

# 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:* Upgrading provincial road 756 in Binh Phuoc province**

## 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 <u>base unit</u> 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, 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
LFDC	-	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 for the subproject. 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 the 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, their owners identified, their exact location pinpointed, and their</li> </ul>

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 Minorities 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:** subproject of upgrading provincial road 756 for Binh Phuoc province is one of the subprojects of the Support to Border Areas Development Project within Triangle Development areas of C-L-V funded by the Asian Development Bank (ADB). The project covers five provinces, including Dak Lak, Binh Phuoc, Binh Phuoc, Kon Tum and Binh Phuoc. The objective of the project is to create good condition for 5 project provinces to improve their strength in agriculture production; link with C-L-V provinces of Cambodia and Laos; help connect ASEAN economic communities; in order to mutually develop for a more dynamic centre and fast and sustainable growth; strengthen capacity of the beneficiaries. This road section goes thru seven communes of Chon Thanh district, Hon Quan district and Loc Ninh district namely Minh Lap, Tan Hung, Tan Loi, Thanh An, Loc Quang, Loc Phu and Loc Hiep with total length of 50,3km.
2. **Scope of Impacts:** The subproject goes thru seven communes of 3 districts but there are only four communes affected namely Minh Lap commune (in Chon Thanh district), Tan Hung commune (in Hon Quan district), Loc Quang commune and Loc Phu commune (in Loc Ninh district). According to inventory of losses (IOL), the subproject will affect total 10 households (AH) with 41 persons. Among 10 AHs, no AH is severely affected due to loss of 10% or more of productive land or relocation and no ethnic minority (EM) according to SPS identification will be negatively affected but benefited from the improved roads for transportation and production. I. There is only one vulnerable AH.
3. The subproject will acquire totally 163.6m<sup>2</sup> of land, including 22.6m<sup>2</sup> of rural residential land, 11m<sup>2</sup> of pennerial land and 130m<sup>2</sup> of annual crop land. This subproject also will affect mainly auxiliary structures of households such as concrete yard, fence, temporary house and iron gates. 7 trees will also be affected by the subproject.
4. **Legal and policy framework:** Based on IOL results, there is no affected ethnic person but there are many ethnic minority groups who are beneficiaries in this subproject area, so the Resettlement and Ethnic Minorities Development Plan of the subproject still needs to be prepared. It has been prepared based on policies and laws of Vietnam Government, policies and regulations of Binh Phuoc Province on compensation, assistance and resettlement 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 including ethnic minority people affected by the subproject are able to (i) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-subproject levels; (ii) receive culturally appropriate social and economic benefits, (iii) do not suffer adverse impacts as a result of project, and (iv) can participate actively in projects that affect them.
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.
6. **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.

7. **Issues on gender and EMs:** EMs take account about 21.2% of the total population in the subproject communes. Two main EMs in the subproject area are Stieng people and KhMer people. Negative impacts of the subproject have been identified such as land acquisition, dust, noise and traffic during construction but insignificant impacts with mitigation measures defined for these negative impacts. There are still gender issues in the subproject area such as low status of women in their respective families and communities and their limited participation in decision-making processes. Rate of illiterate women is higher than that of men. A gender action plan is prepared for this subproject to address concerns of women in order to improve their social status in the subproject area.

8. **Institutional Arrangements:** Binh Phuoc 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 Binh Phuoc 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. The Land Fund development Center (LFDC) is established to implement the compensation, assistance and resettlement process.

9. **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.

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

11. **Total resettlement cost:** The total cost including administration and contingency cost, is estimated to be VND 211,923,921 equivalent to 9,442 USD. This cost will come from the Binh Phuoc Province's budget.

## **I. SUBPROJECT DESCRIPTION**

### **A. Background**

1. Asian Development Bank (ADB) is planning to fund the Support to Border Areas Development Project within Triangle Development areas of C-L-V 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. Binh Phuoc is one of five provinces in the project. The province has 260,4 km-long of border line with Cambodia and has been doing a lot of exchange activities with some bordering Cambodia and Laos provinces; especially Binh Phuoc has been doing many cooperative activities, helping in the agriculture, healthcare, education and infrastructure development with bordering provinces in the region development triangle C-L-V. Binh Phuoc province is connected with other CLV provinces and key economic regions in the south (Binh Duong, Dong Nai, Ho Chi Minh city...) through National Highway 13 and Highway 14 and border gates system. Thus, Binh Phuoc has such a strategic position in economic development.

3. This road section in Binh Phuoc province goes thru seven communes and 3 districts with total length of 50.3km (Figure 1). If the road is upgraded, it will become the arterial road linking NR 14 to Loc Ninh district then to Hoa Lu international border gate; shorten the distance from the Chon Thanh, Hon Quan districts centers to Loc Ninh District, link the agriculture specialized production with Hoa Lu international border gate and Hoang Dieu border gate, promote regional economic development that the road passes in particular and promote trading and exchanges activities in the C-L-V area with cities include Ho Chi Minh, Dong Nai and Ba Ria – Vung Tau in general.



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

4. According to preliminary design, this subproject road will have the beginning point connect QL14 at the junction Minh Lap, Chon Thanh district and passes Minh Lap Commune, Chon Thanh District; Tan Hung, Tan Loi, Thanh An communes, Hon Quan district; Loc Quang, Loc Phu, Loc Hiep, communes, Loc Ninh District; the ending point is adjacent with DT759B (Loc Tan - Bu Dop Section) at central of Loc Hiep commune, Loc Ninh district, and then connect with National Highway QL13 connecting Kratie province of Cambodia. The ending point is far from Hoa Lu international border gate about 22km and Hoang Dieu border gate about 31km. The output after implementing this subproject is upgrading and improvement of road systems; connected intensive agricultural production areas of Dong Xoai town center and the Central Highlands provinces through the QL 14, linked with the provinces in the CLV region of Cambodia and Southeast Asia via QL 13 and Hoa Lu international border gate, Hoang Dieu border gate; from which connected to the airports, the seaport of Dong Nai, Ho Chi Minh City and Vung Tau. Total length of subproject road: 50,3 km,

In which:

- + Use of existing road bed: 28,3km;
- + Existing road bed can't be reused (damaged): 9,0km;
- + Existing gravel pavement section: 8,0km;
- + Weak roadbed need cement concrete structure treatment: 5,0km.

