

Resettlement and Ethnic Minorities Development Plan

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VIE: Support to Border Areas Development Project ***Subproject:* Upgrading provincial road 756 in Binh Phuoc province**

Prepared by Planning and Investment Department of Binh Phuoc for Asian Development Bank

CURRENCY EQUIVALENTS

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

Exchange rate on April 2016: \$1 = 22,445 VND

WEIGHTS AND MEASURES

m (Meter)	–	the <u>base unit</u> of length
m ² (Square meter)	–	A system of units used to measure areas
m ³ (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"> - 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. <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"> - 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.
Cut-off date	<ul style="list-style-type: none"> - 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.
Ethnic minority	<ul style="list-style-type: none"> - People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	<ul style="list-style-type: none"> - 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.
Host community	<ul style="list-style-type: none"> - Means the communities receiving physically displaced persons of a project as resettlers.
Income restoration	<ul style="list-style-type: none"> - 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..
Income restoration program	<ul style="list-style-type: none"> - 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.
Inventory of Losses (IOL)	<ul style="list-style-type: none"> - 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

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

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TABLE OF CONTENTS

CURRENCY EQUIVALENTS	I
ABBREVIATIONS	II
GLOSSARY	III
TABLE OF CONTENTS	VI
LIST OF FIGURES	VII
EXECUTIVE SUMMARY	VIII
I. SUBPROJECT DESCRIPTION	10
A. Background	10
B. Civil works to be undertaken	12
B. Objective of Resettlement and Ethnic Minority Development Plan	12
II. PROJECT IMPACTS	13
A. Survey process	13
B. Permanent impacts	13
C. Temporary impact	15
D. Tenure status of AHs	15
E. Vulnerable households and Ethnic Minority households	16
III. GENERAL SOCIOECONOMIC PROFILE	16
A. Socioeconomic condition in the subproject area	16
B. Affected Household Profile	18
C. Ethnic Minorities in the Project Area	20
D. Social Impact Assessment	21
E. Measures taken to minimize the negative impacts	21
IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION	22
A. Information Disclosure	22
B. Public Consultation and Participation	22
V. GRIEVANCE REDRESS MECHANISM	24
VI. LEGAL AND POLICY FRAME WORK	25
A. ADB Policies	25
B. National Laws on Involuntary Resettlement, EMs	26
C. Reconciliation of Government and ADB Policies on Resettlement and ethnic minority.	28
D. Subproject policies	31
VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS	32
A. Eligibilities	32
B. Compensation and Assistance	32
VIII. ETHNIC MINORITY ACTION PLAN	37
IX. RESETTLEMENT BUDGET AND FINANCING PLAN	37
X. INSTITUTIONAL ARRANGEMENT	39
A. Province Level	39
B. District Level	40
C. The Land Fund development Center (LFDC)	40
D. Ethnic minority department of districts	40

E. Commune Level	41
XI. IMPLEMENTATION SCHEDULE	41
XII. MONITORING AND EVALUATION	42
A. Community Monitoring	42
B. Internal Monitoring	42
ANNEX: SAMPLE OF MINUTE OF PUBLIC CONSULTATION AND LIST OF ATTENDEES IN COMMUNE	44

LIST OF FIGURES

FIGURE 1: SUBPROJECT SITE	11
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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 163.6m² of land, including 22.6m² of rural residential land, 11m² of pennerial land and 130m² 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.

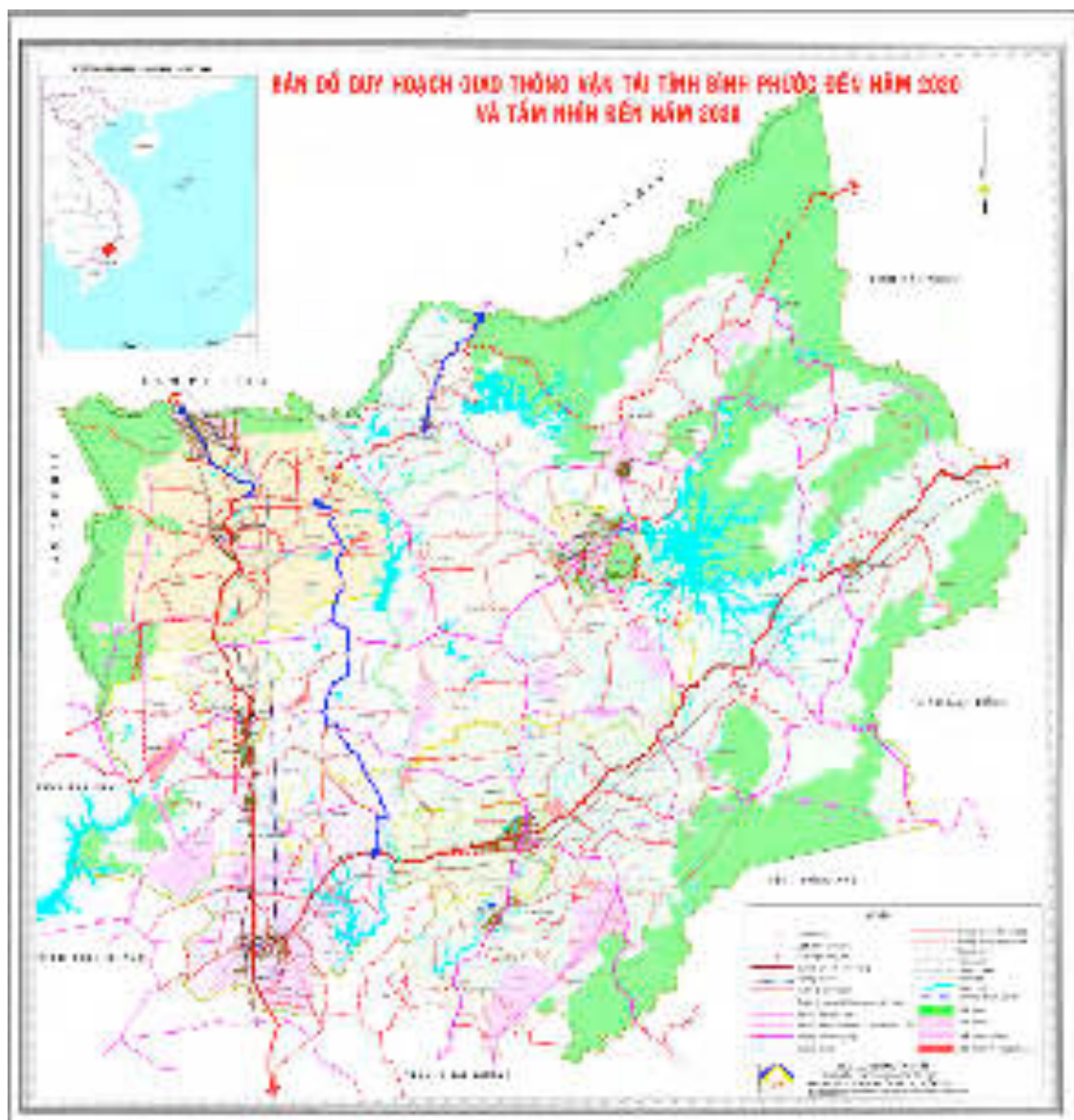


Figure 1: Subproject site

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 ¹	Number of severely affected HHs	Number of vulnerable AHs	Number of affected EM household
A	Chon Thanh district	1	1	0	0	0
1	Minh Lap commune	1	1	0	0	0
B	Hon Quan district	1	1	0	0	0

No.	District/ Commune	Number of AHs	Number of marginally AHs ¹	Number of severely affected HHs	Number of vulnerable AHs	Number of affected EM household
1	Tan Hung commune	1	1	0	0	0
C	Loc Ninh	8	8	0	0	0
1	Loc Quang commune	5	5	0	1	0
2	Loc Phu commune	3	3	0	0	0
Total		10	10	0	1	0

Note: ¹ 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 163.6m² of lands of 6 households, including 11m² of perennial land, 130m² of annual crop land and 22.6m² 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 ²)	Perennial land (m ²)	Rural residential land (m ²)	Other Public land (m ²)
1	Loc Quang	33.6	0	11	22.6	0
2	Loc Phu	130	130	0	0	0
Total		163.6	130	11	22.6	0

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 ²)	Concrete Yard (m ²)	Temporary house (m ²)
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
Total		191.5	10	28	10.6

