

# 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:* Improving the Provincial Road 665,  
Section Ia Bang - Ia Mor in Chu Prong District, Gia Lai  
province**

Prepared by Planning and Investment Department of Gia Lai for Asian Development Bank

## CURRENCY EQUIVALENTS

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

Exchange rate on April 2016: \$1 = 22,445 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 “*Improving the Provincial Road 665, Section Ia Bang - Ia Mor in Chu Prong District, Gia Lai Province*” is one of 5 subprojects of SBADP. This road section goes thru six communes of Chu Prong district namely Ia Bang, Ia Tor, Ia Me, Ia Pia, Ia Ga and Ia Mor with total length of 65,87km. The objective of the subproject is to improve the existing road to connect NH14 to the border with Cambodia. The road after improvement will contribute to social and economic development of the southern west region of Gia Lai province and enhance the connectivity of road network in Chu Prong district.

2. **Scope of Impacts:** subproject will affect in total 56 households (AH) with 252 persons. Among 56 AHs, two AHs are severely affected due to loss of more than 10% of productive land; No households have to relocate in new place; 14 AHs are ethnic minority (EM) belonging to Gia Rai and Tay groups; 08 affected households belong to vulnerable group of which 06 households are female headed with dependents and 02 others are severely affected EM households. 13 enterprises and organizations will be affected by this subproject including 04 enterprises, 04 schools, 01 medical station, 01 post office, 02 CPCs, 01 frontier post of the army.

3. Subproject will acquire totally 356,485m<sup>2</sup> various kinds of land, of which 15,186m<sup>2</sup> of annual crops land, 10,016m<sup>2</sup> of perennial land, 13,657m<sup>2</sup> of productive forest land and 317,625m<sup>2</sup> of public land in right of way and water surface of streams. Subproject will affect mainly to auxiliary structures of households, enterprises and organizations such as culvert, fence, gate.... One household will be affected his temporary house built on the productive forest land managed by CPC but not his shelter. 288 various trees will also be affected by subproject. 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:** The Resettlement and Ethnic Minorities Development Framework of the project have been prepared based on policies and laws of Vietnam Government, policies and regulations of Gia Lai 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 minority people affected by the subproject are able to (i) improve or at least restore their living standards to at least pre-Project levels and ethnic people, (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.

5. **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 56.8% of the total population in the subproject communes. They are J'Rai, Thai, Muong, Tay, Nung, Dao....Positive and negative impacts of the subproject 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.

**7. Institutional Arrangements:** Gia Lai 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 Gia Lai 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.

**8. Implementation schedule:** This REMDP will be implemented before civil works commence. It is expected that land acquisition will be carried out during 2017 and 2018.

**9. 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, Gia Lai PPMU will conduct internal monitoring and evaluation to ensure the implementation of the REMDP in compliance with ADB safeguard policy (SPS 2009).

**10. Total resettlement cost:** The total cost for implementation of the REMDP, including administration and contingency cost, is estimated to be VND 814,469,066 equivalent to USD36,287.33. This cost will come from the Gia Lai Province's budget.

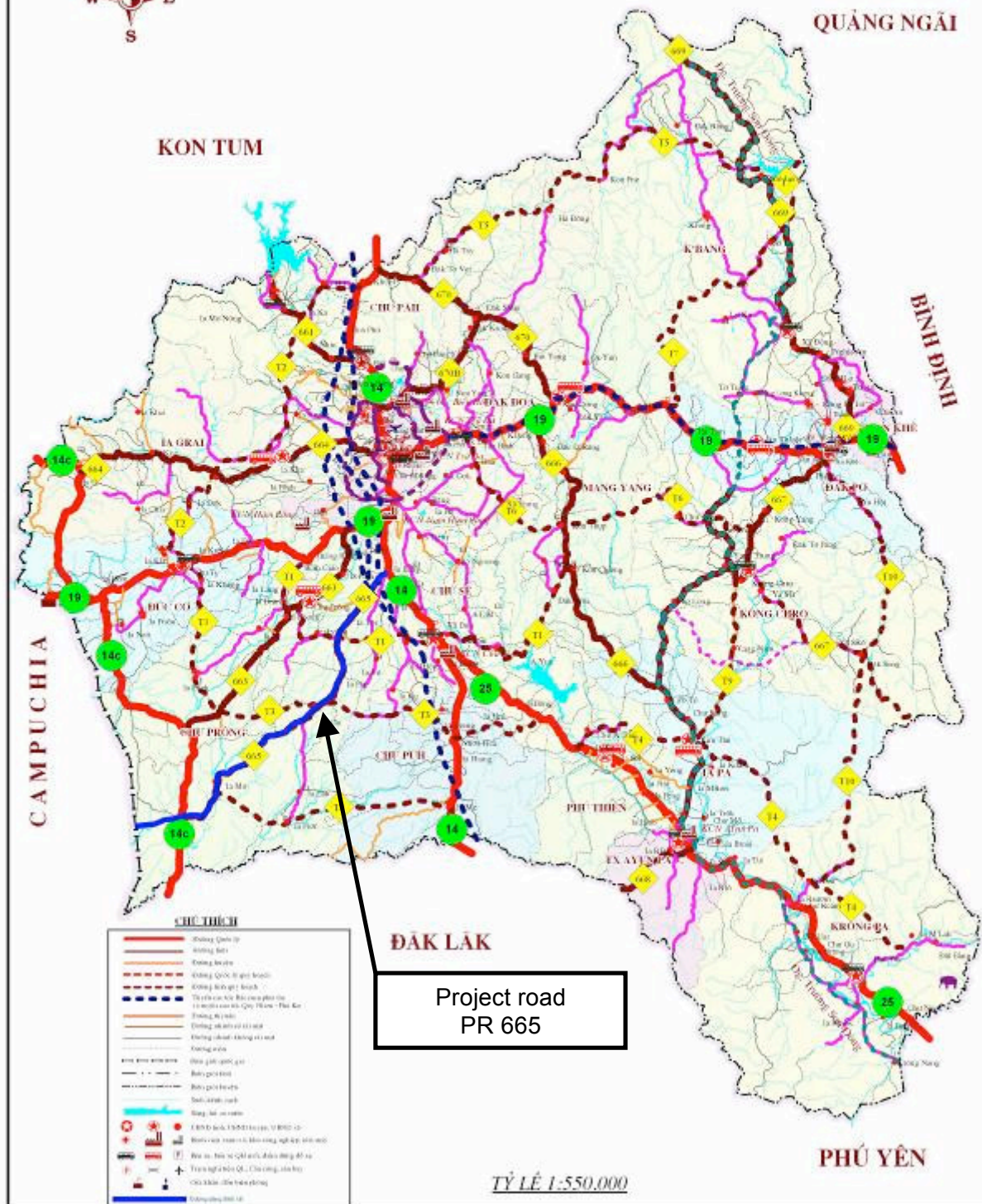
## I. SUBPROJECT DESCRIPTION

### A. Background

1. 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 3 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.

2. Gia Lai, one of five provinces in SBADP, has 90km border with Cambodia and has good potential for agricultural development in the production of high value crops such as coffee, pepper, rubber, and cashew. In 2015, agricultural production still keeps the major portion (about 40.4%) of GRDP of Gia Lai. In addition, Gia Lai has Le Thanh international border gate with Cambodia, which is important for international trade between Vietnam and Cambodia as the neighboring provinces in Cambodia currently are exporting commodities via Thailand. Improved connections to seaports in Viet Nam would provide better access to international market for imports and exports. The transport infrastructure in Viet Nam DTA provinces in general and in Gia Lai in particular is underdeveloped, poor condition, low capacity, fragmented, which does not meet the traffic requirements of local people, agribusiness and regional trade. This limits the access of Vietnam DTA region to higher value markets such as Ho Chi Minh city, Phnom Penh, Vientiane, Hanoi as well as to major seaports such as Da Nang, Dung Quat, and Qui Nhon.

