup>	1	35,000	35,000

109. **Budget for resettlement.** The estimated budget, including compensation cost for land and assets on the land, assistance and costs for administration and contingency, is estimated to be VND 2,310,300,344 equivalent to 103,299.8 USD (Table 8). EM action plan will be implemented action plan will be implemented in combination with gender action plan and current agriculture extension program of communes, so it is no need arrangement of budget for EM activities.

110. The budget for resettlement will be funded by the Kon Tum PPC using the provincial budget and allocated sufficiently and timely based on schedule of subproject resettlement implementation.

**Table 8 Compensation budget**

No.	Item	Unit	Quantity	Price ( VND)	Total cost (VND)
<b>1</b>	<b>Compensation and assistance for land</b>				<b>697,782,000</b>
	Compensation for garden land of APs	m <sup>2</sup>	216	12,000	2,592,000
	Assistance for leasing temporarily the residential land of APs as the construction yard	m <sup>2</sup>	1,250	150,000 x 50%	93,750,000
	Assistance for leasing temporarily perennial crop land of company	m <sup>2</sup>	10,450	6,000 x 50%	31,350,000
<b>2</b>	<b>Compensation for structures</b>				<b>35,086,000</b>
	Drilling well	Each	2	15,000,000	30,000,000
	Pond	M <sup>2</sup>	60	12,000	720,000
	Fence	M	100	43,660	4,366,000
<b>3</b>	<b>Compensation for trees</b>				<b>1,212,820,000</b>
	Crops	Ha	0,27	30,000,000	8,100,000
	Rubber	tree	2,496	470,000	1,173,120,000
	Cashew	tree	37	350,000	12,950,000
	Fruit tree	tree	75	242,000	18,150,000

No.	Item	Unit	Quantity	Price ( VND)	Total cost (VND)
	Timber tree	tree	2	250,000	500,000
<b>4</b>	<b>Assistance</b>				<b>17,184,000</b>
a	Job change/ creation	time	2.0* agricul land value of 216m <sup>2</sup>	12,000	5,184,000
b	For vulnerable households	HH	6	2,000,000	12,000,000
<b>Total direct cost</b>					<b>1,962,872,000</b>
Administration cost		2%			39,257,440
Cost for preparing the cadastral map		5%			98,143,600
<b>Subtotal</b>					<b>2,100,273,040</b>
Contingencies		10%			210,027,304
<b>Total</b>					<b>2,310,300,344</b>

## X. INSTITUTIONAL ARRANGEMENT

### A. Province Level

111. Kon Tum Provincial People's Committee (PPC) with the role of Executing Agency, is responsible for implementation of resettlement activities within its administrative jurisdiction. The main responsibilities of PPC include:

- (i) Appraise and approve REMDP;
- (ii) Issue decisions for approving land valuations applied for compensation rates, allowances and other supports to APs, especially vulnerable groups, based on principles of REMDP;
- (iii) Provide sufficiently and timely the budget for compensation, support and resettlement;
- (iv) Direct and supervise provincial relevant departments to implement effectively the REMDP.
- (v) Authorize the district-level People's Committees to approve compensation, assistance and resettlement plans;
- (vi) Directing the relevant agencies to settle APs' complaints, grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
- (vii) Directing the relevant agencies to examine and handle the violations in the compensation, assistance and resettlement domain.

112. Kon Tum Provincial Department of Planning and Investment (DPI) authorized by Kon Tum PPC as Project Owner, is responsible for:

- (i) Managing the project loan allocated for subprojects in Kon Tum province;
- (ii) Establishing Provincial Project Management Unit (PPMU);
- (iii) Directing PPMU to implement all project activities including REMDP according to the regulations of government and ADB policies;
- (iv) Ensuring budget available for implementation of land acquisition in time;

- (v) Coordinating with relevant agencies to ensure timely redress of complaints or grievances of APs;
- (vi) Supervising project implementation.