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 25m² 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
	Affected assets			
1	Land		M²	163.6
		Rural residential land	m ²	22.6
		Pennerial land	m ²	11
		Annual crop land	m ²	130
	Structures			
2		Fence	m ²	191.5
		Moving for gate	m ²	10
		Concrete yard	m ²	28
		Temporary house	m ²	10.6
3	Crops and trees			
		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	
I	Chon Thanh District	19,497	1,362	72,382	5,230	7,2
1	Minh Lap Commune	2,013	242	7,910	1,087	13,7
II	Loc Ninh District	29,578	5,243	118,778	21,501	18,1
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
III	Hon Quan District	24,398	4,590	100,924	20,981	20,8
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
	Natural land	85.329	66.412	39.959
<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
Total	8	1	0	0	2	4	0	1	0	0

(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
Total	8	2	6

(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		
Total		2	6

(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 2009¹ 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

¹ 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 3rd, 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 17th, 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 22th, 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	Decree 47/2014/ND-CP, Article 19, Item 3: 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	Land Law 2013, Article 77, item 2 and Article 92: Persons who has used land before 1 st 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	Land Law 2013, Article 114, Clause 3: 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	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: 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
Ethnic Minority			
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: ¹ 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
I. LAND					
1	Rural residential land	Acquired land with houses/structure thereon	Land user with LURC Total 11 m ² 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 ² of perennial land belonging to 3 HHs and 130m ² 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.				
II	HOUSES AND STRUCTURES AND TREES				
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 un-harvested 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 ² of fence, 28m ² of concrete yard, 10m ² of iron gate and 10.6m ² 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.
III. ECONOMIC REHABILITATION ASSISTANCES					
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 ² of perennial land and 130m ² 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 ²	1.15	100,000	115,000
2	Perennial land	VND/m ²	1.0	27,000	27,000
3	Annual crop land	VND/m ²	1.0	26,000	26,000
4	Fence	VND/m ²	1.0	600,000	600,000
5	Concrete yard	m ²	1.0	180,000	180,000
6	Temporary house	m ²	1.0	650,000	650,000
7	Iron gate	m ²	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)
1	Compensation and assistance for land				5,255,200
	Compensation for perennial land of AHs	m ²	22.6	27,000	610,200
	Compensation for annual crop land of AHs	m ²	130	26,000	3,380,000
	Compensation for rural residential land of AHs	m ²	11	115,000	1,265,000
2	Compensation for structures				144,830,000
	Fence	m ²	191.5	600,000	114,900,000
	Concrete yard	m ²	28	180,000	5,040,000
	Temporary house	m ²	10.6	650,000	6,890,000
	Iron gate	m ²	10	1,800,000	18,000,000
3	Compensation for trees				30,810,000
	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
4	Assistance				7,985,300
	Job change/ creation	time	1.5* agricul land value of 130m ² of annual crop land and 22.6m ² of perennial land		5,985,300
	For vulnerable households	HH	1	2,000,000	2,000,000
Total direct cost					188,880,500
Administration cost		2%			3,777,610
Subtotal					192,658,110
Contingencies		10%			19,265,811
Total					211,923,921

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

Activities	Time
Approval final draft REMDP and disclosure	
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
Implementation of the approved REMDP	
Detailed engineering and demarcation of land to be acquired	Quarter II/2017
Conduct Public consultation meeting with APs and EM people	Quarter II/2017
Conduct propagation of HIV/AID and women trafficking for EM people	Quarter II/2017-2018
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
Monitoring	
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 tại định cư và Dân tộc thiểu số
Dự án: Hỗ trợ phát triển khu vực biên giới

I. Thời gian và chức năng: Ngày: 24 tháng 3 năm 2012

II. Địa điểm tổ chức: Hội trường UBND xã Lâm Phú

III. Hàng mục tham vấn: Công trình 72.25.0.

IV. Thành phần tham dự:

- Ủy ban Chủ đầu tư:

- Ông Nguyễn Văn Hùng (Chủ tịch) được ủy quyền: Ông D.D
- Ông Nguyễn Văn Hùng (Chủ tịch) được ủy quyền: Ông D.A
- Ông ... được ủy quyền: ...

2. Đại diện UBND xã Lâm Phú

- Ông Cao Văn Hùng được ủy quyền: Phó ban An ninh
- Ông ... được ủy quyền: Phó ban ...
- Ông Nguyễn Văn Hùng được ủy quyền: Chủ tịch UBND xã

3. Đại diện đơn vị T. và ...

- Ông Nguyễn Văn Hùng được ủy quyền: Ủy ban ...
- Ông Nguyễn Văn Hùng được ủy quyền: Ủy ban ...
- Ông ... được ủy quyền: ...

4. Đại diện hộ dân không đồng ý đầu tư công trình và đã kiện tụng tại ...

Số lượng người dự hội thảo: 8 người (bảng danh sách kèm theo biên bản họp)

V. NỘI DUNG THẢO LUẬN NHÓM

- Cung cấp các thông tin về dự án, các mục tiêu, địa điểm, quy mô, các thông số kỹ thuật và bản vẽ của công trình được đầu tư.
- Phổ biến thông tin về phạm vi ảnh hưởng và không gian định cư và các vấn đề liên quan.
- Thảo luận về phạm vi ảnh hưởng và các tác động của việc đầu tư dự án.
- Thảo luận về Chính sách đền bù và được dân tộc thiểu số nhận được.
- Thảo luận về thu hồi đất và khả năng tiến hành các biện pháp pháp lý và các công việc khác.
- Dự kiến các tham gia của người dân đối với dự án.

01. QUẢN LÝ TỔNG THỂ LIÊN

4. Các thực thể dùng trong

1. Giới thiệu về định nghĩa và các tính chất của hàm số.

2. Những yếu tố ảnh hưởng đến Chiến lược an toàn TSC và OTT

- Yếu tố ảnh hưởng đến sự phát triển của loài người:
 - Thời gian: Thời gian sống của loài người là vô hạn.
 - Không gian: Không gian sống của loài người là vô hạn.
 - Nguồn tài nguyên: Nguồn tài nguyên sống của loài người là vô hạn.
 - Khoa học và công nghệ: Khoa học và công nghệ phát triển của loài người là vô hạn.
 - Văn hóa và xã hội: Văn hóa và xã hội phát triển của loài người là vô hạn.
 - Chính trị và kinh tế: Chính trị và kinh tế phát triển của loài người là vô hạn.
 - Môi trường sống: Môi trường sống của loài người là vô hạn.
 - Giáo dục và đào tạo: Giáo dục và đào tạo của loài người là vô hạn.
 - Y tế và chăm sóc sức khỏe: Y tế và chăm sóc sức khỏe của loài người là vô hạn.
 - Giao thông và vận tải: Giao thông và vận tải của loài người là vô hạn.
 - Thương mại và kinh doanh: Thương mại và kinh doanh của loài người là vô hạn.
 - Nghệ thuật và văn hóa: Nghệ thuật và văn hóa của loài người là vô hạn.
 - Thể thao và giải trí: Thể thao và giải trí của loài người là vô hạn.
 - Du lịch và nghỉ dưỡng: Du lịch và nghỉ dưỡng của loài người là vô hạn.
 - Công nghiệp và sản xuất: Công nghiệp và sản xuất của loài người là vô hạn.
 - Nông nghiệp và trồng trọt: Nông nghiệp và trồng trọt của loài người là vô hạn.
 - Lâm nghiệp và khai thác gỗ: Lâm nghiệp và khai thác gỗ của loài người là vô hạn.
 - Thủy sản và đánh bắt cá: Thủy sản và đánh bắt cá của loài người là vô hạn.
 - Công nghệ thông tin và truyền thông: Công nghệ thông tin và truyền thông của loài người là vô hạn.
 - Công nghệ sinh học và y học: Công nghệ sinh học và y học của loài người là vô hạn.
 - Công nghệ năng lượng và môi trường: Công nghệ năng lượng và môi trường của loài người là vô hạn.
 - Công nghệ vũ trụ và khám phá không gian: Công nghệ vũ trụ và khám phá không gian của loài người là vô hạn.
 - Công nghệ robot và trí tuệ nhân tạo: Công nghệ robot và trí tuệ nhân tạo của loài người là vô hạn.
 - Công nghệ nano và vật liệu mới: Công nghệ nano và vật liệu mới của loài người là vô hạn.
 - Công nghệ địa chất và khai thác khoáng sản: Công nghệ địa chất và khai thác khoáng sản của loài người là vô hạn.
 - Công nghệ xây dựng và kiến trúc: Công nghệ xây dựng và kiến trúc của loài người là vô hạn.
 - Công nghệ vận tải và giao thông: Công nghệ vận tải và giao thông của loài người là vô hạn.
 - Công nghệ viễn thông và truyền hình: Công nghệ viễn thông và truyền hình của loài người là vô hạn.
 - Công nghệ âm thanh và hình ảnh: Công nghệ âm thanh và hình ảnh của loài người là vô hạn.
 - Công nghệ điện tử và máy tính: Công nghệ điện tử và máy tính của loài người là vô hạn.
 - Công nghệ cơ khí và chế tạo: Công nghệ cơ khí và chế tạo của loài người là vô hạn.
 - Công nghệ hóa học và vật liệu: Công nghệ hóa học và vật liệu của loài người là vô hạn.
 - Công nghệ sinh học và dược phẩm: Công nghệ sinh học và dược phẩm của loài người là vô hạn.
 - Công nghệ môi trường và bảo vệ môi trường: Công nghệ môi trường và bảo vệ môi trường của loài người là vô hạn.
 - Công nghệ năng lượng tái tạo và tiết kiệm năng lượng: Công nghệ năng lượng tái tạo và tiết kiệm năng lượng của loài người là vô hạn.
 - Công nghệ thông tin và truyền thông: Công nghệ thông tin và truyền thông của loài người là vô hạn.
 - Công nghệ sinh học và y học: Công nghệ sinh học và y học của loài người là vô hạn.
 - Công nghệ năng lượng và môi trường: Công nghệ năng lượng và môi trường của loài người là vô hạn.
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 - Công nghệ xây dựng và kiến trúc: Công nghệ xây dựng và kiến trúc của loài người là vô hạn.
 - Công nghệ vận tải và giao thông: Công nghệ vận tải và giao thông của loài người là vô hạn.
 - Công nghệ viễn thông và truyền hình: Công nghệ viễn thông và truyền hình của loài người là vô hạn.
 - Công nghệ âm thanh và hình ảnh: Công nghệ âm thanh và hình ảnh của loài người là vô hạn.
 - Công nghệ điện tử và máy tính: Công nghệ điện tử và máy tính của loài người là vô hạn.
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 - Công nghệ hóa học và vật liệu: Công nghệ hóa học và vật liệu của loài người là vô hạn.
 - Công nghệ sinh học và dược phẩm: Công nghệ sinh học và dược phẩm của loài người là vô hạn.
 - Công nghệ môi trường và bảo vệ môi trường: Công nghệ môi trường và bảo vệ môi trường của loài người là vô hạn.
 - Công nghệ năng lượng tái tạo và tiết kiệm năng lượng: Công nghệ năng lượng tái tạo và tiết kiệm năng lượng của loài người là vô hạn.