5. **Mitigation measures:** 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. Temporary use of land maybe considered to avoid 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.

## **B. 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 EMs in the subproject area. 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 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 Binh Phuoc 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. A social impact assessment survey was conducted in four communes affected by the subproject. The survey comprised of an inventory of loss (IOL) for all AHs and sample socioeconomic survey (SES) of AHs and none-AHs within the subproject area. Additionally, a rapid replacement cost study (RCS) was also carried out.

11. *Inventory of loss*: It was done for all affected households based on the preliminary design. Land to be acquired has been identified through referencing of commune cadastral records. Affected trees have been determined by actual measurement and counting. The amounts indicated for area of land loss and affected trees 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 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 is 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 to determine the unit prices for assets affected by subproject and submitted to PPC for approval. Such unit prices will be the basis for calculating compensation for AHs.

### B. Permanent impacts

14. **Impact on households**: According to IOL, the subproject will affect 10 HHs in total. None of affected household is EM as well as severely AH. There is one vulnerable AH due to poor HH. Impacts of the subproject on households are summarized in Table 1.

**Table 1: Impacts on households**

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
<b>A</b>	<b>Chon Thanh district</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
1	Minh Lap commune	1	1	0	0	0
<b>B</b>	<b>Hon Quan district</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

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
1	Tan Hung commune	1	1	0	0	0
<b>C</b>	<b>Loc Ninh</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>
1	Loc Quang commune	5	5	0	1	0
2	Loc Phu commune	3	3	0	0	0
<b>Total</b>		<b>10</b>	<b>10</b>	<b>0</b>	<b>1</b>	<b>0</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 Binh Phuoc DPI

15. **Impact on lands:** Based on the results of IOL, the subproject will permanently recover 163.6m<sup>2</sup> of lands of 6 households, including 11m<sup>2</sup> of perennial land, 130m<sup>2</sup> of annual crop land and 22.6m<sup>2</sup> of rural residential land. All affected households on land are in Loc Quang commune and Loc Phu commune in Loc Ninh district. The result of the inventory of land loss is shown in Table 2.

**Table 2: Impacts on land of households**

No.	Commune	Total affected area	Annual crop land (m <sup>2</sup> )	Perennial land (m <sup>2</sup> )	Rural residential land (m <sup>2</sup> )	Other Public land (m <sup>2</sup> )
1	Loc Quang	33.6	0	11	22.6	0
2	Loc Phu	130	130	0	0	0
<b>Total</b>		<b>163.6</b>	<b>130</b>	<b>11</b>	<b>22.6</b>	<b>0</b>

Source of data: IOL data provided by PPMU of Binh Phuoc DPI

16. **Impact on structures:** 8 HHs are affected to their auxiliary on land such as concrete yard, fence, and temporary house. No household will be affected main house and/or have to relocate. The results of the inventory of loss of structures are shown in Table 3.

**Table 3: Impacts on structures of households**

No.	District/ Commune	Fence (m)	Gate (m <sup>2</sup> )	Concrete Yard (m <sup>2</sup> )	Temporary house (m <sup>2</sup> )
1	Tan Hung commune	25	0	20	0
2	Loc Quang commune	33.5	0	8	10.6
3	Loc Phu commune	133	10	0	0
<b>Total</b>		<b>191.5</b>	<b>10</b>	<b>28</b>	<b>10.6</b>

Source of data: IOL data provided by PPMU of Binh Phuoc DPI



17. **Impact on crops and trees:** The subproject will also affect 5 pepper trees and one mango tree (4-5years) of 2 households in Loc Quang commune and one Alstonia Scholaris (hoa sua) tree (20 years) of one household in Minh Lap commune.

18. **Impact on income and livelihood:** None of household is severely AH as well as ethnic minority. According to IOL results, all households will only be affected marginally their productive land (about 25m<sup>2</sup> per household) or their auxiliary structures. Therefore, the subproject does not affect livelihood system of local people as well as their income.

19. **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 upgraded based on the existing road and within the right of way (ROW). 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>163.6</b>
		Rural residential land	m <sup>2</sup>	22.6
		Pennerial land	m <sup>2</sup>	11
		Annual crop land	m <sup>2</sup>	130
	<b>Structures</b>			
<b>2</b>		Fence	m <sup>2</sup>	191.5
		Moving for gate	m <sup>2</sup>	10
		Concrete yard	m <sup>2</sup>	28
		Temporary house	m <sup>2</sup>	10.6
<b>3</b>	<b>Crops and trees</b>			
		Pepper tree (3-4 years)	tree	5
		Mangon tree (4-5years)	tree	1
		Alstonia Scholaris (hoa sua) tree (20 years)	tree	1

*Source of data: IOL data provided by PPMU of Binh Phuoc DPI*

### **C. Temporary impact**

20. 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**

21. Validation of the land-use right certificate (LURC) was conducted in the affected commune revealing that at the time of IOL, all affected lands are legally owned with LURCs.

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

22. According to IOL results, there is one poor AH identified as vulnerable HH in the subproject area.

### III. GENERAL SOCIOECONOMIC PROFILE

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

23. **Population:** Loc Ninh is the crowdest district in 03 project districts both in households and population, in correspondance to 15 communes of this district. Hon Quan has 13 communes and Chon Thanh has the least number of communes with 8 administrative units.

24. There is critical difference between population situation of 07 subproject communes. The most crowdest communes in population are Tan Hung, Thanh An and Loc Hiep with 12.675, 2.639 and 2.325 people in respect.