3. *“Improving the Provincial Road 665, Section Ia Bang - Ia Mor in Chu Prong District, Gia Lai Province”* is one of the subprojects in SBADP. This road section goes thru six communes including Ia Bang, Ia Tor, Ia Me, Ia Pia, Ia Ga and Ia Mor in Chu Prong district with total length of 65,87km (Figure 1). These are poor communes of Chu Prong district with many ethnic minority groups living there and specializing in the growing of coffee, rubber, pepper, cashew and cassava in large area. The road after improvement will connect NH14 to the border with Cambodia, contribute to social and economic development of such communes, enhance the connectivity of road network in Chu Prong district and further contribute to achieve the objectives of project. The beneficiaries of the subproject will be: (i) local people in Chu Prong district where the subproject runs thru with the estimation of 106,648 people in 26,501 households, of which 11,389 households are ethnic minority households and 3,273 poor households; (ii) processing factories, agribusiness enterprises located close to this road.



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## **B. Civil works to be undertaken**

4. According to preliminary design, this subproject has the following specifications:
  - a. The provincial road no. 665 with the length of 65.87km will be repaired and improved to Class IV mountainous road with the speed of 40km/h, width of embankment is 7.5m and width of pavement is 5.5m, pavement structure is asphalt concrete or cement concrete depending on each section;
  - b. Replace five existing bridges by new construction:
    - Suoi My bridge at Km39+188,43 with 33m of length;
    - Ia Mor bridge at Km50+217,31 with 271m of length;
    - Suoi Jo bridge at Km56+590,41 with 33m of length;
    - Suoi Pa bridge at Km60+637,72 with 33m of length;
    - Bridge at Km61+224,48 with 24m of length;

All bridges will be constructed with the pre-stress reinforced concrete superstructure, reinforced concrete pier and foundation, boring piles.

  - c. Reuse the culverts in good condition and meeting the discharge capacity; Replace and construct new culverts at the positions where do not meet the discharge capacity;
  - d. Build the side ditch in both side and along the road, mainly soid ditch. For the section where the slope of profile is higher than 5% and out of residential area, strengthening the side ditch by masonry.

## **C. Mitigation measures**

5. To minimize impacts of land acquisition and resettlement on the local people, 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 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**

6. 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.

7. 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.

8. 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.

9. 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 Gia Lai 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

10. 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 socioeconomic survey (SES) of AHs and non-AHs within the subproject area. Additionally, a rapid replacement cost study (RCS) was also carried out.

11. *Census and Inventory of loss* were done for all affected households based on the preliminary design. Agricultural land to be acquired has been identified through referencing of commune cadastral records. 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.

12. *Socioeconomic survey*: The SES was conducted by collecting socioeconomic information of affected households (including demographic characteristics of AHs, their income and livelihood, ethnic composition, education levels and on their concerns) by directly interviewing them. 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.

13. *Replacement cost study*: The purpose of the RCS was to collect information on the market prices of land and non-land assets in the subproject area, in order to apply for compensation to ensure that APs 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

14. **Impact on households**: The subproject will affect 56 HHs in total, of which 01 household will be affected temporary house built on the reclaimed land in the forest production land managed by CPC for the purpose of managing his farm nearby. 07 households will be affected their agricultural land of which 02 HHs will be severely affected due to loss of more than 10% their productive land holding; and remaining households are only affected to their auxiliary assets on land such as culvert, fence, gate. Out of 56 AHs, 14 HHs are EM belonging to Gia Rai and Tay groups. There are 08 vulnerable AHs including 06 HHs are female headed households with dependents, 02 HHs are severely affected EM household but none of them belonging to poor people group.

15. Beside the impact to the households, the subproject also affected some enterprises and organizations as mentioned below:

- (i) 04 companies: Van Khoa One member Company Limited, North Tay Nguyen Oil and Gas enterprise, Chu Prong Rubber Company (An Phu rubber farm); Gia Lai Electricity company (Bau Can branch).
- (ii) 04 schools: Le Loi Secondary school, Ngo May Primary school in Ia Tor commune, Hoa Mi Kindergarten in Ia Pia commune, and Pleime High school in Ia Ga commune;
- (iii) Medical station of Ia Tor commune;
- (iv) Post office of Ia Pia commune;
- (v) 02 CPCs: Ia Tor and Ia Pia communes,
- (vi) 01 frontier post of army: No.729 frontier station.

Impacts of the subproject on households, enterprises and organizations are summarized in Table 1.

**Table 1: Impacts on households, enterprises and organizations**

No.	District/ Commune	Number of Ahs	Number of marginally AHs <sup>1</sup>	Number of severely affected HHs	Number of vulnerable AHs	Number of affected EM household	Number of affected organizations	Number of affected enterprises
<b>A</b>	<b>Chu Prong</b>	<b>56</b>	<b>54</b>	<b>2</b>	<b>8</b>	<b>14</b>	<b>9</b>	<b>4</b>
1	Ia Bang	3	3	0	1	0	0	0
2	Ia Tor	20	20	0	2	3	4	0
3	Ia Me	1	1	0	0	1	0	0
4	Ia Pia	20	20	0	2	0	3	3
5	Ia Ga	4	4	0	1	3	1	0
6	Ia Mor	8	6	2	2	7	1	1
<b>Total</b>		<b>56</b>	<b>54</b>	<b>2</b>	<b>8</b>	<b>14</b>	<b>9</b>	<b>4</b>

Note: <sup>1</sup> marginally affected household means the household who lose less than 10% of total productive land holding, partial loss of residential land without relocation/rebuilt the house on remaining land.

Source of data: IOL data provided by PPMU of Gia Lai DPI

16. **Impact on lands:** Based on the results of IOL, the subproject will permanently recover 356,485m<sup>2</sup> of various kinds of land, of which 15,186m<sup>2</sup> is annual crop land, 10,016m<sup>2</sup> is perennial land, 13,657.23m<sup>2</sup> is forest production land and 317,625m<sup>2</sup> is public land including 314,694.74m<sup>2</sup> of land on the right of way and 2,930.64m<sup>2</sup> of surface of stream and river. Among 15,186m<sup>2</sup> annual crop land, 7,686m<sup>2</sup> belongs to 07 households in Ia Mor commune and 7,500m<sup>2</sup> of Ia Mor CPC. 10,016m<sup>2</sup> of perennial land belongs to Chu Prong Rubber Enterprise, Frontier Station and Ia Mor CPC. No household lose residential land or has to relocate. The result of the inventory of land loss is shown in Table 2.