2. Mục đích xây dựng chỉ tiêu quốc gia về Dự án

Trong ứng dụng, việc xây dựng các chỉ tiêu quốc gia về Dự án cần được thực hiện theo các bước sau đây:

- Xác định mục tiêu, phạm vi, đối tượng nghiên cứu.
- Chọn lựa các chỉ tiêu cần nghiên cứu.
- Xây dựng các chỉ tiêu cần nghiên cứu.
- Kiểm tra, đánh giá các chỉ tiêu.

Trong quá trình xây dựng, cần chú ý đến các vấn đề sau đây:

- Đảm bảo tính khách quan, công bằng.
- Đảm bảo tính minh bạch, công khai.
- Đảm bảo tính khả thi, dễ thực hiện.
- Đảm bảo tính đồng bộ, thống nhất.

VI. KẾT LUẬN

Chỉ tiêu quốc gia về phương pháp xây dựng các chỉ tiêu quốc gia về Dự án là một công cụ quan trọng để đánh giá, kiểm tra, đánh giá các chỉ tiêu quốc gia về Dự án. Việc xây dựng các chỉ tiêu quốc gia về Dự án cần được thực hiện theo các bước sau đây:

- Xác định mục tiêu, phạm vi, đối tượng nghiên cứu.
- Chọn lựa các chỉ tiêu cần nghiên cứu.
- Xây dựng các chỉ tiêu cần nghiên cứu.
- Kiểm tra, đánh giá các chỉ tiêu.

Các tập các tài liệu và tài liệu khác có liên quan đến dự án này.

Ban chấp hành chung

Ban chấp hành chung

Nguyễn Đức Thành

Ban chấp hành chung địa phương

Ban chấp hành chung địa phương

Ban chấp hành chung địa phương

Nguyễn Văn Hùng

DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Phường 13

Lạc Đức

tên thành phố trên báo cáo 2011 (2005-2010)

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Ông Hoàng Văn	Nam	Đường BT huyện Lạc	Hoàng Văn
2	Ông Trần Văn	Nam	Đường CT huyện Lạc	Trần Văn
3	Ông Nguyễn Văn	Nam	Đường BT huyện Lạc	Nguyễn Văn
4	Ông Lê Văn	Nam	Đường CT huyện Lạc	Lê Văn
5	Ông Nguyễn Văn	Nam	Đường BT huyện Lạc	Nguyễn Văn
6	Ông Nguyễn Văn	Nam	Đường BT huyện Lạc	Nguyễn Văn
7	Ông Lê Văn	Nam	Đường BT huyện Lạc	Lê Văn
8	Ông Nguyễn Văn	Nam	Đường BT huyện Lạc	Nguyễn Văn
9				
10				
11				
12				
13				
14				
15				

Resettlement and Ethnic Minorities Development Plan

Document stage: Final

Project Number: 48189-002

July 2016

VIE: Support to Border Areas Development Project

***Subproject:* Improving the National Highway 29,
Section: Km186+126 - Km226+000 in Buon Don, Cu M'Gar
and Krong Buk districts, Dak Lak province**

CURRENCY EQUIVALENTS

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

Exchange rate on 20th May 2016: \$1 = 22,260 VND

WEIGHTS AND MEASURES

m (Meter)	–	the base unit of length
m ² (Square meter)	–	A system of units used to measure areas
m ³ (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
CARB	-	Compensation, Assistance and Resettlement Board
CPC	-	Commune Peoples, Committee
DARD	-	Department of Agriculture and Rural Development
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DPC	-	District Peoples, Committee
DPI	-	Department of Planning and Investment
DTA	-	Development Triangle Areas
EA	-	Executing Agency
EM	-	Ethnic Minority
FS	-	Feasibility Study
GOV	-	Government of Vietnam
HH	-	Household
IMO		Independent Monitoring Organization
IOL	-	Inventory of Losses
LFDC	-	Land Fund Development Center
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"> - 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. <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"> - 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.
Cut-off date	<ul style="list-style-type: none"> - Means the date of land acquisition announcement made by local authorities. The APs will be informed of the cut-off date for each subproject component, and any people or assets that settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
Ethnic minority	<ul style="list-style-type: none"> - People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	<ul style="list-style-type: none"> - 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.
Host community	<ul style="list-style-type: none"> - Means communities receiving physically displaced persons of a project as resettlers.
Income restoration	<ul style="list-style-type: none"> - 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.
Income restoration program	<ul style="list-style-type: none"> - 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.
Inventory of Losses (IOL)	<ul style="list-style-type: none"> - 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

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.
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.
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
Severely affected households	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets generating income, and/or (ii) have to relocate.
Stakeholders	- Individuals, groups, or institutions that have an interest or stake in the outcome of a project. The term also applies to those potentially affected by a project. Stakeholders include land users, country, regional and local governments, implementing agencies, project executing agencies, groups contracted to conduct project activities at various stages of the project, and other groups in the civil society which may have an interest in the project.
Vulnerable groups	- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) single-female headed households with dependents, (ii) disabled household

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

Note:

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

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

TABLE OF CONTENTS

CURRENCY EQUIVALENTS	I
ABBREVIATIONS	II
GLOSSARY	III
TABLE OF CONTENTS	VI
LIST OF TABLES	VII
LIST OF FIGURES	VII
EXECUTIVE SUMMARY	VIII
I. SUBPROJECT DESCRIPTION	1
A. Background	1
B. Civil works to be undertaken	2
C. Mitigation measures	2
D. Objective of Resettlement and Ethnic Minority Development Plan	2
II. PROJECT IMPACTS	3
A. Survey process	3
B. Permanent impacts	3
C. Temporary impact	7
D. Tenure status of AHs	7
E. Vulnerable households and Ethnic Minority households	7
III. GENERAL SOCIOECONOMIC PROFILE	7
A. Socioeconomic condition in the subproject area	7
B. Affected and Non-affected Household Profile	9
C. Ethnic Minorities in the Project Area	13
D. Social Impact Assessment	14
E. Measures taken to minimize the negative impacts	15
IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION	16
A. Information Disclosure	16
B. Public Consultation and Participation	16
V. GRIEVANCE REDRESS MECHANISM	18
VI. LEGAL AND POLICY FRAME WORK	19
A. ADB Policies	19
B. National Laws on Involuntary Resettlement and ethnic minorities (EMs)	20
C. Reconciliation of Government and ADB Policies on Resettlement and ethnic minority.	22
D. Subproject policies	26
VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS	27
A. Eligibilities	27
B. Compensation and Assistance	27
C. Entitlement Matrix	28
VIII. ETHNIC MINORITY DEVELOPMENT PLAN	32
IX. RESETTLEMENT BUDGET AND FINANCING PLAN	33
X. INSTITUTIONAL ARRANGEMENT	36
	vi

A.	Province Level	36
B.	District Level	37
C.	Ethnic minority department of districts	37
D.	Land Fund Development Center (LFDC)	37
E.	Commune Level	38
XI.	IMPLEMENTATION SCHEDULE	38
XII.	MONITORING AND EVALUATION	39
A.	Community Monitoring	39
B.	Internal Monitoring	39
	ANNEX: MINUTES OF PUBLIC CONSULTATION AND LIST OF ATTENDEES	41

LIST OF TABLES

TABLE 1: IMPACTS ON HOUSEHOLDS, ENTERPRISES AND ORGANIZATIONS -----	4
TABLE 2: IMPACTS ON LAND OF HOUSEHOLDS, ENTERPRISES AND ORGANIZATIONS-----	4
TABLE 3: IMPACTS ON HOUSE AND STRUCTURES OF HOUSEHOLDS, ENTERPRISES AND ORGANIZATIONS -	5
TABLE 4: IMPACTS ON CROPS AND TREES -----	5
TABLE 5: SUMMARY OF IMPACTS ON LAND AND ASSETS-----	6
TABLE 6: POPULATION OF DISTRICT AND COMMUNES IN THE SUBPROJECT AREA -----	7
TABLE 7: SITUATION OF LAND USE RIGHTS CERTIFICATE IN SUBPROJECT COMMUNES -----	8
TABLE 8: POOR AND NEAR POOR POPULATION BY ETHNIC GROUPS IN SUBPROJECT AREA -----	9
TABLE 9: DEMOGRAPHIC CHARACTERISTICS OF SURVEYED HOUSEHOLDS -----	9
TABLE 10: HOUSEHOLD HEADED, SEX AND AGE-----	10
TABLE 11: HOUSEHOLD HEADED SEX AND ETHNIC -----	10
TABLE 12: EDUCATIONAL BACKGROUND OF HEAD OF HOUSEHOLD -----	11
TABLE 13: MAIN OCCUPATION OF HEAD OF AFFECTED HOUSEHOLDS-----	12
TABLE 14: OWNERSHIP OF PRODUCTIVE ASSETS OF AFFECTED HOUSEHOLDS -----	12
TABLE 15: OWNERSHIP OF ASSETS OF AFFECTED HOUSEHOLDS-----	12
TABLE 15: POPULATION OF SUBPROJECT BY ETHIC GROUPS IN 2015-----	13
TABLE 16: SUMMARY OF PUBLIC CONSULTATION MEETINGS -----	18
TABLE 17: RECONCILIATION OF GOVERNMENT AND ADB POLICIES ON INVOLUNTARY RESETTLEMENT AND ETHNIC MINORITY -----	22
TABLE 18: ENTITLEMENT MATRIX -----	29
TABLE 19: REPLACEMENT COSTS AND PROVINCIAL PRICES FOR LAND, STRUCTURES, CROPS AND TREES	33
TABLE 20 COMPENSATION BUDGET -----	34
TABLE 21: INDICATIVE SCHEDULE OF RESETTLEMENT AND COMPENSATION ACTIVITIES -----	38

LIST OF FIGURES

FIGURE 1: SUBPROJECT SITE	1
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EXECUTIVE SUMMARY

1. **Introduction:** The Support to Border Areas Development Project (SBADP) funded by the Asian Development Bank (ADB) covers five provinces, including Dak Lak, Dak Nong, Gia Lai, Kon Tum and Binh Phuoc. The subproject “*Improving the National Highway 29, Section Km186+126 - Km226+000 in Buon Don, Cu M’Gar and Krong Buk districts, Dak Lak province*” is one of 5 subprojects of SBADP. This road section goes through total 08 communes of 03 districts Buon Don, Cu M’Gar and Krong Buk namely Krong Na, Cu Dlie Mnong, Ea Kueh, Ea Kiet, Ea Tar, Cu Pong, Ea Ngai and Pong Drang with total length of 40.0km. When this road section is completely invested, it will facilitate for traffic, goods transportation, commercial connectivity, promotion of socio-economic development for the area along the road, creating conditions for the formation of the economic border gate zone of Dak Rue - Chi Miet.
2. **Scope of Impacts:** subproject will affect 479 households (AH) in total with 1987 persons. There is no household severely affected by subproject due to loss of more than 10% of productive land or have to relocate in new place; 19 AHs are ethnic minority (EM) belonging to various groups such as Nung, Dao, Ede, Kmer...; 20 affected households belong to vulnerable group of which 12 households are female headed with dependents, 03 are poor households, 02 households are elderly and 03 others are social preferred households. 02 enterprises, 18 organizations and communities will be affected by this subproject..
3. Subproject will acquire totally 1,256m² of garden and residential land, of which 45m² of residential land and 1,211m² of garden land but no households have to relocate. Subproject will affect mainly to auxiliary structures of households, enterprises and organizations such as culvert, yard, fence, and gates. One enterprise will be partially affected of house class 4 with 10m². Three households will be affected the lean-to with total of 76m². About 606 various types of trees will also be affected by subproject. Beside the negative impact from land acquisition, the EM people in subproject area will benefit from the improvement of road with better transport condition for travelling and production.
4. **Legal and policy framework:** This Resettlement and Ethnic Minorities Development Plan of the project is prepared based on policies and laws of Vietnam Government, policies and regulations of Dak Lak Province and regulations and principles of ADB (SPS 2009) on Involuntary Resettlement (IR) and Indigenous People (IP). The overall objective of these policies is to ensure that all people, including ethnic people affected by the subproject are able to (i) improve or at least restore their living standards to at least pre-Project levels and ethnic people (ii) receive culturally appropriate social and economic benefits, (iii) do not suffer adverse impacts as a result of project, and (iii) can participate actively in projects that affect them.
4. **Grievance Redress Mechanism (GRM):** In order to ensure that all APs’ grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism is established in this REMDP. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Furthermore, APs will not be ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. EA and IAs are responsible for resolving timely and successfully all complaints of APs.
5. **Disclosure, public consultation and participation:** Consultations, public meetings, and village discussions with APs and local officials were carried out during the resettlement planning process. Meaningful consultations with EM people have also been conducted during the social impact assessment and the resettlement planning process. Project policies and alternatives of land compensation and resettlement, EM’s development plan and income restoration have been discussed during the meetings. Concerns and suggestions raised by the affected persons were

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

6. **Issues on gender and EMs:** A majority of people living in the subproject area are EMs with approximately 42.5% of the total population in the subproject communes. They are Ede, Thai, Nung, Dao....Positive and negative impacts of the subproject have been identified such as land acquisition but insignificant impact with mitigating measures defined for the negative impacts. There are still gender issues in the subproject area such as low status of women in their respective families and communities and their limited participation in decision-making processes. Rate of illiterate women is higher than that of men. A gender action plan is prepared for this subproject to address concerns of women in order to improve their social status in the subproject area.

7. **Institutional Arrangements:** Dak Lak 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 Dak Lak province, be responsible for overall management and coordination of project implementation. Provincial Project Management Unit (PPMU) will be established under DPI as Implementing Agency to manage and implement subproject and ensure that compensation and assistance are administered according to the provisions of this REMDP. A District Compensation, Assistance and Resettlement Board (DCARB) with representatives from affected persons (AP), will be established or District Land Fund Development Center will be assigned to implement the REMDP.

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

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

10. **Total resettlement cost:** The total cost for implementing REMDP, including administration and contingency cost, is estimated to be VND 4,149,865,722 equivalent to 186,427USD. This cost will come from the Dak Lak Province's budget.