**Table 5: The population in the subproject area in 2015**

(Unit: Thousand pers.)

No.	Name of district/commune	Number of HHs		Population		Ratio of EM in the population (%)
		Total	EM HHs	Total	EM population	
<b>I</b>	<b>Chon Thanh District</b>	<b>19,497</b>	<b>1,362</b>	<b>72,382</b>	<b>5,230</b>	<b>7,2</b>
1	Minh Lap Commune	2,013	242	7,910	1,087	13,7
<b>II</b>	<b>Loc Ninh District</b>	<b>29,578</b>	<b>5,243</b>	<b>118,778</b>	<b>21,501</b>	<b>18,1</b>
1	Loc Quang Commune	1,572	925	6,272	3,642	58,1
2	Loc Phu Commune	1,719	516	7,001	2,339	33,4
3	Loc Hiep Commune	2,166	168	8,312	646	7,8
<b>III</b>	<b>Hon Quan District</b>	<b>24,398</b>	<b>4,590</b>	<b>100,924</b>	<b>20,981</b>	<b>20,8</b>
1	Tan Hung Commune	3,004	563	12,675	2,505	19,8
2	Tan Loi Commune	2,325	259	9,043	1,145	12,7
3	Thanh An Commune	2,639	599	11,031	2,700	24,5

Data sources: Statistics of Dak Song District and Tuy Duc PCs in 2015

25. **Poverty:** Poverty reduction program of the district / commune projects have achieved remarkable efficiency. In 2015, the total poor households of 3 subproject districts and 08 communes reduced 882 households (equivalent to 24.7%). Number of poor ethnic minority (EM) households reduced 377 (equivalent to 21,8%).

26. Most poor households are EMs of Stieng and Khmer as ethnic minority households often live in remote areas with poor infrastructure, low quality services for education and healthcare and difficult cultural and economic conditions which results in their low income and falling into poverty.

27. The number of poor Kinh HHs is significant. Beside of poor ethnic minority HHs, a significant number of poor HHs are Kinh people. In 2015, total number of poor HHs in Tan Loi commune – one of subproject commune was 63, of which 51 were Kinh people. Similarly there were 41 poor HHs in Minh Lap communes in 2015, of which 21 were Kinh. It is noticed from field that support for poor Kinh households is not that diversified as the support for poor ethnic minorities. Therefore, in the process of subproject implementation, PMU should pay attention to Kinh poor people in the project's affected regions and those are project direct beneficiaries.

28. Lack of productive land and lack of funds for the production are the two main causes of poverty status of HHs. Next is the cause of lack of knowledge and having many children. Status of selling a part of the land of local EMs and poor migrant farmers has contributed to a group with lack of productive land.

29. Lack of land and lack of funds, can not control child birth and lack of knowledge of production makes part of poor HHs become chronically poor households from year to year. It is noteworthy that many female-headed households due. In addition to the reasons stated above, the number of HHs run by women stand this householder lacked labor and do not know how to arrange family life, so even tried, but still could not escape from poverty.

30. **Land use status in the subproject area:** Until 2015, by statistic books of the subproject districts, land use areas in total types are following:

**Table 6: Land status in the subproject area in 2015**

(Unit: ha)

No	Land types	Loc Ninh	Hon Quan	Chon Thanh
	<b>Natural land</b>	<b>85.329</b>	<b>66.412</b>	<b>39.959</b>
<i>I</i>	<i>Agricultural land</i>	<i>78.911</i>	<i>59.838</i>	<i>33.296</i>
1	Land for rubber	32.199	1.813	26.931
2	Land for cashew	5.063	4.058	316.7
3	Land for rice	2.618	1.020	84.4
<i>II</i>	<i>Non-agricultural land</i>	<i>6.417,79</i>	<i>6.573,41</i>	<i>5.122,47</i>

*Resource: Statistical data of project areas, 2015*

31. Natural land area of Loc Ninh province is the largest with 85,329 ha, the next is Hon Quan with 66,412ha and Chon Thanh is the smallest with 39,959ha. Loc Ninh and Chon Thanh with their advantage in lands for planting rubber and cashew, though the area for planting rubber trees is much larger than for cashew (refer to table 5). Non-agricultural land area of each district is around 5,000ha only.

32. Minh Lap is the commune where has the largest area of rubber trees among 07 communes with 3,956ha, while Loc Phu has 482ha only, area used for cashew in Thanh commune is the largest (1,062,2ha) while Loc Phu commune is the smallest one (169ha);

33. According to statistic data of the subproject districts, there is more than 90% of land granted with land use right certificate (LURC). In the subproject communes, due to regular trading and transferring of land, ratio of people with such certificate is lower, but retained at ration of 80% for residential and productive land and more than 60% for agriculture land. Possess of land use rights certificate facilitates people in trading of land, restructuring crops or accessing to credit service for production and business. Result of interview shows that, almost all surveyed people in Binh Phuoc province assume that they were granted LURC by the local authorities to utilize as collateral for borrowing from the banks to overcome difficulties and develop.

## B. Affected Household Profile

34. As mention above, the subproject goes thru seven communes and 3 districts but there are only four affected communes namely Minh Lap commune (in Chon Thanh district), Tan Hung commune (in Hon Quan district), Loc Quang commune and Loc Phu commune (in Loc Ninh district). . A socio-economic survey has been carried out in Loc Phu and Loc Quang communes in Loc Ninh disstrict in March 2016 covering 8 AHs. Secondary data were collected in four affected communes. Consultations with local authority, mass organizations, AHs were caried out in all four affected commune while interviews via the questionnaire were conducted for 8 affected households, two other affected households work far away from their home town so the interview could not be carried out with them.

35. **Demographic characteristics:** A total 10 affected households have been inventoried in the IOL of subproject, out of them, 8 AHs are surveyed. (See the table 7 below).