113. Ethnic minority committee of Kon Tum Province will direct EM department of districts and supervise on implementation of EM action plan.

114. Kon Tum Provincial Project Management Unit (PPMU), on behalf of project owner is responsible for comprehensive REMDP implementation and internal monitoring. The main tasks of PPMU include.

- (vii) Preparing, updating, and monitoring REMDP implementation of project components;
- (viii) Guiding CARB/LFDC to implement all resettlement activities in compliance with the approved REMDP; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the REMDP are met;
- (ix) Conducting, in combination with CARB/LFDC and CPCs, information campaigns and stakeholder consultation in accordance with established project guidelines;
- (x) Coordinating with relevant agencies to ensure timely: providing compensation, support and rehabilitation measures, and resolving of complaints or grievances of APs;
- (xi) Implementing internal resettlement monitoring, establishing and maintaining resettlement and grievance databases in accordance with procedures and requirements in approved REMDP and providing regular reports to Kon Tum PPC, DPI and ADB;
- (xii) Implementing prompt corrective actions in response to internal monitoring.

## **B. District Level**

115. The DPC undertakes comprehensive management on compensation, assistance and resettlement. The DPC is responsible to the PPC to report on progress, and the result of land acquisition. The DPC's primary task includes:

- (i) Approving the schedule and monitoring the progress of land acquisition and resettlement implementation in compliance with REMDP;
- (ii) Establishing a District Compensation, Assistance and Resettlement Board (CARB) or assigning LFDC and directing CARB and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
- (iii) Approving and taking responsibility before the law on the legal basis, and accuracy of the detailed compensation, assistance and resettlement options in the local area; Approving cost estimates on implementation of compensation, assistance and resettlement work;
- (iv) Taking responsibility for acquiring LURC, certificate on land owning right of HHs and individuals who have land, house entirely recovered; adjusting LURC for HHs and individuals who have land, house partially recovered, in accordance with authorization;
- (v) Directing Commune People's Committees and relevant organizations on implementation of various resettlement and EM activities;
- (vi) Reviewing and endorsing the Updated REMDP for approval of the PPC;
- (vii) Resolving complaints and grievances of APs

**C. District Land Fund Development Center/ District Compensation, Assistance and Resettlement Board (CARB)**

116. The main responsibilities of District LFDC or the CARB are the following:

- (i) Organize, plan and carry out compensation, assistance and resettlement activities;
- (ii) Perform the DMS, consultation and disclosure activities, design and implementation of income restoration program, coordination with various stakeholders;
- (iii) Prepare compensation plan and submit to DPC for approval. Implement compensation, assistance and resettlement alternative; Take responsibility for legal basis applied in compensation, assistance and resettlement policy following approved REMDP;
- (iv) Assist in the identification and allocation of land for relocated HHs;
- (v) Lead and coordinate with the CPC in the timely delivery of compensation payment and other entitlements to AHs; and
- (vi) Assist in the resolution of grievances.

**D. Ethnic minority department of districts**

117. This department in combination with PPMU and other agencies is responsible to carry out:

- (i) all mitigation measures to reduce potential negative impacts of the subproject on EM people;
- (ii) programs of information propagation and technical assistance to the EM community;
- (iii) Information propagation of HIV/AIDS, women trafficking; Information dissemination on social evils and propaganda on indigenous cultural values and preservation of the values.

**E. Commune Level**

118. The CPC will assist the CARB in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- (i) In cooperation with District level and with local mass organizations at commune level, mobilize people who will be acquired to implement the compensation, assistance and settlement policy according to approved REMDP;
- (ii) To cooperate with CARB/LFDC and Working groups to communicate the reason for acquisition to the people whose land is to be acquired; To notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
- (iii) Assign Commune officials to assist the CARB/LFDC in the updating of the REMDP and implementation of resettlement and EM activities;
- (iv) Identify replacement land for Ahs (if land is available);
- (v) Sign the Agreement Compensation Forms along with the AHs;
- (vi) Assist in the resolution of grievances; and,
- (vii) Actively participate in all resettlement and EM activities and concerns.