I. SUBPROJECT DESCRIPTION

A. Background

1. Asian Development Bank (ADB) is planning to fund the Support to Border Areas Development Project (SBADP) to support the objectives of the Cambodia-Laos-Vietnam Development Triangle Area (CLV DTA) in Vietnam by improving critical transport infrastructure to increase the connectivity to areas of high economic productive potential with domestic and international market. The project comprises 3 main components: i) Road infrastructure in five VDTA provinces rehabilitated; (ii) VDTA plans and facilities for transport and trade facilitation (TTF) with a focus on inclusive growth developed; and (iii) Institutional Capacity for VDTA Investment Planning, Project Design and Implementation, and Resource Management strengthened. The project will be implemented in five provinces Dak Lak, Dak Nong, Gia Lai, Kon Tum and Binh Phuoc.

2. For Dak Lak province, the investment of upgrading and rehabilitation of NH29 crossing Dak Lak province will facilitate for transport, goods delivery, commercial connectivity, boosting socio-economic development along the border region, creating conditions for formation of the economic border gate zone of Dak Rue - Chi Miet between Vietnam and Cambodia.

3. *"Improving the National Highway 29, Section Km186+126 - Km226+000 in Buon Don, Cu M'Gar and Krong Buk districts, Dak Lak province"* is one of the subprojects in SBADP. This road section goes through total 08 communes of 03 districts Buon Don, Cu M'Gar and Krong Buk districts namely Krong Na, Cu Dlie Mnong, Ea Kueh, Ea Kiet, Ea Tar, Cu Pong, Ea Ngai and Pong Drang with total length of 40.0km. The expected results of construction of the road is to create arterial roads, transport corridors from west to east, connecting traffic from Vung Ro port of Phu Yen province, NH1 to Dak Rue border gate - Chi Miet leading to other provinces of Cambodia, Laos and connecting to the Northeast of Thailand. When NR29 crossing Dak Lak province is completely invested, it will facilitate for transport, goods transportation, commercial connectivity, promotion of socio-economic development for the area along the road, creating conditions for the formation of the economic border gate zone of Dak Rue - Chi Miet

4. Expected beneficiaries of the project is the road user in general, farmers planting industrial crops (coffee, pepper, macadamia, etc) the value chain; the enterprise community using improved facilities and logistics and gate facilities along the connected road; Local people living in travel services and more easily accessible to facilities of healthcare - education within the scope of investment project.



Figure 1: Subproject site

B. Civil works to be undertaken

5. According to preliminary design, this subproject has the following specifications:
- a. The National Highway No.29, section from Km186+126 - Km226+000 with the length of 40km will be rehabilitated and improved to Class IV mountainous road with the speed of 40km/h, width of embankment is 7.5m and width of pavement is 5.5m, pavement structure is asphalt concrete or cement concrete depending on each section;
 - b. On this section, there is one bridge at Km220+527.45 in good conditions; therefore bridge replacement is not required.
 - c. Reuse the culverts in good conditions and meet the discharge capacity; Replace and construct new culverts at the positions where do not meet the discharge capacity;
 - d. Build the side ditch in both side along the road in the sections of low embankment or excavation, mainly silted ditch for water drainage. For the sections where the slope of profile is higher than 4% strengthening the side ditch by reinforced concrete plate in the bottom. In front of the house of local people, place the reinforced concrete cover on the top of side ditch for their safety travel. In centre of commune or residential area, build the reinforced concrete side ditch with cover.

C. Mitigation measures

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

D. Objective of Resettlement and Ethnic Minority Development Plan

7. 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.

8. Further, this document develops a roadmap for affected EMs. The objective is to design and implement subproject in a way that fosters full respect for EMs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the EMs themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

9. 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 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.

10. 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 Dak Lak 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

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

12. *Inventory of loss:* It was done for all affected households based on the preliminary design. Agricultural land to be acquired has been identified through referencing of commune cadastral records. Affected trees and crops have been determined by actual measurement and counting. The amounts indicated for area of land loss and affected trees/crops will be validated during the DMS that will be done when detailed technical design approved.

13. *Socioeconomic survey:* The SES was conducted by collecting socioeconomic information of affected households (including demographic characteristics of AHs, their income and livelihood, ethnic composition, education levels and on their concerns) by directly interviewing them. The survey also collected statistic data of the Province, District and Communes from Year Books of Province and district, and annual socioeconomic reports of communes. .

14. *Replacement cost study:* The purpose of the RCS was to collect information on the market prices of land and non-land assets in the subproject area, in order to apply for compensation to ensure that APs would be compensated at the current market value. In future, during the detailed measurement survey, a replacement cost study will be carried out to determine the unit prices for individual types of asset affected by subproject and submitted to PPC for approval. Such unit prices will be the basis for calculating compensation packages for AHs.

B. Permanent impacts

15. **Impact on households:** According to the IOL, the subproject will affect 479 HHs in 6 communes of two districts, of which 01 household will be affected the residential land but no relocation. 13 households will be affected their garden land but no one is severely affected due to loss of more than 10% their productive land holding; and remaining households are only affected to their auxiliary assets on land such as culvert, fence, gate...Out of 479 AHs, 19 HHs are EM belonging to Ede, Kmer, Dao, Nung groups. 20 affected households belong to vulnerable group of which 12 households are female headed with dependents, 03 are poor households, 02 households are headed by elderly and 03 others are social preferred households.

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

- (i) 04 enterprises: Buon Za Wam Forest Company, No.15 Coffee Company under Army Corps No.15, Cu M'Gar Electric Company, Krong Buk bus Transportation Company.
- (ii) 05 schools: Phan Dang Luu primary school in Ea Kiet commune, Nguyen Cong Tru secondary school in Ea Ngai commune, Ngoc Lan Kindergarten in Cu Pong commune, Hoa Mai and Hoang Lan Kindergartens in Ea Kiet commune.
- (iii) 02 Medical stations of Ea Ngai and Ea Kiet communes;
- (iv) 02 Post office of Ea Ngai and Ea Kiet communes;

(v) 07 Organizations: Ea Ngai, Cu Pong, Ea Kueh, Cu Dlie Mnong and Ea Kiet CPCs, Assest management unit, Forest Management Station,

(vi) Communities: Villages #9, #10 in Ea Ngai commune, Thac Da village in Ea Kueh commune

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

Table 1: Impacts on households, enterprises and organizations

No.	District/ Commune	Number of AHs	Number of marginally AHs ¹	Number of severely affected HHs	Number of vulnerable AHs	Number of affected EM household	Number of affected organizations and community	Number of affected enterprises
A	Krong Buk	300	300	0	11	8	5	0
1	Cu Pong	113	113	0	5	1	1	0
2	Ea Ngai	187	187	0	6	6	4	0
B	Cu M'Gar	179	179	0	9	12	9	4
3	Ea Kiet	60	60	0	8	1	9	4
4	Ea Tar	1	1	0	0	0	0	0
5	Ea Kueh	32	32	0	0	11	0	0
6	Cu Dlie Mnong	86	86	0	1	0	0	0
Total		479	479	0	20	19	14	4

Note: ¹ 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 Dak Lak DPI

18. **Impact on lands:** Based on the results of IOL, the subproject will permanently recover 1,256 m² of land in 3 communes, of which 1,211m² garden land of 13 households, 45m² residential land of one enterprise and one household. The result of the inventory of land loss is shown in Table 2.

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

No.	District/ Commune	Total affected area (m2)	Residential land (m2)	Garden land (m2)	Forest production land (m2)	Other Public land (m2)
A	Krong Buk	645	35	610	0	0
1	Cu Pong	645	35	610	0	0
B	Cu M'Gar	611	10	601	0	0
2	Ea Kueh	601	0	601	0	0
3	Cu Dlie Mnong	10	10	0	0	0
Total		1,256	45	1,211	0	0

Source of data: IOL data provided by PPMU of Dak Lak DPI

19. **Impact on house and structures:** Subproject will affect partially Class 4 brick house of Coffee Company No.15 (10m²) that is used as the warehouse. 472 households in 6 communes will be affected their gates, fences, culverts or yards. No households have to relocate.

20. **Impact on public assets:** The subproject will affect assets of several organizations, communities such as electric poles, transformer stations, bus station, bus signal panel, culverts and gates of villages.