**Table 7: Demographic characteristics of affected households**

No.	Communes	Total AHs	Total of AHs	Number of surveyed APs		
				Total	Male	Female
1	Loc Phu	2	6	6	4	2
2	Loc Quang	6	20	20	8	12
Total		8	26	26	12	14

Source: SES data collected in March 2016

36. Of the 8 affected households surveyed, all of them have male headed households and almost all (7 household heads) are in labor age. Household size is 3.3 persons per household. (See the table 8 below)

**Table 8: Household headed, Sex and Age**

No	Commune	Female headed household (person)		Male headed household (person)		Total (person)
		Under 55	Above 55	Under 60	Above 60	
1	Loc Phu	0	0	2		2
2	Loc Quang	0	0	5	1	6
Total	Household heads	0	0	7	1	8

(Source: SES data collected in March 2016)

37. **Educational background:** Among 8 surveyed household heads 4 persons graduated from secondary school, two persons have not yet graduated from secondary school, one person graduated from high school and another is illiterate. Table 11 contains the details of the educational background of surveyed AH heads.

**Table 9: 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	College	Graduated from vocational or college and university
Loc Phu	2	0	0	0	0	2	0	0	0	0
Loc Quang	6	1	0	0	2	2	0	1	0	0
<b>Total</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>

(Source: SES data collected in March 2016)

38. **Livelihood, occupation and production condition:** The household-heads interviewed were engaged in 3 main livelihood sources including agriculture, business/service and hired labour. Some heads of households even have main income sources from business; they still do the farming activities as subsidiary income source. According to SES data, 4 household heads interviewed reported farming as their main occupation, 3 persons is engaged in business or service and 1 person has main occupation from manual labour.

**Table 50: Main occupation of head of affected households**

Main occupation	Total (person)	Loc Phu	Loc Quang
Agriculture	4	0	4
Business/service	3	2	1
Hired labour	1		1
<b>Total</b>	<b>8</b>	<b>2</b>	<b>6</b>

(Source: SES data collected in March 2016)

39. Main agricultural activities in the subproject area are planting coffee, pepper and cashew therefore productive assets are very important with the households. A half surveyed households own the water pump. Three of them have truck and one of them has both plough machine and truck. The status of ownership of productive assets of AHs is shown in the Table 11 below.

**Table 61: Ownership of productive assets of affected households**

No	Type of assets	Loc Phu	Loc Quang
1	Plough machine, tractor		1
2	Truck	2	1
3	Water pump		4
4	Other		
<b>Total</b>		<b>2</b>	<b>6</b>

(Source: SES data collected in March 2016)

40. **Income, expenditure and debt:** Only one household affected by subproject belongs to poor group and 7 surveyed heads left have the average monthly income higher than 3.5 million VND.

41. **Housing condition:** Most of AHs live in houses with brick wall and roof of various materials such as fibrocement or corrugated iron – the most prevalent form of construction in this area.

42. In general, the living conditions of AHs are improved. All surveyed AHs own TVs, electric fan, motorbike and electric rice cooker. Many AHs have refrigerator (6 HHs), landline, mobile phone (8HHs), washing machine (5HHs) and VCD/DVD (4HHs).

**Table 72: Ownership of assets of affected households**

No	Type of assets	Loc Phu	Loc Quang	Total
1	Motorbike	2	6	8
2	Bicycle		1	1
3	Refrigerator	2	4	6
4	Television	2	6	8
5	Electric rice cooker	2	6	8
6	Micro oven	2	1	3
7	Sewing machine		1	1
8	Electric fan	2	6	8
9	Landline, mobile phone		6	6
10	Water heater	2	1	3
11	VCD/DVD		4	4
12	Washing machine	2	3	5
13	Other	0	0	0

(Source: SES data collected in March 2016)

43. **Sanitation:** 75% of surveyed households (6 HHs) reported that their main source of water is from well. The left is from pipe water. Regarding to sanitation facilities, all surveyed affected households answered to use septic compartment in the house.

44. **Energy:** The most commonly-used power source for lighting is electricity from the national grid, with 100% of the affected households (8 AHs) reporting to use it. For cooking, all surveyed households use oil and gas.

### **C. Ethnic Minorities in the Project Area**

45. Kinh people take account highest rate in total population the subproject area. Follow Kinh, Stieng people make up with 10.5% population, the next is KhMer.

46. The communities of STieng people have settled long time ago in hamlets, where they have begun their livelihood by exploitation of forest products, and after that they plant rubber trees and cashews. In last decade, some Kinh and other race people have moved to these hamlets and together live with STieng in their communities.

47. One special characteristic existing in population of the subproject districts and communes is that people of different ethnic minority groups live together in villages/hamlets/sóc. In many hamlets of STieng or KhMer people, there are Kinh or Chinese households or some ethnic minorities households migrated from northern mountainous areas living together. Binh Phuoc is one of the places where people come from almost all provinces of the country and create a multi-culture area.

47. About religion, there are some faithful of major religions. Because of the nature of geology, history and culture, 3 subproject districts have multi-religions. Ration of people with faith is about 23% of total. Now, there are about 08 active religions with many facilities of worships, dignitaries, monks and believers. Local government has been motivating people with faith to implement good patriotic emulation movements, good life good belief. People from different religions will live stably, unitedly and together to build new rural.

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

48. **Potential negative project impacts.** A social impact assessment (SIA) has been conducted through 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 insignificant so that it does not much impact on income and livelihood of APs. The current educational level and vocational skills of EMs in the subproject area 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.

49. **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.

50. Mitigation/minimizing measures will be conducted through the designing, implementation and monitoring of project implementation. In addition, during construction, environmental pollution caused by dust, construction waste, noise may occur and affect people. These effects can be significantly reduced by the proposed mitigation measures through implementation of environment management plan.

51. **Expected Positive impacts.** The subproject will have a lot of positive effects on EM people in general and on EM women in particular. These ptential positive impacts were discussed with EM people during meaningful consultation 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**

52. 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.