**XI. IMPLEMENTATION SCHEDULE**

119. The implementation schedule for resettlement activities for the subproject is presented in Table 9, including (i) activities that have been completed to prepare the REMDP; (ii) resettlement implementation activities and, (iii) internal monitoring activities.



**Table 9: Indicative Schedule of Resettlement and Compensation Activities**

Activities	Time
<b>Approval final draft REMDP and disclosure</b>	
Endorse final draft REMDP by PPC and approve by ADB	6/2016
Disclose the approved REMDP in ADB website and disclose locally to APs and communes	6/2016
<b>Implementation of the approved REMDP</b>	
Detailed engineering and demarcation of land to be acquired	Quarter II/2017
Conduct Public consultation meeting with APs and EM people	Quarter II/2017
Conduct propagation of HIV/AIDS and women trafficking for EM people	Quarter II/2017
Conduct DMS and prepare compensation plan (RCS, as required)	Quarter II/2017
Consultations with APs on the compensation plan	Quarter II/2017
Update the REMDP based on results of DMS, RCS and EM consultation (if required)	Quarter III/2017
Submit compensation plan to DPC for review and approval	Quarter III/2017
Disclose approved compensation plan to APs	Quarter IV/2017
Payment of compensation and allowance	Quarter IV/2017
Clearance of acquired land	Quarter IV/2017
Commencing civil works	Quarter I/2018
<b>Monitoring</b>	
Conducting monthly monitoring on the implementation of REMDP with LIC's support	Quarter II/2017
LIC support for preparation of semi-annual monitoring report to submit CPMU and ADB	Quarter II/2017

## **XII. MONITORING AND EVALUATION**

120. The implementation of the REMDP will be monitored regularly to ensure that it is implemented as planned and that mitigating measures designed to address the subproject's adverse impacts are adequate and effective. Towards this end, resettlement monitoring will be done through community monitoring and internal monitoring. External monitoring is not required for the project due to category B and uncomplicated subproject..

### **A. Community Monitoring**

121. Community-based monitoring will be applied for public oversight over the implementation of the subproject's REMDP. The PPMU will encourage people and especially the APs in the subproject area to monitor the REMDP implementation in terms of what they receive as compensation compared what is stated in the REMDP.

### **B. Internal Monitoring**

122. The objectives of internal monitoring (as well as evaluation) is to assess:

- (i) Compliance with the agreed REMDP;
- (ii) The availability of resources and the efficient, effective use of these resources to implement land acquisition and resettlement activities;

- (iii) That resettlement institutions are well-functioning during the course of project implementation;
- (iv) Resettlement and EM activities are undertaken in accordance with the implementation schedule described in the REMDP;
- (v) To identify problems, if any, and remedial actions.

123. The Primary responsibility for internal monitoring lies with the PPMU as the project implementing agency. The PPMU will be responsible for overseeing the formation, function, and activities of each of the provincial and district bodies responsible for resettlement and EMs. The CPMU will ensure that information on resettlement progress flows from DCARB/LFDC. The DCARB/LFDC will submit monthly progress reports on the implementation of REMDP to the PPMU. The PPMU will consolidate all provincial reports into the project performance monitoring system, which will be used to prepare regular progress reports to submit to ADB. All data will be gender and ethnicity disaggregated.