**Table 2: Impacts on land of households, enterprises and organizations**

No.	Commune	Total affected area	Annual crop land (m2)	Perennial land (m2)	Forest production land (m2)	Other Public land (m2)
1	Ia Bang	0	0	0	0	317,625
2	Ia Tor	0	0	0	0	
3	Ia Me	0	0	0	0	



No.	Commune	Total affected area	Annual crop land (m2)	Perennial land (m2)	Forest production land (m2)	Other Public land (m2)
4	la Pia	0	0	0	0	
5	la Ga	0	0	0	0	
6	la Mor	38,859	15,186	10,016	13,657.23	
	<b>Total</b>	356,485	15,186	10,016	13,657.23	317,625

Source of data: IOL data provided by PPMU of Gia Lai DPI

17. **Impact on house and structures:** The subproject will affect 47.9m<sup>2</sup> of temporary house of 01 household in la Ga commune built on the public land managed by CPC, which is used for the purpose of looking after his rubber forest land not for shelter. Besides, the subproject affects 75 m of box culvert, 360m of fences, 158 culverts and 845m<sup>2</sup> of yards.

18. **Impact on public assets:** Similarly, 04 schools, 01 medical station, 01 post station, 02 CPC offices will be affected their gates, fences, culverts or yards. Such auxiliary structures were built on the land in the right of way. 08 electric meter and 350m of electric line of Gia Lai power company will be affected. The frontier station of army No. 729 will be affected the fence and water tank. The results of the inventory of loss of houses and structures and are shown in Table 3.

**Table 3: Impacts on house and structures of households, enterprises and organizations**

No.	District/ Commune	House (m <sup>2</sup> )	Fence (m)	Water tank (m <sup>2</sup> )	Box Culvert (md)	Concrete Yard (m <sup>2</sup> )	Culvert (each)	Electric meter (each)	Electric line (m)
1	la Bang	0	0	0	7.5	46.3	11	0	0
2	la Tor	0	0	0	33.2	282.25	54	0	0
3	la Me	0	0	0	0	12	8	0	0
4	la Pia	0	0	0	34.3	442.02	70	8	350
5	la Ga	47.9	28.1	0	0	62.5	14	0	0
6	la Mor	0	307	9	0	0	0	0	0
	<b>Total</b>	<b>47.9</b>	<b>360.1</b>	<b>9</b>	<b>75.0</b>	<b>845.07</b>	<b>158</b>	<b>8</b>	<b>350</b>

Source of data: IOL data provided by PPMU of Gia Lai DPI

19. **Impact on crops and trees:** The subproject will also affect 249 rubber trees of Chu Prong Rubber company and Frontier station of Army No.729, 25 cashew trees of 02 households in la Mor commune, 14 fruit trees of 03 households in la Ga commune.

20. **Impact on income and livelihood:** The subproject will affect severely the agricultural land of 02 households (11% and 13%). Both households are ethnic minority people. Other households will only be affected marginally their productive land or their auxiliary structures. Necessary support and assistance will be provided to severely affected households to restore their livelihood as pre-project.

21. **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.

22. Table 4 below is the summary of permanent impacts of subproject.

**Table 4: Summary of impacts on land and assets**

No.	Category		Unit	Amount
	<b>Affected assets</b>			
<b>1</b>	<b>Land</b>		<b>M<sup>2</sup></b>	<b>356,485</b>
		Annual crop land	m <sup>2</sup>	15,186
		Perennial land	m <sup>2</sup>	10,016
		Forest production land	m <sup>2</sup>	13,657.23
		Other land (transportation, bed of stream, river)	m <sup>2</sup>	317,625
<b>2</b>	<b>House and Structures</b>			
		House and shop	m <sup>2</sup>	47.9
		Concrete yard	m <sup>2</sup>	845.7
		Culvert	Each	158
		Box culvert (60x100)	md	75.0
		Fence	m	360.1
		Water tank	m <sup>2</sup>	9
		Electric meter	Each	8
		Electric line	m	350
<b>3</b>	<b>Crops and trees</b>			
		Rubber	tree	249
		Cashew	tree	12
		Jack fruit	tree	2
		Avocado	tree	4
		Custard apple	tree	4
		Soursop	tree	2
		Papaya	tree	2

*Source of data: IOL data provided by PPMU of Gia Lai DPI*

### **C. Temporary impact**

23. The subproject may cause temporary impacts during construction on the AHs whose land 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 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. With the mitigation measures, the remaining temporary impact will be insignificant.

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

24. Among 06 project communes, only Ia Mor commune has impact on land of households. Validation of the land-use right certificate (LURC) was conducted in the affected commune revealing that at the time of IOL, almost agricultural land of AHs have not been provided the land use right certificate yet, only residential land and garden land of AHs were. Agricultural land areas were reclaimed by the EM people long time ago for cultivation and are being used stably.

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

25. There are 8 vulnerable AHs identified in the subproject area, of which 6 HHs female headed HHs with dependents and 2 others are EM HHs losing more than 10% of productive land. .

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

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

##### **Chu Prong district.**

26. Chu Prong is the border district of Gia Lai with Cambodia. It has the administration borders with districts Duc Co, Ia Grai, Pleiku and Dak Doa in the North, with Ea Sup district of Dak Lak province in the South, with Chu Se and Chu Puh districts in the East. Chu Prong has 42km border with Cambodia in the West. In 2015, population is 116,867 of which 55,637 people belongs to EM groups mainly Gia Rai, Tay,...taking account of 47.6% of total population. Its natural land area is 169,551.56 ha of which 151,052 ha is agricultural production land. Chu Prong has one town and 19 communes including: Ia Băng, Ia Boòng, Ia Lâu, Ia Me, Ia Mor, Ia O, Ia Pia, Ia Púch, Ia Phìn, Ia Tôr, Ia Vê, Bàu Cạn, Bình Giáo, Thăng Hưng, Ia Bang, Ia Kly, Ia Drăng, Ia Ga, Ia Pior.

27. Chu Prong economic is still relying heavily on agricultural production. In 2015, agriculture, forestry and fisheries production holds 63.8% of total production value while industry and construction, business and services contribute only 16.4% and 19.8% respectively. By end of 2015, the poverty rate in Chu Prong is 10.35% (according to national poverty standard for the period 2011-2015).

##### **Subproject communes:**

28. **Population, ethnic minority and migration:** In general, population in the commune is unevenly. Ia Mor is a smallest with 1,959 in population, and Ia Pia has the largest population with 5,770 people in total. Rate of EM population is very high in Ia Mor, Ia Bang (80% and 72.6% respectively), where ethnic minority communities have settled many years ago. Besides, the communes have rather large number of Kinh as a result of immigration policies planned by the state in the 1980s.

29. The natural growth rate in subproject communes is rather high with 10% or more. The rate is related have many children from Jrai by traditionally. Statistical data show that, average number of children of J'Rai family is 3 children or more. Average household size is 4 persons per family. Result of SES shows that the population will grow sharply in the coming years.

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

**Table 5: Population of district and communes in the subproject area**

District/ Commune		Total		Kinh		EM		Average size of HH	Natural growth rate
		(person)	%	(person)	%	(person)	%	(person)	%
1	Chu Prong	116,867	100,0	61,254	52,0	55,613	47,6	4,4	13,3
2	la Tor	4,419	100,0	2,284	52,0	2,135	48,0	4,6	21,1
3	la Me	5,819	100,0	2,310	40,0	3,509	60,0	4,6	16,4
4	la Pia	5,770	100,0	2,827	49,0	2,943	51,0	4,6	15,3
5	la Ga	4,212	100,0	1,627	39,0	2,585	60,1	4,1	17,1
6	la Mor	1,959	100,0	395	20,0	805	80,0	4,1	11,9
7	la Bang	3,903	100,0	1,069	27,0	2,840	72,6	4,2	10,2

*Resource: Statistical data of Chu Prong district and its communes in March, 2016*

31. **Land use status:** According to 2015 statistics, agricultural land of Chu Prong remained for only 105.4 hectares of the total land area of the district, the equivalent of 62.2%. Similarly, the forest land area is 45,353 ha, accounting for 26.7%. The process of urbanization and deforestation for cultivation are the two main causes leading to forest land and agricultural land decreased significantly. Among the project communes, communes la Pia and la Me Station located in the border area of Cambodia have larger area with 10,496 ha and 9.665 hectares, respectively. Land area for long term trees (coffee, rubber, pepper, cashew, cassava...) is about 70,967.60 ha, and higher than land area of 45,353.86 ha for forest (See table 4).