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

No.	District/ Commune	House (m ²)	Fence (m)	Steel roof (m ²)	Gate (m ²)	Concrete Yard (m ²)	Culvert (each)	Power station (each)	Electric pole (each)	Biogas tank (m ³)
A	Krong Buk	0	509	55	42	3,124.82	221	0	1	0
1	Cu Pong	0	64	0	0	2,214.0	48	0	1	0
2	Ea Ngai	0	445	55	42	910.82	173	0	0	0
B	Cu M'Gar	10	367	21	4.9	2,307.85	133	2	1	6
3	Ea Kiet	0	96	21	4.9	994.85	37	1	1	6
4	Ea Tar	0	20	0	0	0	0	0	0	0
5	Ea Keuh	0	251	0	42	291.0	20	1	0	0
6	Cu Dlie Mnong	10	0	0	0	1,022.0	76	0	0	0
	Total	10	876	76	88.9	5,432.67	381	2	2	6

Source of data: IOL data provided by PPMU of Dak Lak DPI

21. **Impact on crops and trees:** The subproject will also affect 606 various trees of 31 households planted along the road mainly cari, senna, china-tree, coffee, avocado, jack fruit. Details of impact on crops and trees are shown in the table 4 below.

Table 4: Impacts on crops and trees

No.	District/ Commune	Coffee	Pepper	Timber tree	Fruit tree	Cari	Total
A	Krong Buk	0	18	33	20	12	83
1	Cu Pong	0	14	2	0	0	16
2	Ea Ngai	0	4	31	20	12	67
B	Cu M'Gar	30	13	82	10	381	516
3	Ea Kiet	0	13	50	7	126	196
4	Ea Tar	0	0	0	0	0	0
5	Ea Keuh	30	0	39	0	255	324
6	Cu Dlie Mnong	0	0	0	3	0	3
	Total	30	31	122	30	393	606

Source of data: IOL data provided by PPMU of Dak Lak DPI

22. **Impact on income and livelihood:** The subproject will only affect marginally garden and residential land of AHs and their auxiliary structures, therefore special support and assistance for livelihood restoration will not be required.

23. **Impact on natural habitat and culture of ethnic minority:** The subproject will not affect natural habitat, and livelihood system, cultural practice and ancestral domains of ethnic minorities' people living in the subproject area because the road will be improved on the existing road and within the right of way and the EM groups live far from the road. Only few EM households live scatteredly with Kinh people along the road. Table 5 below is the summary of permanent impacts of subproject.

Table 5: Summary of impacts on land and assets

No.	Category		Unit	Quantity
	Affected assets			
1	Land		M²	1,265
		Garden land	m ²	1,211
		Residential	m ²	45
		Forest production land	m ²	0
		Other land (transportation, bed of stream, river)	m ²	0
2	House and Structures			
		House	m ²	10
		Concrete yard	m ²	5,432.67
		Culvert	Each/m	381/2308.1
		Gate	m ²	88.9
		Fence	m	876
		Steel roof	m ²	76
		Bus station	Each	1
		Bus signal panel	Each	7
		Power transformer station	Each	2
		Electric pole	Each	2
		Biogas	m ³	6
3	Crops and trees			
		Coffee	tree	30
		Pepper	tree	31
		Timber tree	tree	122
		Fruit tree	tree	30
		Other tree (Cari)	tree	393

Source of data: IOL data provided by PPMU of Dak Lak DPI

C. Temporary impact

24. The subproject may cause temporary impacts during construction on the AHs whose land will be used for constructor's temporary yard or disposal. 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

25. Among 06 subproject communes, there is the impact on land of households in 03 communes including Cu Pong, Ea Kueh and Cu Dlie Mnong. Validation of the land-use right certificate (LURC) was conducted revealing that at the time of IOL, almost residential and garden land of AHs who are impacted on land have been provided the LURC or they are legalizable to claim for LURC.

E. Vulnerable households and Ethnic Minority households

26. There are 20 vulnerable AHs identified in the subproject are, of which 12 HHs female headed HHs with dependents, 03 poor households, 02 elderly headed households and 3 others are social preferential households. In subproject communes, 20 EM households were identified as marginally affected.

III. GENERAL SOCIOECONOMIC PROFILE

A. Socioeconomic condition in the subproject area

27. Subproject goes through 3 districts including Krong Buk, Cu M'Gar and Buon Don however the impact on land acquisition is only taken placed in Krong Buk and Cu M'Gar district. Therefore in this section, the study is only focusing on the socioeconomic conditions of two districts Krong Buk and Cu M'Gar. Population in 2015 in Cu M'Gar, Krong Buk districts is 183,424 people, 66,295 people respectively. The population of the EM groups in each district is 85,158 people in Cu M'Gar, and 21,013 people in Krong Buk. Average household size in Cu M'Gar is 4.77 and 4.55 in Krong Buk district. Agriculture keeps the main role in the economic in project area. Productive values from agriculture sector are 2,353 million VND in Krong Buk and 5,871 millions VND in Cu M'Gar respectively taking account of 67.26% and 66.31% of total Doneproductive value of the economics. Planting industrial trees like coffee, pepper, cashew, rubber and some major crops like cassava, sweet potatoes are key elements of agriculture sector.

Subproject communes:

Population, ethnic minority and migration:

28. In general, population in the project communes is unevenly. Ea Ngai is a smallest with 4,008 in population, and Cu Pong has the largest population with 10,728 people in total. Rate of EM population is very high in Cu Pong, Ea Tar and Ea Kueh (63.6%, 62.2% and 68.9% respectively).

29. The natural growth rate in subproject communes is varied from 1.03 to 1.8%. The natural growth rate in Ea Ngai commune is lowest at 1.03% while in Cu Dlie Mnong is highest at 1.8%. Average household size is 4.7 persons per family.

30. Living along the road NH29, almost residents are Kinh people. A small number of ethnic minority households live scatteredly together with Kinh people there. Almost EM people live in small villages and some of them are far from the project road to 10-12 kilometers. Their main income is from agricultural production (coffee, cassava, rubber, and cashew).

Table 6: Population of district and communes in the subproject area

District/ Commune		Total		Kinh		EM		Average size of HH
		(person)	%	(person)	%	(person)	%	(person)
A	Krong Buk	66,295	100	45,282	63.3	21,013	31.7	4.55
1	Cu Pong	10,728	100	3,608	33.6	7,120	63.6	4.39
2	Ea Ngai	4,008	100	3,941	98.3	67	1.7	4.51
B	Cu M'Gar	183,424	100	98,266	53.6	85,158	46.4	4.77
3	Ea Kiet	9,134	100	7,219	79.0	1,915	20.9	4.48
4	Ea Tar	8,351	100	3,156	37.8	5,195	62.2	4.58
5	Ea Keuh	6,944	100	2,163	31.1	4,781	68.9	4.52
6	Cu Dlie Mnong	10,537	100	6,300	59.8	4,237	40.2	4.57
Total		249,719	100	143,548	57.5	106,171	42.5	4.7

Resource: Statistical data in Year 2015 of Cu M'Gar and Krong Buk districts and its communes collected in March, 2016

31. **Land use status:** According to 2015 statistics, agricultural land of Krong Buk and Cu M'Gar districts are 32,942.5 and 74,404.8 hectares of the total land area of the districts, equivalent to 92.1% and 90.2%; the residential land in two districts are 614.32 hectares and 1,313.29 hectares equivalent to 1.72% and 1.59%. The process of issuing LURC for both agricultural land and residential land is on-going in all subproject communes. (See table 7).

Table 7: Situation of land use rights certificate in subproject communes

No.	Having LURC	Number of household	Percentage (%)
	Cu M' Gar	4,182	72
1	Ea Kiet	733	36
2	Ea Tar	1,714	94
3	Ea Keuh	123	8
4	Cu Dlie Mnong	1,612	70

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

32. **Education:** There are primary school, secondary school and kindergarten in the subproject communes. According to statistic data of project district, rate of students completed primary, secondary and high schools is 99%, 9% and 80.4% in Krong Buk district and 100%, 99.7% and 86.7% in Cu M'Gar district respectively. However the rate of illiterate persons is still high with 7.4% of population in Krong Buk district and 4.7% in Cu M'Gar district (mainly elderly, female and EMs).

33. **Poverty:** The statistics show that, native ethnic people including Ede with majority, Se Dang, J'Rai and Mnong, currently has the highest poverty rate in the communes of the project, with the rate of 60.7% of poor and near poor households of Krong Buk district and with 39.3% in Cu M'Gar district. Among project communes, Cu Pong commune has the highest poverty rate with 3,688 people out of 6,333 poor and near poor people in Krong Buk district, taking account of 69%.