124. The PPMU will develop an internal monitoring schedule, indicators, procedures and reporting requirements for all subprojects. Semi-annual internal monitoring reports are submitted to ADB for review and upload on ADB website. Internal monitoring indicators will include but not limited to the following issues:

- (i) Displaced persons and compensation: the number of APs by category of impact; the status of delivery of compensation and subsistence, moving and other allowances;
- (ii) Status of rehabilitation and income restoration activities: The number of APs severely affected by a) loss of productive assets and/or b) displacement; the number of vulnerable APs; the status of relocation of displaced APs; the status of assistance for income restoration;
- (iii) Information disclosure and meaningful consultation: number and scope of public meetings and/or consultations with APs; status of notifications to APs; summary of AP needs, preference and concerns raised during meetings and consultations of APs including EM Aps who are benefited from the project;
- (iv) Complaints and grievances: summary of types of complaints received; steps taken to resolve them; outcomes; and, any outstanding issues requiring further management by district or provincial authorities or ADB assistance;
- (v) Financial management: the amount of funds allocated for compensation, operations and other activities; the amount of funds disbursed for each;
- (vi) Resettlement schedule: completed activities as per schedule; delays and deviances, including reasons; revised resettlement schedule;
- (vii) Coordination of resettlement activities with award of contract for civil works: status of completion of resettlement activities and projected date for award of civil works contracts;
- (viii) Ethnic groups, particularly ethnic women, benefited from the project interventions;
- (ix) Implementation problems: problems that have arisen, reasons and corrective actions to remedy outstanding issues.

## ANNEX : MINUTES OF PUBLIC CONSULTATION AND LIST OF ATTENDEES

ỦY BAN NHÂN DÂN  
HUYỆN SA THẦY

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc lập - Tự do - Hạnh phúc

Số: 33/UBND-TH  
Về việc cam kết không đền bù GPMB  
tuyến đường Sê San 3-Quốc lộ 14C

Sa Thầy, ngày 12 tháng 4 năm 2016

Kính gửi: Ngân hàng Phát triển Châu Á (ADB)

Ngày 10/03/2016, UBND huyện Sa Thầy đã làm việc với đại diện của ngân hàng phát triển châu Á (ADB), trên cơ sở rà soát công tác đền bù, giải phóng mặt bằng của dự án đường Sê San 3- Quốc lộ 14C. UBND huyện Sa Thầy cam kết một số nội dung như sau:

Dự án đường Sê San 3- Quốc lộ 14C được UBND tỉnh Kon Tum phê duyệt đầu tư tại quyết định số 599/QĐ-UBND ngày 23/06/2008 với chiều dài L=58km, điều chỉnh dự án tại Quyết định số 1159/QĐ-UBND ngày 29/09/2009, dự án này UBND tỉnh Kon Tum giao UBND huyện Sa Thầy thực hiện (chủ đầu tư). Trong quá trình triển khai thực hiện giai đoạn 1 của dự án, UBND huyện Sa Thầy đã thực hiện xong công tác đền bù giải phóng mặt bằng theo các quy định của chính phủ Việt Nam, diện tích đất thu hồi là rừng tự nhiên, đất chưa sử dụng, một phần đất người dân khai hoang trái phép nên không thuộc đối tượng đền bù. Đến nay dự án đã thi công xong phần nền đường, nếu ngân hàng phát triển châu Á tiếp tục đầu tư các hạng mục còn lại trên phần nền đã được Chính phủ Việt Nam đầu tư thì UBND huyện Sa Thầy cam kết không phát sinh bồi thường giải phóng mặt bằng.

UBND huyện Sa Thầy kính báo để ngân hàng phát triển châu Á (ADB) biết, xem xét./.

Nơi nhận:

- Như trên;

- Lưu VT-LT

TM. ỦY BAN NHÂN DÂN

CHỦ TỊCH

PHÓ CHỦ TỊCH



Nguyễn Hữu Chánh



CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

BIÊN BẢN THẢO LUẬN NHÓM TẬP TRUNG

Về Chính sách an toàn Tái định cư và Dân tộc thiểu số

I. Thời gian tổ chức: 15.6...ngày...15...tháng...8...năm 2016

II. Địa điểm tổ chức: Hội trường UBND xã...Ia Dal

III. Hạng mục tham vấn: Công trình.....

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông/bà.....chức vụ.....
- Ông/bà.....chức vụ.....
- Ông/bà.....chức vụ.....

2. Đại diện UBND xã .....