32. Table 6 shows that only 59% surveyed residents have LURC for residential land. For production land and garden land, there are more than 50% of AHs have no LURC.

**Table 6: Situation of land use rights certificate of surveyees**

No.	Having LURC	Number of household	Percentage ( %)
1	Residential Land	47	59
2	Production Land	25	31
3	Garden land	32	40

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

33. The progress of issuing LURC to the people is still very slow. In some subproject villages many people migrated from the Northern provinces since 2000, residential areas are recognized as administrative units, but hundreds of households living in these villages have yet to be issued certificates of land use rights and attached assets on land. The lack of LURC creates difficulties to local people for example they have to keep the land and determine their ownership of the land by maintaining the productive activities every season and invest on such land even though that low profit was generated from such land or without LURC, the local people have to borrow the money from the users with high interest rate rather than to borrow money with preferred interest rate from social poverty bank of government.

34. **Education:** There are primary school, secondary school and kindergarten in the subproject communes. According to statistic data of project district, rate of population completed primary, secondary and high schools in the subproject communes is 60%, 28% and 9.9%, respectively. Rate of illiterate persons occupies 3.7% of population (mainly elderly and EMs).

35. **Poverty:** The statistics show that, J'Rai ethnic currently has the highest poverty rate in the communes of the project, with the rate of 70.3% of poor households of Chu Prong district. Among project communes, Ia Tor commune has the highest poverty rate with 774 Jrai people under poverty standard out of 9,587 poor J'Rai people in Chu Prong district, taking account of 8%.

36. Poverty alleviation is not really sustainable in the project area. Many households out of poverty, but still lying closely to the poor standard will be a high risk of poverty (the number of households falling back into poverty every year the proportion of 7 to 8%); slow economic growth, harsh climate, complex terrain, lack of infrastructure and inconsistent and more natural disasters, low literacy levels and uneven influence significantly to the poverty alleviation and are the main factors contributing to fall back into poverty of local people. On the other hand, the persistence of some old habits of some ethnic groups is a barrier to the goal of sustainable poverty reduction.

**Table 7: Poor and near poor population by ethnic groups in subproject area**

	District/ Commune	Total	Kinh	J'rai	Bana	Muong	Tay	Thai	Nung	Others
1	Chu Prong	13,643	2,161	9,587	4	6	245	51	627	636
2	Ia Tor	873	117	744	0	12	0	0	0	0
3	Ia Me	514	57	431	0	0	14	0	12	0
4	Ia Pia	625	112	496	0	9	0	0	8	0
5	Ia Ga	645	39	407	19	0	0	0	158	22
6	Ia Mor	432	11	421	0	0	0	0	0	0
7	Ia Bang	-	-	-	-	-	-	-	-	-

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

37. 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.

## **B. Affected Household Profile**

38. A sample socio-economic survey has been carried out in March 2016 covering 57.1% of total AHs in 4 of 6 subproject communes by survey team. Consultations with local authority, mass organizations, AHs were carried out in all six affected communes. Secondary data were also collected in all six communes. Results of the socioeconomic survey are summarized as follows.

39. **Demographic characteristics:** Among 56 affected households, 32 AHs with 152 persons were surveyed by the SES team, of which 82 (53.9%) are males and 70 (46.1%) are females. The average size of household in subproject area is 4.9. In Ia Mor and Ia Bang communes where the EM people are majority, this rate is higher than other communes. (See the table 8 below).

**Table 8: Demographic characteristics of affected households**

No.	Commune	Total AHs	Total of AHs surveyed	%	Avg size of HH	Number of surveyed APs					
						Total	%	Male	%	Femal	%
1	Ia Tor	20	15	75	3.9	59	100	28	47.5	31	52.5
2	Ia Me	1	-	0	-	-	-	-	-	-	-
3	Ia Ga	4	-	0	-	-	-	-	-	-	-
4	Ia Pia	20	6	30	4.7	28	100	17	60.7	11	39.3
5	Ia Mor	8	9	100	6.1	55	100	33	60	22	40.0
6	Ia Bang	3	2	66.6	5.0	10	100	4	40	6	60.0
<b>Total</b>		<b>56</b>	<b>32</b>	<b>57.1</b>	<b>4.9</b>	<b>152</b>	<b>100</b>	<b>82</b>	<b>53.9</b>	<b>70</b>	<b>46.1</b>

(Source: SES data collected in March 2016)

40. Of the 32 affected households heads surveyed, there are 4 females headed households with children and 27 household heads are under labor age. (See the table 9 below)

**Table 9: Household headed, Sex and Age**

No	Commune	Age of female headed household			Age of male headed household			Total
		Total	Under 55	Above 55	Total	Under 60	Above 60	
1	Ia Tor	3	3	-	12	11	1	15
2	Ia Me	-	-	-	-	-	-	-
3	Ia Ga	-	-	-	-	-	-	-
4	Ia Pia	-	-	-	6	5	1	6
5	Ia Mor	-	-	-	9	7	2	9
6	Ia Bang	1	-	1	1	1	-	2
<b>Total</b>	<b>AHs</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>28</b>	<b>24</b>	<b>4</b>	<b>32</b>
	<b>%</b>	<b>12.5</b>	<b>9.4</b>	<b>3.1</b>	<b>87.5</b>	<b>75</b>	<b>12.5</b>	<b>100</b>

(Source: SES data collected in March 2016)

41. Among 32 affected households surveyed, the number of headed households belonging to Kinh people is 20 taking account for 62.5% while EM heads of households are 12 taking account for 37.5%. All the EM households in the survey belong to J'Rai group. (See the table 10 below)

**Table 10: Household headed ethnicity**

No.	Commune	Ethnicity of female household-headed			Ethnicity of male household-headed			Total
		Kinh	J'Rai	Tay	Kinh	J'Rai	Tay	
1	Ia Tor	3	-	-	8	4	-	15
2	Ia Me	-	-	-	-	-	-	-
3	Ia Ga	-	-	-	-	-	-	-
4	Ia Pia	-	-	-	6	-	-	6

No.	Commune	Ethnicity of female household-headed			Ethnicity of male household-headed			Total
		Kinh	J'Rai	Tay	Kinh	J'Rai	Tay	
5	Ia Mor	-	-	-	1	8	-	9
6	Ia Bang	1	-	-	1	-	-	2
Total	AHs	4	0	0	16	12	0	32
	%	12.5	0	0	50.0	37.5	0	100

(Source: SES data collected in March 2016)

42. **Educational background:** High percentage of heads of households graduated from high school with 13 persons out of 32, taking account 40.6%. One person graduated from college. Only few persons are illiterate (03 HH heads). Table 11 contains the details of the educational background of surveyed AH heads.