Table 8: Poor and near poor population by ethnic groups in subproject area

No.	District/ Commune	Total	Kinh	Native Peoples (Ede, Se Dang, J'Rai and M'nong)	Other EMs
A	KrongBuk	6,094	2,012	3,698	384
1	EaNgai	749	703	10	36
2	Cu Pong	5,345	1,309	3,688	348
B	Cu M'Gar	6,333	2,666	2,490	1,177
3	Ea Tar	920	297	570	53
4	EaKiet	2,015	1,327	126	562
5	EaKueh	2,444	634	1,264	546
6	Cu DlieMnong	954	408	530	16
Total		12,427	4,678	6,188	1,561

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

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

B. Affected and Non-affected Household Profile

35. A socio-economic survey has been carried out in March 2016 covers 70.5% of total AHs. Secondary data were collected in six communes namely Cu Pong, Ea Ngai, Ea Kiet, Ea Tar, Ea Kueh, and Cu Dlie Mnong. There is no land acquisition in two communes Pong Drang (Krong Buk district) and Krong Ana (Buon Ho district), while only one household is affected in Ea Tar commune (Cu M'Gar district), therefore the social economic survey was not carried out in such communes. Consultations with local authority, mass organizations, and in-depth interview via the questionnaire for 311 affected households and 31 non-AHs were conducted in 05 communes.

36. **Demographic characteristics:** A total 479 affected households have been inventoried in the IOL of subproject, out of them, 311 AHs are surveyed. Of the 1,411 people surveyed by the SES Team, there are slightly more males at 50.7% than female members at 49.3%. The average size of household in subproject area is 4.12. In communes of Krong Buk, this rate is slightly lower than communes in Cu M'Gar district. (See the table 9 below).

Table 9: Demographic characteristics of surveyed households

No.	District/ Commune	Total AHs	Surveyed HHs			Surveyed APs				
			Total	%	Avg size of HH	Total	Male	%	Female	%
A	Krong Buk	301	221	73.4	4.08	902	464	51.4	438	48.6
1	Cu Pong	113	39	26.5	4.33	169	89	52.7	80	47.3
2	Ea Ngai	188	182	96.8	4.03	733	375	51.2	358	48.8
B	Cu M'Gar	184	121	65.7	4.21	509	252	49.5	257	50.5
3	Ea Kiet	64	95	148.4	4.19	398	194	48.7	204	51.3

No.	District/ Commune	Total AHs	Surveyed HHs			Surveyed APs				
			Total	%	Avg size of HH	Total	Male	%	Female	%
4	Ea Keuh	32	6	18.7	4.33	26	12	46.2	14	53.8
5	Cu Dlie Mnong	87	20	22.9	4.25	85	46	54.1	39	45.9
Total		485	342	64.1	4.12	1,411	716	50.7	695	49.3

(Source: SES data collected in March 2016)

37. Of the 342 households surveyed, almost heads of households are male at 302 taking account for 88.3% while female heads of households are only 40 taking account for 11.7% and almost are in labor age 90.35 %). (See the table 10 below)

Table 10: Household headed, Sex and Age

No	District/ Commune	Age of female headed household			Age of male headed household			Total
		Total	Under 55	Above 55	Total	Under 60	Above 60	
A	Krong Buk	26	22	4	195	171	24	221
1	Cu Pong	6	6	0	33	32	1	39
2	Ea Ngai	20	16	4	162	139	23	182
B	Cu M'Gar	14	11	3	107	104	3	121
3	Ea Kiet	12	11	1	83	81	2	95
4	Ea Keuh	0	0	0	6	6	0	6
5	Cu Dlie Mnong	2	0	2	18	17	1	20
Total	Surveyed HHs	40	34	6	302	275	27	342
	%	11.7	9.94	1.75	88.3	80.41	7.89	100

(Source: SES data collected in March 2016)

38. Among 342 households surveyed, the number of headed households belonging to Kinh people is 339 taking account for 99.1% while EM heads of households are only 3 taking account for 0.9%. All the EM households in the survey belong to Muong and Ede groups. (See the table 11 below)

Table 11: Household headed sex and ethnic

No.	District/ Commune	Ethnicity of female household-headed			Ethnicity of male household-headed			Total
		Kinh	Muong	Ede	Kinh	Muong	Ede	
A	Krong Buk	26	0	0	192	2	1	221
1	Cu Pong	6	0	0	33	0	0	39
2	Ea Ngai	20	0	0	159	2	1	182
B	Cu M'Gar	14	0	0	107	0	0	121
3	Ea Kiet	12	0	0	83	0	0	95
4	Ea Keuh	0	0	0	6	0	0	6
5	Cu Dlie Mnong	2	0	0	18	0	0	20

No.	District/ Commune	Ethnicity of female household-headed			Ethnicity of male household-headed			Total
		Kinh	Muong	Ede	Kinh	Muong	Ede	
Total	Surveyed HHs	40	0	0	299	2	1	342
	%	11.7	0	0	87.4	0.6	0.3	100

(Source: SES data collected in March 2016)

39. **Education:** High percentage of heads of households graduated from secondary school with 217 persons out of 342 taking account 63.46%; 69 persons graduated from high school taking account 20.18%; 18 persons graduated from college and university (5.27%). Only few persons are illiterate or not graduated from primary school (03 HH heads at 1.16% and 02 persons at 0.58% respectively). Table 12 contains the details of the educational background of surveyed HH heads.

Table 12: Educational background of head of household

District/ Commune	Educational degree of household heads (person)								
	Total	Illiterate	Not yet graduated from primary school	Graduated from primary school	Not yet graduated from secondary school	Graduated from secondary school	Not yet graduated from high school	Graduated from high school	Graduated from vocational or college and university
Krong Buk	221	3	1	1	5	163	8	35	5
Cu Pong	39	0	1	0	1	16	7	11	3
Ea Ngai	182	3	0	1	4	147	1	24	2
Cu M'Gar	121	1	1	1	9	54	8	34	13
Ea Kiet	95	1	1	1	8	39	7	28	10
Ea Keuh	6	0	0	0	0	4	1	1	0
Cu Dlie Mnong	20	0	0	0	1	11	0	5	3
Total	342	4	2	2	14	217	16	69	18
%	100	1.16	0.58	0.58	4.09	63.46	4.68	20.18	5.27

(Source: SES data collected in March 2016)

40. According to the SES data, the educational degree of members of surveyed HHs is fairly high with 154 persons, 234 persons out of 1,411 persons respectively graduated from college and university, high school. High percentage (47.13%) of persons graduated from secondary school. Others graduated primary school while the number of persons with illiterate is only 10. Number of persons in range of working age (from 15 to 60 years old) is 1,062 out of 1,411 surveyed persons, taking account for 75.26% and the range of age from 15 to 45 is dominated with 798 persons taking into account for 75.14%.

41. **Livelihood, occupation and production condition:** The household-heads interviewed were engaged in 3 main livelihood sources including: income from agriculture, business and salary. Some heads of households even have main income sources from business and salary of government; they still do the farming activities as subsidiary income source. According to SES data, 259 household heads interviewed (75.73%) reported farming as their main occupation, 18 persons (5.26%) are state employees, 32 persons (9.36%) are engaged in business or service, 16 persons (4.68%) are workers including handicraft worker, manual labour and worker in factory, 8 persons (2.34 %) are retired. Only one person is unemployed, 01 person is housework.

Table 13: Main occupation of head of affected households

Main occupation	Total (person)	Cu Pong	Ea Ngai	Ea Kiet	Ea Kueh	Cu Dlie Mnong
Agriculture	259	16	175	51	4	13
Business/service	32	4	1	23	2	2
Handicraft worker	3	0	1	2	0	0
Manual labour	2	0	0	2	0	0
Worker	11	9	0	1	0	1
Government official	18	5	1	10	0	2
Retired	8	3	3	0	0	2
Unemployment	1	1	0	0	0	0
Housework	1	0	0	1	0	0
Other	7	1	0	5	0	0
Total	342	39	182	95	6	20

(Source: SES data collected in March 2016)

42. Main agricultural activities in the subproject area are planting coffee, pepper and cashew therefore productive assets are very important with the households. Almost surveyed households own the water pump. Some of them have plough machine and truck. The status of ownership of productive assets of surveyed HHs is shown in the Table 14 below.