- Ông/bà...Bà. Phạm Lưu...chức vụ...Bi. Chủ tịch ĐB
- Ông/bà...Võ Tấn Lạc...chức vụ...PCT UBND
- Ông/bà.....chức vụ.....

3. Đại diện đơn vị Tư vấn

- Ông/bà...Nguyễn Xuân Khanh...chức vụ...Trưởng nhóm
- Ông/bà...Nguyễn Tiến Cường...chức vụ.....
- Ông/bà.....chức vụ.....

4. Đại diện hộ dân/cộng đồng: Đại diện cộng đồng và đại diện hộ gia đình BAH trực tiếp tại thôn/xóm, xã.

Số lượng người tham gia: 6.....người (danh sách đính kèm theo biên bản này)

V. MỤC ĐÍCH THẢO LUẬN NHÓM

- Cung cấp các thông tin về dự án như mục tiêu, địa điểm, quy mô, các thông số kỹ thuật cơ bản của các tuyến đường giao thông.

- Phổ biến thông tin về phạm vi ảnh hưởng và Khung Tái định cư và phát triển DTTS.
- Phổ biến quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.
- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án;
- Tham vấn về Chính sách đền bù và quyền được đền bù của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và khả năng tiến hành các biện pháp phục hồi cuộc sống;
- Sự sẵn sàng tham gia của người dân đối với dự án

## VI. NỘI DUNG THẢO LUẬN

### 1. Giới thiệu nội dung thảo luận

- Là xã mới thành lập, diện tích tự nhiên 1.814,2 ha.
- Số hộ 858 hộ, 3 ấp, 10 thôn.
- Nguồn sản vật chủ yếu thu gom tại rừng sản xuất của các DNTN cao su được phân chia, bán, bán ở chợ tại các chợ cao su khu vực lập trước sau đó mới lập xã để quản lý.
- Nguồn dân này như không có đất sản xuất của do làm được để bỏ là các xã để tiếp nhận.

### 2. Những vấn đề liên quan đến Chính sách an toàn TĐC và DTTS

- Hơn 60% là dân tộc thiểu số, chủ yếu là người Thái, người Khmer, di cư, tỷ lệ PT bình đẳng giới ở
- Nguồn dân nghèo chủ yếu là do giá cao, sự thiếu hụt các chính sách tiếp thu giá trị và các chính sách
- Nguồn dân theo 2 lý do: do đất
- và theo 3 lý do: theo nước
- Tiếp nhận dân di cư ở thành phố, khoảng 100 hộ dân sinh sống ở khu vực tiếp nhận, DNTN, gần các khu vực đất đai và các tài sản của họ được
- PH chính là do các DNTN cao su, người dân di cư có grain diện tích của họ
- PA phân bổ:
  - + Các PA cấp cao của các thành phố, tỉnh và địa phương lao động, tạo thu nhập cho người dân
  - + Những diện tích rừng sản xuất sử dụng làm đất rừng, rừng đất cho họ



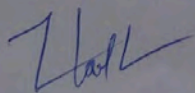
3. Mức độ sẵn sàng tham gia của người dân vào Dự án

- (trợ)
- + Hộ gia đình cho là dân vùng ven biển phải tuân thủ luật.
  - + Hộ gia đình ở ven biển.
  - Người dân rất mong muốn tham gia vào quá trình thực hiện DA

VII. KẾT LUẬN

Cuộc họp các bên thống nhất và kết thúc vào lúc 16h ngày 15 tháng 3 năm 2016

Đại diện cộng đồng

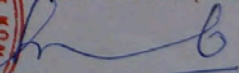


BQL tiểu dự án

Đại diện chính quyền địa phương

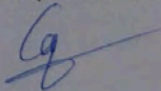


PHÓ CHỦ TỊCH



Trần Văn Lạc

Đại diện Tư vấn



Nguyễn Văn Công

# DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Phường/xã.....*Tân Phú*....., tỉnh/thành phố (kèm theo biên bản thảo luận nhóm)