**Table 11: Educational background of head of household**

Commune	Educational degree of household heads (person)								
	Total	Illiterate	Not yet graduated from primary school	Graduated from primary school	Not yet graduated from secondary school	Graduated from secondary school	Not yet graduated from high school	Graduated from high school	Graduated from vocational or college and university
Ia Tor	15	-	-	-	-	4	-	11	-
Ia Me	0	-	-	-	-	-	-	-	-
Ia Ga	0	-	-	-	-	-	-	-	-
Ia Pia	6	-	-	1	1	1	1	2	-
Ia Mor	9	3	-	1	1	1	2	-	1
Ia Bang	2	-	1	-	1	-	-	-	-
Total	32	3	1	2	3	6	3	13	1
%	100	9.4	3.1	6.3	9.4	18.8	9.4	40.6	3.1

(Source: SES data collected in March 2016)

43. According to the SES data, the educational degree of members of the surveyed AHs is fairly high with 10 persons, 35 persons out of 152 persons respectively graduated from college/university, and high school, 30 persons graduated from secondary school and 30 others graduated primary school while the number of persons with illiterate is 12. Number of persons in range of working age (from 15 to 60 years old) is 102 persons, taking account for 67.1% in which the range of age from 15 to 45 is dominated with 82 persons taking into account for 53.9%.

44. **Livelihood, occupation and production condition:** The household-heads interviewed were engaged in 3 main livelihood sources including agriculture, business and salary. Some heads of households even have main income sources from business or salary of government but still do the farming activities as additional income source. According to SES data, 13 household heads interviewed (40.6%) reported farming as their main occupation, 10 persons (31.25%) are state employees, 6 persons (18.75%) are engaged in business or service, 2 persons (6.25%) are houseworkers, and 1 person (3.12%) is retired.

**Table 12: Main occupation of affected households heads**

Main occupation	Total (person)	Ia Tor	Ia Me	Ia Ga	Ia Pia	Ia Mor	Ia Bang
Agriculture	13	2	-	-	5	5	1
Business/service	6	4	-	-	0	1	1
Handicraft worker	0	0	-	-	0	0	0
Manual labour	0	0	-	-	0	0	0
Worker	0	0	-	-	0	0	0
Government official	10	8	-	-	1	1	0
Retired	1	1	-	-	0	0	0
Unemployment	0	0	-	-	0	0	0
Housework	2	0	-	-	0	2	0
Other	0	0	-	-	0	0	0
<b>Total</b>	<b>32</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>9</b>	<b>2</b>

(Source: SES data collected in March 2016)

45. Main agricultural activities in the subproject area are planting coffee, pepper and cashew therefore productive assets are very important with the households. Almost all surveyed households own the water pump. Some of them have plough machine and truck. The status of ownership of productive assets of AHs is shown in the Table 13 below.

**Table 13: Ownership of important productive assets of affected households**

No	Type of assets	Number of AHs having productive assets						
		Ia Tor	Ia Me	Ia Ga	Ia Pia	Ia Mor	Ia Bang	Total
1	Plough machine, tractor	1	0	0	0	0	2	3
2	Truck, car	2	0	0	0	0	0	2
3	Water pump	15	0	0	6	7	2	30
4	Other	0	0	0	0	0	0	0

(Source: SES data collected in March 2016)

46. **Income, expenditure and dept:** No one of 56 households affected by subproject belongs to poor group, 32 surveyed heads (both female heads and male heads) of households have the monthly average income higher than 3.5 million VND.

47. **Housing condition:** Most of AHs are living in houses with brick wall and roof from various materials such as fibrocement or corrugated iron. these are most prevalent form of houses in the subproject area. Some AHs live in the bungalows, especially the EM households.

48. Surveyed AHs own TVs (100%), motorbike (90.63%) electric fan (93.75%), rice cooker (93.75%), and telephone (landline or mobile phone) (93.75%). Many AHs have refrigerator (78.13%), washing machine (59.38%), water-heater (43.75%).

**Table 14: Ownership of assets of affected households**

No.	Type of assets	Number of AH having assets						
		Ia Tor	Ia Me	Ia Ga	Ia Pia	IaMor	Ia Bang	Total
1	Motorbike	14	-	-	5	8	2	29
2	Bicycle	3	-	-	-	2	-	5



No.	Type of assets	Number of AH having assets						
		la Tor	la Me	la Ga	la Pia	laMor	la Bang	Total
3	Refrigerator	14	-	-	5	4	2	25
4	Television	15	-	-	6	9	2	32
5	Electric rice cooker	15	-	-	6	7	2	30
6	Micro oven	1	-	-	2	-	-	3
7	Sewing machine	-	-	-	-	-	-	0
8	Electric fan	14	-	-	5	9	2	30
9	Landline, mobile phone	13	-	-	6	9	2	30
10	Water heater	11	-	-	2	-	1	14
11	VCD/DVD	1	-	-	1	2	2	6
12	Washing machine	12	-	-	5	-	2	19
13	Other	-	-	-	-	-	-	0

(Source: SES data collected in March 2016)

49. **Sanitation:** All surveyed households (32 HHs) reported that their main source of water is from well. Regarding to sanitation facilities, majority of the affected households (18 AHs or 56.25%) answered to use septic compartment in the house while 07 households (21.88%) reported to have septic compartment or semi-septic compartment outside the house and 07 other AHs (21.87%) used other kind of toilet. Interesting to note that no affected households answered that does not have WC.

50. **Energy:** The most commonly used power source for lighting is electricity from the national grid, with 100% of the affected households (32) reporting to use it. For cooking, the main types of fuel to be used are leaves and straw (32 AHs or 100%), oil and gas (25 AHs or 78.1%), wood (6 AHs or 18.8%). Only 01AH used coal for fuel.

### C. Ethnic Minorities in the Project Area

51. Number of ethnics living in Chu Prong district is 34 groups and in subproject area are 06. The main ethnics in the subproject area are J'Rai (53.15%) and Kinh (40.3%). The other ethnic minorities are Muong, Tay, Nung, Bana, Thai....taking account from 0.05% to 4% of total population.

52. In general, free migration is reduced in number but more complex character in Gia Lai province. The majority of migrants are scattered distribution in districts and communes in remote areas. In some cases they create the mess for local community such as, illegal purchase and sale and disputes of land, clearing the forest land for cultivation.

53. Besides arrangement and stabilization for local residents under long-term planning, governments at all districts in the province were trying to solve stably living arrangements for migrants, especially for EM migrants. However, freedom migration was also significant impacts to the social security of the local community such as increasing the number of poor households, the drop-out school and social issues. Migrants come to the subproject area from many different locations due to lack of land in their home villages.

54. Besides, tradition of child marriage, marriage by blood access and multiple births remain in the in-place ethnics and migrant ethnics. This makes growing population and contributing significantly to reducing the population quality.