53. 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.
  - IV. During the construction period, contractors must use measures diminishing dust and noise and restore road quality if transportation vehicles cause damages. It needs measures of propagation on and prevention from risks of sexually transmitted diseases (if necessary).
54. According to the IOL, the subproject does not affect significantly livelihoods of the EMs, so no livelihood restoration program is needed. Affected EM households will be benefited from their entitlements regulated in the Entitlement Matrix and current programs of the province targeting to the EMs. Therefore, costs for implementation and management of activities of EMDP are included in the costs of resettlement implementation.

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

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

55. In compliance with the ADB requirements, the PPMU will assist the LFDC 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).
56. 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.
57. This REMDP will be uploaded in ADB website in both English and Vietnamese and disclosed to the EMs through commune and village meetings. Summary of REMDP may need to be translated into EM language to disseminate through loud speakers and other oral communication means in traditional market days as well as in public meetings. Table 18 below shows the different public consultation meetings with different stakeholders conducted during preparation of the REMDP.

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

58. 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. The 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.
59. 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.

60. The method of consultation and participation has to ensure two-way exchange of information between the community and affected groups by a consultation method in accordance with the traditional cultural of the locality, taking into account gender issues, social justice and the principle of equality.

61. **Consultation and participation during the REMDP preparation.** 04 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 and concerns 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

62. The results and observations from the public consultation meetings with local authorities, mass organizations and APs are as follows:

- (i) the APs and Non-APs supported and agreed with the subproject for improving the existing road;
- (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 and they could donate voluntarily to the subproject, however all assets affected should be compensated and assisted;
- (iii) the APs agreed with the subproject's principles on compensation and resettlement assistance;
- (iv) during the detailed design phase, it is necessary to consult with communal authorities 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 was proposed that meaningful consultation with and participation of women and EMs into the process of REMDP implementation, management and monitoring will be undertaken in next steps;
- (vii) APs proposed that the compensation payment should 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;
- (viii) the subproject's grievance redress mechanism and resolution procedure was consulted with APs. They proposed that their complaints should be resolved timely and successfully.

**Table 83: Participants of public consultation meetings**

No.	Commune	Location	iParticipant	No. of participant	No. of EM participants	No. of female participant
1	Loc Quang	Loc Quang CPC office	Representative of CPC, mass organizations, affected households	10	02	2
2	Loc Phu	Loc Phu CPC office	Representative of CPC, mass organizations, affected persons, non-affected persons	8	02	2

63. **Consultation and participation during REMDP implementation.** During the implementation phase, the PPMU in combination with the land fund development center and Commune PC is responsible for the dissemination of subproject information (in 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.
64. 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 project but also the implementation of the REMDP (see part XI – Monitoring and evaluation), and some of them may join 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

65. 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 verbal 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 DLFDC of any determination made and the DLFDC 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.

66. 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

67. 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 Binh Phuoc Province, and policies of ADB are outlined, then if difference between these policies (of Vietnam and of ADB) exist, reconciliation is required to establish policies and principles to be applied under this subproject.

### A. ADB Policies

68. **Involuntary Resettlement.** The main objectives of ADB's Policy on Involuntary Resettlement are to avoid or minimize the adverse impacts on local 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.

69. **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.

70. In this subproject, based on IOL results, no household is affected but many of beneficiaries are EMs, so Ethnic Minority Development Plan is incorporated with RP of the subproject in a combined document named REMDP.

## **B. National Laws on Involuntary Resettlement, EMs**

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

71. 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.

72. **Ethnic Minorities.** The definition of EM status 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.

61. 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

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

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.

62. 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.

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

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

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

especially difficult communes, border communes, communes in ATK zone, especially difficult villages in periods 2012-2015 and 2016-2020.

65. **Binh Phuoc People's Committee Decisions on Land Acquisition and Resettlement.** Legal regulations of Binh Phuoc Province include:

- (i) Decision No. 13/2015/QD-UBND of the People's Committee of Binh Phuoc Province issued on June 3<sup>rd</sup>, 2015 on promulgating regulations on policy, process and procedures of on compensation, assistance and resettlement in the event of land acquired by the State;
- (ii) Decision No. 33/2015/QD-UBND of the People's Committee of Binh Phuoc Province issued on September 17<sup>th</sup>, 2015 promulgating the land price in Binh Phuoc province to apply for the period 2015-2019.
- (iii) Decision No.47/2015/QD-UBND of People's Committee of Binh Phuoc Province issued on December 22<sup>th</sup>, 2015 promulgating the coefficient for adjustment of land price to meet replacement cost in Binh Phuoc to apply in year 2016.

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

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

67. 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 94: 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
Severely impacted APs losing productive land	<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.
APs without LURC	<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	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	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

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
	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.	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.	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.
Compensation unit price for land	<b>Land Law 2013, Article 114, Clause 3:</b> land price for compensation is price of specific land parcel.	Compensation at full replacement cost.	Compensation at full replacement cost.
Compensation for house and structures	<b>Land Law 2013, Article 89, item 1:</b> houses/structures used for living purpose will be compensated at replacement cost. <b>Decree 47, article 9:</b> Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.
Compensation for trees, crops and livestock, annual crops, perennial trees	Land Law 2013, Article 90: compensation equal to the value of the output of their crops which will be calculated based on the highest yield of crops season in 3 recent years multiplying with the average local price at the time of land acquisition.	Compensation at full replacement cost	Compensation at specific cost that appraised by independent appraiser

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
	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.		
Prepare Resettlement Plan	Decree No. 47/2014/NĐ-CP, Article 28: Prepare compensation plan, assistance, resettlement when the State recovers land for the public purpose	Prepare a resettlement plan	Prepare a resettlement plan
<b>Ethnic Minority</b>			
Action planning	No provision of the government on preparation of EMDP	Prepare an EM Development Plan (EMDP) that is based on the social impact assessment and meaningful consultation with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected EM communities.	The EMDP shall be prepared and updated, implemented and monitored.
Recognition of customary rights	The issues of customary rights or ancestral domains have not been fully recognized.	Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that EMs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	Full consultation with local EMs will be made to define areas with customary rights and to reflect the issues in an updated EMDP with particular actions to protect or compensate the areas.
Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donations involving marginal portions of land, the third party consultant will verify and report on the negotiation and Settlement processes as part of the due diligence report. A voluntary



Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
			donation form signed by the landowners, witnesses and village leaders will be attached in the report.
Monitoring	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 to recruit 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

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

- (i) Payment for affected lands and assets upon lands will be based on the principle of replacement cost.
- (ii) Temporarily affected land will be restored to pre-Project conditions.
- (iii) RCS shall be carried out by an experienced appraiser to identify the market rates and replacement costs for the affected lands and assets upon lands.
- (iv) 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.
- (v) 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.
- (vi) The Subproject will ensure the rights of local EMs to benefit from the use of their cultural resource and knowledge.
- (vii) The issues of access restriction and physical displacement from protected areas and natural resources will be avoided as much as possible.
- (viii) The REMDP shall be updated and consultants will be recruited to assist the REMDP updating, implementing and monitoring.
- (ix) Key information in the REMDP, including results of IOL or DMS, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance redress 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.

- (x) 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.
- (xi) Internal monitors of REMDP implementation will be carried out.
- (xii) 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 compensation payment has been satisfactorily completed for that area.

## **VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS**

### **A. Eligibilities**

69. 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.

70. 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.

71. 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**

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 Binh Phuoc 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 Binh Phuoc 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.

72. **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 No. 33/2015/QĐ-UBND of the People's Committee of Binh Phuoc Province for the period 2015 - 2019, and the coefficient for land price adjustment for year 2016 according to Decision No.47/2015/QĐ-UBND of People's Committee of Binh Phuoc Province ( $k=1.0\div1.2$  for the rural residential land and  $k=1.0\div1.2$  for agriculture land).

73. **Compensation for houses/structures:** The compensation unit prices for houses/structures are prices for construction of the new houses/structures with similar technical

standard as stipulated in Decision No. 13/2015/QĐ-UBND of the People's Committee of Binh Phuoc Province on promulgating regulations on policy, process and procedures of on compensation, assistance and resettlement in the event of land acquired by the State.

74. **Compensation for trees:** The compensation unit prices for trees are as stipulated in Decision No. 13/2015/QĐ-UBND of the People's Committee of Binh Phuoc Province on promulgating regulations on policy, process and procedures of on compensation, assistance and resettlement in the event of land acquired by the State.

75. **Assistance for job changing/creation:** For the households who lost the agricultural land: Following the provincial policy, the cash assistance equivalent to 1.5 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.

76. **Assistance for affected vulnerable household:** For poor households who are marginally affected (losing less than 10% of agricultural land holding and loss of secondary structures) will support VND 2,000,000/HH.

77. 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.

78. 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.

79. **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 and

the necessary compensation and/or assistance as applicable according to this REMDP shall be also paid to them.

#### C. Entitlement Matrix

80. Entitlement matrix to be applied for this subproject is presented in the table 15 below.

**Table 1510: Entitlement matrix**

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
<b>I. LAND</b>					
1	Rural residential land	Acquired land with houses/structure thereon	Land user with LURC Total 11 m <sup>2</sup> of rural residential land belonging to two HHs	- Cash compensation for the acquired land at replacement cost; and - Compensation for house/structure at replacement cost without deduction of salvageable materials	AHs shall fully receive the compensation at the replacement cost before site clearance.
2	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. Total 22.6 m <sup>2</sup> of perennial land belonging to 3 HHs and 130m <sup>2</sup> of annual crop land belong to one HH	- Cash compensation for acquired land at replacement cost. - Compensation for trees, 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.
3	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 and market price of the crop/tree. Contractors will negotiate with AHs.				
<b>II</b>	<b>HOUSES AND STRUCTURES AND TREES</b>				
4	Trees	Loss of or damage to trees	Owners regardless of tenure status but crops and trees must be created before cut-off date. 7 trees belong to 3 AHs will be cut	For the annual crops and trees: cash compensation at market price at the time of compensation	APs have the right to use salvageable trees. 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.

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
					APs will receive cash compensation at current market cost for any unharvested crops that are near or ready to harvest at the time of land acquisition.
5	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. 191.5 m <sup>2</sup> of fence, 28m <sup>2</sup> of concrete yard, 10m <sup>2</sup> of iron gate and 10.6m <sup>2</sup> of temporary house will be affected.	For the houses and structures: cash compensation at market price for construction of new houses and structures with similar technical standard at the time of compensation.	No depreciation or deduction of salvageable material will be calculated.
<b>III. ECONOMIC REHABILITATION ASSISTANCES</b>					
6	Assistance for job training or job creation due to loss of productive land	Permanent impact	Households that will lose agriculture land Total 22.6 m <sup>2</sup> of perennial land and 130m <sup>2</sup> of annual crop land	Assistance for job training/ creation at prices, equal to 1.5 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.
7	For vulnerable groups	Loss of land and non-land assets	Poor households marginally affected by project There is one poor affected HH.	Cash assistance: 2,000,000 VND per household	Assistance will be paid at the same time of compensation payment and before site clearance.  Using the information from the resettlement surveys, the LFDC will prepare the list of vulnerable persons

## VIII. ETHNIC MINORITY ACTION PLAN

81. According to SIA, EM people will be mainly benefited from the project. 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 required 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) Include EM labor-age people in agriculture extention training under current agriculture extention program of communes based on EM demand assessment;
- (vi) At least one member of the Commune Supervision Boards will be a representative of EM people.

## IX. RESETTLEMENT BUDGET AND FINANCING PLAN

81. **Replacement cost.** A rapid replacement cost assessment has been undertaken via consultation with local authorities and local people to verify the rates issued by the PPC. Results of the assessment indicate that the current prices for lands, houses, structures, crops and trees issued by Binh Phuoc 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. For this REMDP, the selected price for compensation from provincial promulgated price and market price of land and crops are presented in Table 16. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation.