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Phạm Thị Duyên			<i>Phạm Thị Duyên</i>
2	Lê Ngọc Mai			<i>Lê Ngọc Mai</i>
3	Xiêu Xuân			<i>Xiêu Xuân</i>
4	Lê Chăm Luy			
5	Cao Xuân Thành			
6	Võ Tấn Lạc			<i>Võ Tấn Lạc</i>
7				
8				
9				
10				
11				
12				
13				
14				
15				



CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc lập – Tự do – Hạnh phúc

BIÊN BẢN THẢO LUẬN NHÓM TẬP TRUNG  
Về Chính sách an toàn Tái định cư và Dân tộc thiểu số

I. Thời gian tổ chức: 14h ngày 16 tháng 03 năm 2016

II. Địa điểm tổ chức: Hội trường UBND xã Ia Tô

III. Hạng mục tham vấn: Công trình

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông/bà Bùi Quốc Hùng chức vụ Chủ Kỹ Thuật
- Ông/bà chức vụ
- Ông/bà chức vụ

2. Đại diện UBND xã Ia Tô

- Ông/bà Bùi Văn Nhàn chức vụ Chủ Tịch UBND
- Ông/bà chức vụ
- Ông/bà chức vụ

3. Đại diện đơn vị Tư vấn

- Ông/bà Nguyễn Xuân Nhân chức vụ Trưởng nhóm
- Ông/bà chức vụ
- Ông/bà chức vụ

4. Đại diện hộ dân/cộng đồng: Đại diện cộng đồng và đại diện hộ gia đình BAH trực tiếp tại thôn/xóm, xã.

Số lượng người tham gia: 08 người (danh sách đính kèm theo biên bản này)

V. MỤC ĐÍCH THẢO LUẬN NHÓM

- Cung cấp các thông tin về dự án như mục tiêu, địa điểm, quy mô, các thông số kỹ thuật cơ bản của các tuyến đường giao thông.

- Phổ biến thông tin về phạm vi ảnh hưởng và Khung Tái định cư và phát triển DTTS.
- Phổ biến quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.
- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án;
- Tham vấn về Chính sách đền bù và quyền được đền bù của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và khả năng tiến hành các biện pháp phục hồi cuộc sống;
- Sự sẵn sàng tham gia của người dân đối với dự án



## VI. NỘI DUNG THẢO LUẬN

### 1. Giới thiệu nội dung thảo luận

- Quy mô dự án đầu tư / Nhà tài trợ
- Các tác động cuối dự án đến người dân
- Các kiến nghị đề xuất quản trị tác động

### 2. Những vấn đề liên quan đến Chính sách an toàn TĐC và DTTS

- Tuyên di qua 3 thôn 1, 7 và 9. Nếu buồn theo Tuyên cũ thì miễn là tác động không đáng kể
- Toàn thôn xã tuyên chỉ đi qua khu vực đất của 2 công ty: Cty TNHH một thành viên Chế Mỡ Ray và Công ty Cổ phần đầu tư và phát triển Dục Tân
- Toàn bộ phân chia thổ giao cho 2 công ty này với mức đất trồng cao su trên đất rừng nghèo
- IT có khả năng ảnh hưởng đến các cơ sở mà chủ yếu ảnh hưởng đến cây bụi mà từ như dọc 2 bên tuyên
- Hầu như không có tác động tiềm ẩn
- Tác động trực tiếp của công việc buồn buồn, giao thừa hàng hóa

### 3. Mức độ sẵn sàng tham gia của người dân vào Dự án

- Đồng thuận cao - Sẵn sàng tham gia dự án.
- Người dân không có khiếu nại, tranh chấp vì dự án mà chủ yếu dựa vào Công ty nên không ảnh hưởng đến các tổ chức khác, người dân khác chỉ đóng góp một phần nhỏ.