**Table 15: Population of subproject by Ethic groups in 2015**

	Commune	Total	Kinh	J'rai	Bana	Muong	Tay	Thai	Nung	Others
1	Ia Tor	4,419	2,284	2,089	2	12	4	14	14	0
	(%)	100	51.69	47.27	0.05	0.27	0.09	0.32	0.32	-
2	Ia Me	5,819	2,310	3,469	0	0	12	0	28	0
	(%)	100	39.70	59.62	-	-	0.21	-	0.48	-
3	Ia Pia	5,770	2,827	2,852	0	25	0	0	59	7
	(%)	100	48.99	49.43	-	0.43	-	-	1.02	0.12
4	Ia Ga	4,212	1,627	1,173	0	0	202	12	809	389
	(%)	100	38.63	27.85	-	-	4.80	0.28	19.21	9.24
5	Ia Mor	1,959	395	1485	0	55	5	16	3	0
	(%)	100	20.16	75.80	-	2.81	0.26	0.82	0.15	-
6	Ia Bang	3,903	1,069	2,794	0	3	0	4	29	4
	(%)	100	27.39	71.59	0.23	0.08	-	0.10	0.74	0.10
<b>Total (HHs)</b>		<b>26,082</b>	<b>10,512</b>	<b>13,862</b>	<b>11</b>	<b>95</b>	<b>223</b>	<b>46</b>	<b>942</b>	<b>400</b>
<b>(%)</b>		<b>100</b>	<b>40.30</b>	<b>53.15</b>	<b>0.04</b>	<b>0.36</b>	<b>0.85</b>	<b>0.18</b>	<b>3.61</b>	<b>1.53</b>

*Source of data: Statistical data in Chu Prong district and its communes in March, 2016*

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. **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**

63. 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.

64. 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 solution:* 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.

65. 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.

66. 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**

67. 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).

68. 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) 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.

69. 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 16 below shows different public consultation meetings with various stakeholders carried out.

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

70. 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 different 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.

71. 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.

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.** 08 consultation meetings were conducted with local authorities, mass organizations, APs and non-APs in March 2016. The objective of the consultation meetings was to provide information, as much as possible, on the subproject to local authorities, mass organizations, APs and non-APs, and 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 public consultation meetings with local authorities, mass organizations and APs are summarized as follows:

- (i) the APs and Non-APs supported and agreed with the subproject for improving the existing PR665;
- (ii) during the meetings, the potential impacts of the subproject in terms of land acquisition were duly discussed with APs whose lands and assets will be affected; All agreed that the impact of subproject is marginal however all impacts on the assets should be compensated and assisted;
- (iii) the APs agreed with the subproject's principle on compensation and resettlement assistance;
- (iv) during the detailed design phase, it is necessary to consult with communal authority and local people;

- (v) 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;
- (vi) It is necessary to have proper construction method especially for the road section goes through the area of Bac Tay Nguyen Oil and Gas enterprise and Van Khoa Agricultural Product Trading Company. 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.
- (vii) 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;
- (viii) 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;
- (ix) APs proposed that the compensation payment be paid at one time and before the start of construction. The APs also mentioned that the issues on the quality of the subproject be considered and that they are willing to be representative in the Community Monitoring Board during subproject construction;
- (x) Complaints of APs should be resolved timely and successfully.

**Table 16: Summary of public consultation meetings**

No.	Commune	Location	Participant	No. of participant	No. of EM participant	No. of female participant
1	Ia Pia	Ia Pia CPC office	Representative of CPC, mass organizations, affected households	15	4	4
2	Ia Mor	Ia Mor CPC office	Representative of CPC, mass organizations, affected persons, non-affected persons	12	10	1
3	Ia Ga	Ia Ga CPC office	Representative of CPC, mass organizations	8	4	2
4	Ia Tor	Ia Tor CPC office	Representative of CPC, mass organizations, affected households	23	9	8

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 Gia Lai 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>1</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 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 14 EM households with minor land acquisition and 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 Minorities (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

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<sup>1</sup>Safeguard Policy Statement, 2009



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/QD-TTg of the Prime Minister) and Program 135 (or Decision No. 135/1998/QD-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 import 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/QD-TTg of the Prime Minister, on assistance policy for improving legal awareness under the Program 135 – phase II;
- (iii) Decision No. 06/2007/QD-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/NĐ-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/NĐ-CP of the Government, on teaching and learning EM languages in schools;
- (x) Decree No. 05/2011/NĐ-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. **Gia Lai People's Committee Decisions on Land Acquisition and Resettlement.** Legal regulations of Gia Lai Province include:

- (i) Decision No. 21/2014/QĐ-UBND of the People's Committee of Gia Lai Province issued on September 12<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. 28/2014/QĐ-UBND of the People's Committee of Gia Lai Province issued on December 30<sup>th</sup>, 2014 promulgating the land price in Chu Prong district, Gia Lai province in 2015 to apply for the period 2015-2019.
- (iii) Decision No.14/2016/QĐ-UBND of People's Committee of Gia Lai Province issued on 14<sup>th</sup> March 2016 promulgating the k coefficient for adjustment of land price in Gia Lai to apply in year 2016.
- (iv) Decision No. 818/QĐ-UBND of the People's Committee of Gia Lai Province issued on November 30<sup>th</sup>, 2010 on promulgating various trees prices over the Gia Lai Province area; and
- (v) Decision No. 10/2013/QĐ-UBND of the People's Committee of Gia Lai Province issued on May 22<sup>th</sup>, 2013 on promulgating unit price of compensation for house, secondary structures of HHs, individual in the event of land acquired by the State over the Gia Lai Province area.

**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/NĐ-CP and Decree No.43/2014/NĐ-CP, Decree No.44/2014/NĐ-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 17: 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 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	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 support to assist them to improve and or at least restore their pre-project living standards and income levels.
<b>Compensation unit price for land</b>	<b>Land Law 2013, Article 114, Clause 3:</b> land price for compensation calculation is price of specific land parcel.	Compensation at full replacement cost.	Compensation at full replacement cost.
<b>Compensation for house and structures</b>	<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	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.

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
	of the new house/structure.		
<b>Compensation for trees, crops and livestock, annual crops, perennial trees</b>	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
<b>Prepare Resettlement Plan</b>	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>			
<b>Action planning</b>	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 and experienced experts and that draw on indigenous knowledge and participation by the affected EM communities.	The EMDP shall be prepared and updated and consultants will be recruited to assist the EMDP preparation, 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	In case of land donations involving marginal portions of land, the third party consultant will verify

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
		address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	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 subproject areas as declared and published broadly by the District People Committee.

### **B. Compensation and Assistance**

96. 72. 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 Gia Lai 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 Gia Lai 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 28/2014/QD-UBND issued by the Gia Lai Provincial People's Committee for the period 2015 - 2019, and the factor for land price adjustment for year 2016 according to Decision 14/2016/QD-UBND of Gia Lai PPC (in Ia Mor commune:  $k=1.1$  for the residential land plots located along PR 665, annual crops land, perennial land, other agriculture land;  $k=1.15$  for productive forest land).

98. **Compensation for structures:** The compensation unit prices for structures are as stipulated in Decision 10/2013/QD-UBND of Gia Lai PPC.

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

100. **Assistance for life stabilization:** For the households who lost 10% and less than 30% of agricultural land holding, assistance in cash equivalent 30kg of rice per person per month and in 3 months will be provided. The price is average price of rice in project area determined by District financial division at the time of preparing the compensation plan. In this subproject, no household will be acquired more than 30% of agricultural land holding.

101. **Assistance for job changing/creation:** For the households who lost the agricultural land: Following the provincial policy, the cash assistance equivalent to 2.5 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.

102. **Assistance for affected vulnerable households:** For poor households who lose 10% or more of agriculture land holding shall be entitled to receive the assistance in cash equivalent to 30kg of rice per person per month in period of 36 months from the date of completion of land recovery; 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. For social policy households, the project will support the assistance in cash according to provincial regulation of Gia Lai province. The household who falls in two criteria of vulnerability will receive the highest assistance only.

103. **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.

104. 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.