**Table 1611: Replacement costs and provincial prices for land, structures, crops and trees**

No.	Items	Unit	K coefficient	Unit price stipulated by PPC (VND)	Proposed replacement cost (VND)
1	Rural residential land	VND/m <sup>2</sup>	1.15	100,000	115,000
2	Perennial land	VND/m <sup>2</sup>	1.0	27,000	27,000
3	Annual crop land	VND/m <sup>2</sup>	1.0	26,000	26,000
4	Fence	VND/m <sup>2</sup>	1.0	600,000	600,000
5	Concrete yard	m <sup>2</sup>	1.0	180,000	180,000
6	Temporary house	m <sup>2</sup>	1.0	650,000	650,000
7	Iron gate	m <sup>2</sup>	1.0	No available	1,800,000
8	Pepper tree (3-4 years)	VND/tree	1.0	140,000	140,000
9	Mango tree (4-5years)	VND/tree	1.0	110,000	110,000
10	Alstonia Scholaris (hoa sua) (20 years)	VND/tree	1.0	No available	30,000,000

82. **Budget for resettlement.** The estimated budget, including compensation cost for land and assets on the land, assistance and costs for administration and contingency, is estimated to be VND 211,923,921 equivalent to 9,442 USD (Table 17). EM action plan will be implemented in combination with gender action plan and current agriculture extension program of communes, so it is no need arrangement of budget for EM activities.

83. The budget for resettlement will be funded by the Binh Phuoc PPC using the provincial budget and allocated sufficiently and timely based on schedule of subproject resettlement implementation.

**Table 17. Compensation budget**

No.	Item	Unit	Quantity	Price ( VND)	Total cost (VND)
<b>1</b>	<b>Compensation and assistance for land</b>				<b>5,255,200</b>
	Compensation for perennial land of AHs	m <sup>2</sup>	22.6	27,000	610,200
	Compensation for annual crop land of AHs	m <sup>2</sup>	130	26,000	3,380,000
	Compensation for rural residential land of AHs	m <sup>2</sup>	11	115,000	1,265,000
<b>2</b>	<b>Compensation for structures</b>				<b>144,830,000</b>
	Fence	m <sup>2</sup>	191.5	600,000	114,900,000
	Concrete yard	m <sup>2</sup>	28	180,000	5,040,000
	Temporary house	m <sup>2</sup>	10.6	650,000	6,890,000
	Iron gate	m <sup>2</sup>	10	1,800,000	18,000,000
<b>3</b>	<b>Compensation for trees</b>				<b>30,810,000</b>
	Pepper tree (3-4 years)	tree	5	140,000	700,000
	Mangon tree (4-5years)	tree	1	110,000	110,000
	Alstonia Scholaris (hoa sua) (20 years)	tree	1	30,000,000	30,000,000
<b>4</b>	<b>Assistance</b>				<b>7,985,300</b>
	Job change/ creation	time	1.5* agricul land value of 130m <sup>2</sup> of annual crop land and 22.6m <sup>2</sup> of perennial land		5,985,300
	For vulnerable households	HH	1	2,000,000	2,000,000
<b>Total direct cost</b>					<b>188,880,500</b>
Administration cost		2%			3,777,610
<b>Subtotal</b>					<b>192,658,110</b>
Contingencies		10%			19,265,811
<b>Total</b>					<b>211,923,921</b>



## **X. INSTITUTIONAL ARRANGEMENT**

### **A. Province Level**

84. Binh Phuoc 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.

85. Binh Phuoc Provincial Department of Planning and Investment (DPI) authorized by Binh Phuoc PPC as Project Owner, is responsible for:

- (i) Managing the project loan allocated for subprojects in Binh Phuoc 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.

86. Ethnic minority committee of Binh Phuoc Province will direct EM department of districts and supervise on implementation of EM action plan.

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

- (vii) Preparing, updating, and monitoring REMDP implementation of project components;
- (viii) Guiding LFDC to implement all resettlement activities in compliance with the approved REMDP; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the REMDP are met;
- (ix) Conducting, in combination with LFDC and CPCs, information campaigns and stakeholder consultation in accordance with established project guidelines;
- (x) Coordinating with relevant agencies to ensure timely: providing compensation, support and rehabilitation measures, and resolving of complaints or grievances of APs;

- (xi) Implementing internal resettlement monitoring, establishing and maintaining resettlement and grievance databases in accordance with procedures and requirements in approved REMDP and providing regular reports to Binh Phuoc PPC, DPI and ADB;
- (xii) Implementing prompt corrective actions in response to internal monitoring.

## **B. District Level**

88. 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. The Land Fund development Center (LFDC)**

89. The main responsibilities of the LFDC 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**

90. The 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**

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

- (i) In cooperation with District level and 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 LFDC and Working groups to communicate the reason for acquisition to the people whose land is to be acquired; To notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
- (iii) Assign Commune officials to assist the LFDC in the updating of the REMDP and implementation of resettlement and EM activities;
- (iv) Identify replacement land (if available) for AHs;
- (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**

92. The implementation schedule for resettlement activities for the subproject is presented in Table 18, including (i) activities that have been completed to prepare the REMDP; (ii) resettlement implementation activities and, (iii) internal monitoring activities.

**Table 18: Initial Schedule of Resettlement and Compensation Activities**

<b>Activities</b>	<b>Time</b>
<b>Approval final draft REMDP and disclosure</b>	
Endorse final draft REMDP by PPC and approve by ADB	6/2016
Disclose the approved REMDP in ADB website and disclose locally to APs and communes	6-7/2016
<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/AIDS and women trafficking for EM people	Quarter II/2017-2018
Conduct DMS and prepare compensation plan (RCS, as required)	Quarter II/2017
Consultations with APs on the compensation plan	Quarter II/2017
Update the REMDP based on results of DMS (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

Activities	Time
<b>Monitoring</b>	
Conducting monthly monitoring on the implementation of RP 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

93. 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

94. 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

95. 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 EMs activities are undertaken in accordance with the implementation schedule described in the REMDP;
- (v) To identify problems, if any, and remedial actions.