### VII. KẾT LUẬN

- Đề nghị dự án sớm triển khai.
- Việc tái định cư của dân như không có.
- Các tác động tích cực là đáng kể và sẽ phát huy hiệu quả trong phát triển kinh tế và buôn bán.

Cuộc họp các bên thống nhất và kết thúc vào lúc 15h ngày 16 tháng 03 năm 2016

Đại diện cộng đồng

BQL tiểu dự án

Bùi Quốc Hưng

Đại diện chính quyền địa phương



**CHỦ TỊCH**  
**Bùi Văn Nhàn**  
Đại diện Tư vấn

Nguyễn Xuân Nhàn



# DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Phường/xã... Đa... Đa......, tỉnh/thành phố (kèm theo biên bản thảo luận nhóm)

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	A Chia	Nam	PBT Đảng ủy	
2	Bùi Văn Nhung	Nam	PCT HĐND Xã	
3	Nguyễn Phú An	Nam	CT UBND Xã	
4	Vì Văn Cường	Nam	CT Hội Nông dân	
5	Mạc Văn Xuân	Nam	CT Hội Cựu Chiến Binh	
6	Nguyễn Xuân Cường	Nam	VP UBND Xã	
7	Lô Thị Sai	Nữ	CT Hội Phụ Nữ Xã	
8	Y Ngang	Nữ	BT Đoàn Thanh Niên	
9	Trần Trung Dũng	Nam	CB Điện Chiếu Xã	
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TA 8849 Support to Border Areas Development – 01 Preparation for Support to Border Areas Development Project (48189-001)

## List of participants attending ADB Resettlement Mission

No.	Name of participants Họ Tên	Position Chức vụ	Name of Organizations Cơ quan	Signature Chữ Ký	Phone Number Số điện thoại
1	Nguyễn Hữu Đức	Phó ban quản lý ST	BQL khu vực và XD Sa Thầy		
2	Nguyễn Văn Bình	TP kỹ thuật Công ty	Công ty LN Sa Thầy		0905 178978
3	Nguyễn Thái Thanh	Chủ đầu tư và quản lý	Huyện Sa Thầy		
4		Sa Thầy			
5	Phạm Chí Thuận	Chủ đầu tư và quản lý	UBND huyện Sa Thầy		
6	Nguyễn Văn Lâm	Trưởng TN & MT	Huyện Sa Thầy		
7	Phạm Hồng Minh	Phó phòng kinh tế Đỉnh	Sở KHĐT Kon Tum		
8	Bùi Quốc Hùng	Phó trưởng phòng Trám địa	Sở KHĐT Kon Tum		
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1	Trương Minh Tuấn	Giám đốc	Công ty TNHH MTV		0965680066
2	Nguyễn Duy Lâm	Kế toán trưởng	CS Su chữa Mỏ Rạng		0902335442
3	Nguyễn Thành Phương	P.P Kế Hoạch - Đầu tư	nt		0935770505
4	Lê Thành Nhân	CB phụ trách địa phương	nt		0973256579
5	Phạm Hồng Minh	Phó phòng KTĐN	Sở KHĐT Kon Tum		
6	Bùi Quang Ninh	TGD	Cp TN & MT CS Bảo Sơn		0913454974
7	Nguyễn Minh	TP. KTSX	"		09824953979
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TA 8849 Support to Border Areas Development – 01 Preparation for Support to Border Areas Development Project (48189-001)

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No.	Name of participants Họ Tên	Position Chức vụ	Name of Organizations Cơ quan	Signature Chữ Ký	Phone Number Số điện thoại
1	Chị Hồng Duyên	Phó CT UBND xã	Xã Ia Tô		0988423679
2	Liông Phi Bôn	Công nhân công ty chui mỏ	Thôn 7, xã Ia Tô	Liông	
3	Nguyễn Thành Thành	Công nhân công ty chui mỏ	Thôn 7 - Ia Tô	Thành	
4	Hà Văn Ngọc	Công nhân công ty chui mỏ	Thôn 7 - Ia Tô	Ngọc	
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