105. **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**

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



**Table 18: Entitlement matrix**

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
<b>I. PRODUCTIVE LAND</b>					
1	Agricultural 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 managed by CPC	Permanent loss	Communal People Committee	No compensation for affected land but support equivalent to 100% of compensation value of the affected land; and  Cash compensation at replacement cost for all non-land affected assets on the affected land and allowance for transfer assets, If any.	The support amount shall be paid to account of affected commune and used for infrastructure improvement of the commune;  Assets on land will be compensated to their owner.
3	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 fee for renting such land is paid by organization in one time and is not used from state budget;  OR Not compensation for the land acquired if fee for renting such land is paid annually by organization but compensation for the remaining of investment	District CARB shall verify the source of money used for renting such land of economic organization and compensation rate according to government regulation

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
				cost on such land with the condition that the rent fee is not used from the state budget.	
4	For the portion of agriculture land to be used temporarily: Cash compensation on average productivity of tree/crop years multiplied by duration of land use. Contractors will negotiate with AHs.				
<b>II</b>	<b>HOUSES AND STRUCTURES, CROPS AND TREES</b>				
5	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>
6	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 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>					
7	Life stabilization assistance due to severe loss of productive land	AHs losing from 10 to less than 30% of agricultural land holding	Individuals, households directly cultivate on the affected land	Cash assistance equal to 30 kg of rice per month per household's member for 3 months	<p>Assistance will be paid at the same time of compensation payment and before site clearance.</p> <p>Rice price is valued at market price by</p>

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
					District Financial Division at the time of preparing the compensation plan.
7	Assistance for job training or job creation due to loss of productive land	Permanent impact	Households that will lose agriculture land	Assistance for job training/creation at prices, equal to 2.5 times of value of agriculture land lost ( as provincial regulation)	Assistance will be paid at the same time of compensation payment and before site clearance.
9	For vulnerable groups	Loss of land and non-land assets	Poor households severely affected by project	Cash assistance equal to 30kg of rice per month for each member of household and be supported for 36 months.	Assistance will be paid at the same time of compensation payment and before site clearance.  Using the information from the resettlement surveys, the DCARB will prepare the list of vulnerable persons.
			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	
			Social policy households affected by project	Cash assistance as regulation of Gia Lai province	

## **VIII. ETHNIC MINORITY ACTION PLAN**

107. According to SIA, EM people will be mainly benefited from the project. Land acquisition for road improvement and tourist component may cause some negative impacts but be mitigated and managed. 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.

108. 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 the above activities are included in the costs of resettlement implementation.

## IX. RESETTLEMENT BUDGET AND FINANCING PLAN

109. **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 Gia Lai 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 19. The selected price for compensation from provincial promulgated price and market price of land and crops are presented in Table 19. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation.

**Table 19: 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	Annual cropland	VND/m <sup>2</sup>	1.1	9,000	9,000
2	Perennial cropland	VND/m <sup>2</sup>	1.1	9,000	9,000
3	Production forest land	VND/m <sup>2</sup>	1.15	5,000	5,000
4	Temporary house	m <sup>2</sup>	1.0	1,087,000	1,087,000
5	Concrete yard	m <sup>2</sup>	1.0	153,000	153,000
6	Culvert D30cm-40cm	m	1.0	741,000	741,000
7	Culvert D50cm-60cm	m	1.0	963,000	963,000
8	Box culvert (60x100)	md	1.0	963,000	963,000
9	Fence	m	1.0	51,400	51,400
10	Water tank	m <sup>2</sup>	1.0	2,689,000	2,689,000
11	Electric meter	Each	1.0	1.000.000	1.000.000
12	Electric line	m	1.0	5,000	5,000
13	Rubber (4 years)	VND/tree	1.0	146,647	146,647
14	Cashew ≥ 5 years	VND/tree	1.0	276,000	276,000
15	Jack-fruit > 5 years	VND/tree	1.0	288,000	288,000
16	Avocado (1 year)	VND/tree	1.0	10,000	10,000
17	Custard apple (1 year)	VND/tree	1.0	10,000	10,000
18	Soursop (1 year)	VND/tree	1.0	10,000	10,000
19	Papaya (1 year)	VND/tree	1.0	10,000	10,000

110. **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 according to the above prices to be VND 814,469,066 equivalent to 36,287.33 USD (Table 20). EM action plan will be implemented action plan will be implemented in combination with gender action plan and current agriculture extention program of communes, so it is no need arrangement of budget for EM activities.

111. The budget for resettlement will be funded by the Gia Lai PPC using the provincial budget and allocated sufficiently and timely based on schedule of subproject resettlement implementation.

**Table 20 Compensation budget**

No.	Item	Unit	Quantity	Price ( VND)	Total cost (VND)
<b>1</b>	<b>Compensation and assistance for land</b>				<b>269,856,472</b>
	Compensation for annual crop land of AHs	m <sup>2</sup>	7,686	9,000	76,091,400
	Assistance for annual crop land of CPC	m <sup>2</sup>	7,500	9,000	74,250,000
	Assistance for Perennial crop land of CPC	m <sup>2</sup>	4,140	9,000	40,986,000
	Assistance for forest land of CPC	m <sup>2</sup>	13,657.23	5,000	78,529,072
<b>2</b>	<b>Compensation for structures</b>				<b>466,196,694</b>
	Temporary house	m <sup>2</sup>	47.9	1,087,000	57,274,030
	Concrete yard	m <sup>2</sup>	845.7	153,000	142,331,310
	Culvert D30cm-40cm	m	115	741,000	93,736,500
	Culvert D50cm-60cm	m	43	963,000	45,549,900
	Box culvert (60x100)	m	75	963,000	79,477,500
	Fence	m	360.1	51,400	20,360,054
	Water tank	m <sup>2</sup>	9	2,689,000	17,747,400
	Electric meter	pc	8	1,000,000	8,000,000
	Electric line	m	350	5,000	1,750,000
<b>3</b>	<b>Compensation for trees</b>				<b>40,523,064</b>
	Rubber	tree	249	146,647	36,515,064
	Cashew	tree	12	276,000	3,312,000
	Jack fruit	tree	2	288,000	576,000
	Avocado	tree	4	10,000	40,000
	Custard apple	tree	4	10,000	40,000
	Soursop	tree	2	10,000	20,000
	Papaya	tree	2	10,000	20,000
<b>4</b>	<b>Assistance</b>				<b>219,188,500</b>
a	Life stabilization for 2 households with 6 persons/household	Kg	30kg rice per person/month in 3 months	12,000	12,960,000
b	Job change/ creation	time	2.5* agricul land value of 7,686m <sup>2</sup>		190,228,500
c	For vulnerable households	HH	8	2,000,000	16,000,000
<b>Total direct cost</b>					<b>725,908,259</b>

No.	Item	Unit	Quantity	Price ( VND)	Total cost (VND)
	Administration cost	2%			14,518,165
	<b>Subtotal</b>				<b>740,426,424</b>
	Contingencies	10%			74,042,642
	<b>Total</b>				<b>814,469,066</b>

## X. INSTITUTIONAL ARRANGEMENT

### A. Province Level

112. Gia Lai 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 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.

113. Gia Lai Provincial Department of Planning and Investment (DPI) authorized by Gia Lai PPC as Project Owner, is responsible for:

- (i) Managing the project loan allocated for subprojects in Gia Lai 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.

114. Ethnic minority committee of Gia Lai Province will direct EM department of districts and supervise on implementation of EM action plan.