96. 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 LFDCs 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.

97. 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: SAMPLE OF MINUTE OF PUBLIC CONSULTATION AND LIST OF ATTENDEES IN COMMUNE**

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

Dự án hỗ trợ phát triển khu vực biên giới

- I. Thời gian tổ chức: 14h30 ngày 24 tháng 8 năm 2016  
II. Địa điểm tổ chức: Hội trường UBND xã Lạc Phái  
III. Hạng mục tham vấn: Công trình TL 256  
IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:
- Ông/bà Nguyễn Hic Thanh chức vụ Chủ ĐT
  - Ông/bà Nguyễn Hoàng Hải Nam chức vụ Chủ ĐT
  - Ông/bà ..... chức vụ .....
2. Đại diện UBND xã Lạc Phái
- Ông/bà Cao Trọng Lân chức vụ Phó B. Thư Dăng ủy
  - Ông/bà Hàn Văn Tiên chức vụ Phó CT UBND
  - Ông/bà Nguyễn Văn Vũ chức vụ Chủ tịch UBND xã
3. Đại diện đơn vị Tư vấn
- Ông/bà Nguyễn Xuân Nhân chức vụ Chuyên gia TV
  - Ông/bà Nguyễn Văn Minh chức vụ Chuyên gia TV
  - 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: 8 người (danh sách đính kèm theo biên bản này)

**V. MỤC ĐÍCH THẢO LUẬN NHÓM**

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



## VI. NỘI DUNG THẢO LUẬN

### 1. Giới thiệu nội dung thảo luận

- Quy mô DĐ ảnh hưởng các chính sách của DA.
- Tình hình kinh tế - xã hội, nhu cầu trước mắt đời sống.
- Nhưng các đồng chí cần chú ý tới các chính sách của DA.

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

- Xã Giáp, Lỗ Hiệp và xã Lỗ Dương, khu vực xã cũ của Phố Hiến.
- Hiện nay Phố Hiến có 3 hộ kinh doanh, và mức độ, không lớn, tập trung ở khu vực xã cũ, gần các trục đường, khu vực trung tâm.
- Hiện nay Phố Hiến có 3 hộ kinh doanh, khu vực Phố Hiến cũ, Phố Hiến mới, Phố Hiến cũ.
- Lỗ Hiệp cũ, gần xã Lỗ Hiệp, Phố Hiến (95%) bao gồm các CN và Lỗ Hiệp, Phố Hiến.
- Có 5/7 hộ dân Phố Hiến cũ và tỷ lệ không 25%.
- Hiện nay Phố Hiến cũ, các hộ kinh doanh 2 bên đường Phố Hiến cũ, Phố Hiến mới, Phố Hiến cũ, Phố Hiến mới.
- Phố Hiến cũ, Phố Hiến mới, Phố Hiến cũ, Phố Hiến mới.
- Phố Hiến cũ, Phố Hiến mới, Phố Hiến cũ, Phố Hiến mới.
- Phố Hiến cũ, Phố Hiến mới, Phố Hiến cũ, Phố Hiến mới.

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

- Dân ủng hộ, HANO, UBND các đơn vị địa phương chủ động dân sự.
- Bộ an nhân dân nước ngoài được tiếp xúc tại các mô hình giao lưu KT-XH.
- Giao lưu giữa xã với tỉnh, huyện, thành phố.
- Giao lưu giữa huyện, dân thị trấn, xã, phường, xã.
- Tăng cường thông tin, dịch vụ, nâng cao tập trung sinh sống, tiếp xúc.
- Trong quá trình thực hiện, ban dự án cần có sự tham gia, tuyên truyền, tiếp xúc với người dân, đặc biệt là giai đoạn đầu tiên.

### VII. KẾT LUẬN

- Chính quyền địa phương và nhân dân nhiệt tình với việc thực hiện Dự án.
- Dự án được thực hiện sẽ mang lại nhiều lợi ích cho địa phương, đặc biệt là kinh tế, văn hóa, xã hội, môi trường, đời sống nhân dân.

Cuộc họp các bên thống nhất và kết thúc vào lúc 16h ngày 24 tháng 3 năm 2016

Đại diện cộng đồng

BQL tiểu dự án

Nguyễn Đức Thanh

Đại diện chính quyền địa phương

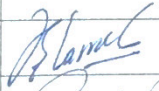
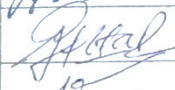
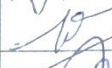
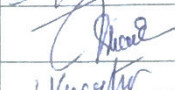
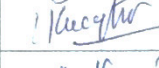
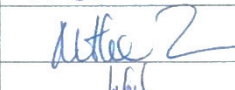

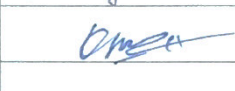
PHÓ CHỦ TỊCH  
Trần Văn Tiến  
Đại diện Tư vấn

Nguyễn Văn Mạnh



# DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

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

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Cero Boney Lân	Nam	phó BT Đảng ủy	
2	phạm thanh Hải	Nam	phó CT HĐND.	
3	Nguyễn Văn Lữ	Nam	Chủ tịch UBND TB	
4	Trần Văn Tiến	Nam	phó CT UBND.	
5	Nguyễn Trung Hưng	Nam	Ban Thanh tra nhân dân	
6	Nguyễn Thị Hương	Nữ	Chủ tịch Hội phụ Nữ	
7	Trần Thị Thông	Nữ	Cán bộ thời chính	
8	Nguyễn Thanh Khôi	Nam	Chủ tịch Hội chiến sĩ	
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