115. Gia Lai 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.

- (i) Preparing, updating, and monitoring REMDP implementation of project components;

- (ii) Guiding CARB 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;
- (iii) Conducting, in combination with CARB and CPCs, information campaigns and stakeholder consultation in accordance with established project guidelines;
- (iv) Coordinating with relevant agencies to ensure timely: providing compensation, support and rehabilitation measures, and resolving of complaints or grievances of APs;
- (v) 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 Gia Lai PPC, DPI and ADB;
- (vi) Implementing prompt corrective actions in response to internal monitoring.

## **B. District Level**

116. 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 LFDC and directing them and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
- (iii) Approving and taking responsibility on the legal basis, and accuracy of the detailed compensation, assistance and resettlement plans 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) Resolving complaints and grievances of APs

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

117. 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**

118. 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**

119. 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 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 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**

120. The implementation schedule for resettlement activities for the subproject is presented in Table 21, including (i) activities that have been completed to prepare the REMDP; (ii) resettlement implementation activities and, (iii) internal monitoring activities.

**Table 21: Indicative Schedule of Resettlement and Compensation Activities**

<b>Activities</b>	<b>Time</b>
<b>Approval final draft RP and disclosure</b>	
Endorse final draft REMDP by PPC and ADB	6/2016
Disclose the endorsed REMDP in ADB website and disclose locally to APs and communes	6-7/2016
<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/AID and women trafficking for EM people	Quarter II/2017
Conduct DMS and prepare compensation plan (RCS, as required)	Quarter II/2017

Activities	Time
Consultations with APs on the compensation plan	Quarter II/2017
Update the REMDP based on results of DMS, RCS, and EM consultations (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

121. 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 subproject due to category B and uncomplicated subproject.

### A. Community Monitoring

122. 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

123. 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.

124. 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 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.

125. 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**

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: 08.6 ngày 11 tháng 3 năm 2016

II. Địa điểm tổ chức: Hội trường UBND xã Tà Bàng

III. Hạng mục tham vấn: Công trình TL 665

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 Nguyễn Văn Hà.....chức vụ Chủ tịch UBND
- Ông/bà.....chức vụ.....
- Ông/bà.....chức vụ.....

3. Đại diện đơn vị Tư vấn

- Ông/bà Nguyễn Tiến Cường.....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: 9 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

- Dân số: 1.419 hộ, 6.652 khẩu. Tổng thu DTTS 338/6 và 2.049 triệu đồng. Tỷ lệ tăng dân số: 1,9%
- Thu nhập bình quân đầu người năm 2015: 30 triệu đồng
- Tỷ lệ nghèo 3,3% (33 hộ) bình quân 3,3% (46 hộ)
- Nguyên thu nhập chính là từ SX nông nghiệp và trồng cây công nghiệp như: cà phê, hồ tiêu và một phần nhỏ diện tích trồng cây ăn trái. Diện tích cây ăn trái có 80 ha.
- Giai đoạn 2016-2020 xã xác định phát triển nông nghiệp CN
- Khó khăn chính hiện nay là giá trị sản phẩm nông nghiệp thấp. Năm 2014 giá cà phê là 45.000/kg năm 2015 chỉ có 20.000 đồng/kg. Khó khăn thứ 2 là thị trường tiêu thụ nông sản còn hạn chế và mức thu hoạch thấp.

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

- Khó khăn thứ 3 là thiếu nguồn nước, đặc biệt là vùng miền núi, vùng sâu, vùng xa.
- Về cơ sở hạ tầng: TC 665 chỉ nói về đường, nhưng thực tế là đường chưa được đầu tư, đặc biệt là ở vùng sâu, vùng xa.
- Năng lực của dân địa phương và lực lượng chức năng còn hạn chế, cần được nâng cao.
- Lực lượng chức năng địa phương cần được nâng cao năng lực, nhất là trong việc quản lý, vận hành các công trình, thiết bị và bảo vệ môi trường.
- Việc đầu tư xây dựng các công trình, thiết bị cần được ưu tiên.

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

Ngôi Tân BART và diit quyền là phước từ  
Sở Thua giờ Thua làm AA.

## VII. KẾT LUẬN

Cuộc họp các bên thống nhất và kết thúc vào lúc 9h Ngày 10 tháng 8 năm 2016

Đại diện cộng đồng

Verfahren: Verfahren

BQL tiểu dự án

Đại diện chính quyền địa phương



CHÚ TIẾT

NGUYỄN VĂN HẠ

**Đại diện Tư vấn**

Myra Tien Bay



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: 14/6, ngày 19, tháng 5, năm 2016

II. Địa điểm tổ chức: Hội trường UBND xã Tà Nà

III. Hạng mục tham vấn: Công trình TL 665

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 Tà Nà

- Ông/bà Ro Lan Chuan ..... chức vụ .....
- Ông/bà ..... chức vụ .....
- Ông/bà ..... chức vụ .....

3. Đại diện đơn vị Tư vấn

- Ông/bà Nguyễn Tiến Core ..... chức vụ Tường An
- 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: 9 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

- Phổ biến thực tiễn chung về DA.
- Thảo luận phân vi ảnh hưởng và mức độ tác động của việc thực hiện DA.
- Thảo luận, đánh giá thực tiễn của AA.
- Các biện pháp khắc phục.
- Sơ sảo soạn các biên bản.

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

- Tỷ lệ hộ dân được cấp Giấy chứng nhận quyền dùng đất còn rất thấp, tỷ lệ hộ dân được cấp Giấy chứng nhận quyền sử dụng đất. Nguyên nhân là từ thời gian thực hiện việc cấp đất rất lâu, thời gian chờ đợi cũng sẽ gây thiệt thòi cho các hộ dân.
- Dân tộc thiểu số chủ yếu là Tày (73,87%) còn lại là các dân tộc khác.
- Thu nhập bình quân vùng, dân là từ sản xuất nông nghiệp, tuy phân bố rộng, còn rất thấp, đặc biệt là xã Sơn Mỹ là xã có thu nhập thấp nhất trong huyện. Ngoài ra từ hàng chục năm nay xã Sơn Mỹ vẫn còn nhiều hộ nghèo (đất đai cằn).
- Việc làm thường xuyên giúp thu nhập và văn minh hội nhập xã hội rất nhiều, đặc biệt là vào mùa mưa (khi các hộ dân làm ruộng, không làm được việc).
- Để người dân có thể sống, phân bổ đất đai cho xây dựng các công trình, khu vực cho người dân làm nông nghiệp và thuận lợi hơn.

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

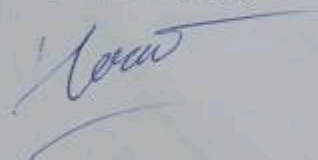
- Việc cải tạo, nâng cấp tuyến đường lại việc mở cửa kênh, gặt lúa, cấy lúa người dân trong xã
- Vào mùa mưa thì lấy lờ, thả lưới để bắt cá, mùa cho thu hoạch một mùa lúa rồi đi lại tiếp cận, cấy lúa và y tế, giao dịch các loại sản phẩm cho dân
- Khi bị ảnh hưởng, phải được bồi thường theo quy định
- Để giải quyết không tuân theo thời hạn

### VII. KẾT LUẬN

- Người dân đồng thuận việc khai DTM
- Các ảnh hưởng phải được bồi thường
- Để giải quyết công tác

Cuộc họp các bên thống nhất và kết thúc vào lúc 15h ngày 19 tháng 5 năm 2016

Đại diện cộng đồng



BQL tiểu dự án

Đại diện chính quyền địa phương



CHỦ TỊCH

*Ro Lan Ghim*

Đại diện Tư vấn