Table 14: Ownership of productive assets of affected households

No	Type of assets	Number of surveyed HHs having productive assets					
		Cu Pong	Ea Ngai	Ea Kiet	Ea Kueh	Cu Dlie Mnong	Total
1	Plough machine, tractor	6	20	3	9	30	68
2	Truck, car	3	4		10	4	21
3	Water pump	9	27	6	62	78	182
4	Other	0	0	0	0	0	0

(Source: SES data collected in March 2016)

43. **Income, expenditure and dept:** Among 479 households affected by subproject, 03 households belong to poor group. 342 surveyed heads (both female heads and male heads) of households have the average monthly income higher than 3.5 million VND which is higher than national poverty standard.

44. **Housing condition:** Most of AHs live in house with reinforced concrete frame and brick wall and roof from various materials such as fibrocement or corrugated iron or flat concrete roof – the most prevalent form of construction in this area. Some of AHs live in the bungalows especially the EM households.

45. Almost surveyed AHs own TVs (65.5%), motorbike (93.85%) electric fan (93.27%), rice cooker (97.66%), and telephone (landline or mobile phone) (85.96%). Many AHs have refrigerator (53.5%), washing machine (36.2%), water-heat machine (22.22%).

Table 15: Ownership of assets of affected households

No	Type of assets	Cu Dlie Mnong	Cu Pong	E Kueh	Ea Kiet	Ea Ngai	Total
1	Motorbike	20	38	4	91	168	321

No	Type of assets	Cu Dlie Mnong	Cu Pong	E Kueh	Ea Kiet	Ea Ngai	Total
2	Bicycle	2	11	2	6	4	25
3	Refrigerator	10	36	6	90	41	183
4	Television	13	39	6	84	82	224
5	Electric rice cooker	20	39	6	90	179	334
6	Micro oven	2	4	1	9	1	17
7	Sewing machine	1		4		2	7
8	Electric fan	19	36	6	87	171	319
9	Landline, mobile phone	19	39	6	89	150	303
10	Water heater	6	23	5	30	12	76
11	VCD/DVD	4	17		22	2	45
12	Washing machine	7	23	4	64	26	124
13	Other						

(Source: SES data collected in March 2016)

46. **Sanitation:** Almost surveyed households (327 HHs) reported that their main source of water is from well. Regarding to sanitation facilities, 126 households (36.84%) answered to use septic compartment in the house, while 119 households (34.79%) reported to have septic compartment or semi-septic compartment outside the house and significant number of HHs (87 or 25.43%) does not have toilet and 10 households answered they use temporary toilet. Interesting to note that no affected households answered that does not have WC.

47. **Energy:** The most commonly-used power source for lighting is electricity from the national grid, with 99.7% of the surveyed households (341) reporting to use it and only one household uses the gas for lighting. For cooking, the main types of fuel to be used are oil and gas (215 HHs or 62.8%), the second is wood (125 HHs or 36.6%). One household uses coal and one household uses biogas for fuel.

C. Ethnic Minorities in the Project Area

48. Number of ethnics living in Cu M'Gar and Krong Buk districts is 25. The main ethnics in the subproject area are Ede (37.76%) and Kinh (53.09%). The other ethnic minorities are Dao, Tay, Nung, Se Dang, Thai....taking account from 0.14 % to 2.2% of total population. Following will present main characteristics of Social and Cultural Systems of the Ede.

Table 16: Population of subproject by Ethnic groups in 2015

Commune	Total	Kinh	Ede	Dao	Tay	Nung	Se Dang	Thai	Others
1 Ea Ngai	4,008	3,941	0	0	8	28	0	0	31
(%)	100	98.33	0	0	0.20	0.70	0	0	0.77
2 Cu Pong	10,728	3,608	6,626	0	14	4	0	82	394
(%)	100	33.63	61.76	0	0.13	0.04	0	0.76	3.67
3 Ea Tar	8,351	3,156	4,330	539	33	9	0	0	284
(%)	100	37.79	51.85	0	0.40	0.11	0	0	3.40

Commune		Total	Kinh	Ede	Dao	Tay	Nung	Se Dang	Thai	Others
4	Ea Kiet	9,134	7,219	1,237	41	47	17	0	9	564
	(%)	100	79.03	13.54	0	0.51	0.19	0	0.10	6.17
5	Ea Kueh	6,944	2,163	2,910	511	11	8	143	741	457
	(%)	100	31.15	41.91	0	0.16	0.12	0	10.67	6.58
6	Cu Dlie Mnong	10,537	6,300	3,663	0	1	3	0	30	540
	(%)	100	59.59	34.76	0	0.01	0.03	0	0.28	5.12
Total (HHs)		49,072	26,387	18,766	1,091	114	69	143	862	2,270
(%)		100	53.09	37.76	2.20	0.23	0.14	0.29	1.73	4.57

Source of data: Statistical data in project communes in March, 2016

49. **Social and Cultural Systems of the Ede.** Traditionally, The Ede lives in separate villages (buon) from 30 to 40 houses. Nowadays due to the immigration of Kinh people and other ethnics from the northern mountainous province, the Ede people live scatteredly together with them and the size of the village is bigger various from 100 to 250 households. The village chief and the elders have great prestige and play the role of running collective activities. In each village, there is a community hall and surrounding is the traditional house of households.

50. Traditional houses of The Ede have been constructed entirely from bamboo, however in many recent years wooden houses with corrugated roofs are more popular due to their durability. The Ede like J'Rai has a matrilineal custom, that is, the lineage is traced through the mother rather than the father. Females are free to choose their lovers and decide their marriage. After wedding, the husband lives in his wife's family and has no right to inheritance. On the contrary, the daughter after marriage no longer lives with her parents and inherits from them. The children take the family name of the mother. In society, men play a more important role but in the family the women have more power.

51. The Ede has their traditional clothes for man and for woman. Regarding to folklore, the Ede performs their music on gongs, trump, flute, Goc, Kni and some other traditional instruments. These traditional instruments are closely associated with the people's spiritual life. The Ede has famous and old tales such as "Dam San Khan", "Khan Dam Kteh M'lan"...

52. **Language:** The Ede has own language and use it in family and in their society. Ede students nowadays are also learning and studying national languages.

53. **Production activities:** Previously, the Ede cultivate mainly on the burnt-over land. Ordinary rice is the stable food. Besides cultivating the rice, the Ede also cultivates other crops. Tools for farming are simple, including machete, cleaver, picks and hoes, and digging stick to put seeds into holes. Livestock-breeding develops, covering cattle, pigs, cows, and poultry. Men are skillful in basketry, and women in cloth weaving. Hunting, gathering and fishing are subsidiary activities generating significant income for the Ede. With the support of government for economic development and forest management of state, such activities are reduced. Nowadays, beside the traditional income generating activities such as planting ordinary rice on their burnt-over land, husbandry, fishing... the Ede also plant rubber, coffee, pepper and cashew as King People.

D. Social Impact Assessment

54. **Potential negative project impacts.** A social impact assessment (SIA) has been conducted through census, Inventory of loss (IOL) and meaningful consultation to identify the subproject impacts both positive and negative, and measures of negative impact mitigation and

enhancing subproject benefits to local people. Results of SIA show that land acquisition is minor so that it does not much impact on income and livelihood of APs including EMs. The current educational level and vocational skills of EMs are limited. It is therefore probable that any new employment opportunities may be taken by people coming from the outside and not by the local EMs. Moreover, under construction period, exterior laborers may bring health risks to EM peoples, particularly women, for instance, sexually transmitted diseases.

55. **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.

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

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

E. Measures taken to minimize the negative impacts

57. 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.

58. 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.

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

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

IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Information Disclosure

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

62. 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.

63. This REMDP will be uploaded in ADB websites in both English and Vietnamese and disclosed to the Ems through commune and village meetings. The staff of CPC and mass organizations will translate into EM language (if needed) and disseminate the information to the Ems through loud speakers and other oral communication means in traditional market days as well as in public meetings. Table 16 below shows different public consultation meetings with various stakeholders carried out.

B. Public Consultation and Participation

64. 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.

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

- i. provide full and impartial information to affected persons about the subproject, its activities, and potential impacts that affect them, and to provide an opportunity for their feedback on the subproject;
- ii. explore a range of options for minimizing subproject negative impacts, and for those impacts that cannot be avoided, explore the range of options for, and ensure Aps participation in the design of mitigation measures;
- iii. gather information about the needs and priorities of Aps as well as their feedback on proposed resettlement and compensation policies, options and activities;
- iv. obtain the cooperation, participation and feedback of Aps on activities to be undertaken in resettlement planning and implementation, in particular on the location for resettlement, planning and design of housing (if necessary), land and community facilities, and the development and implementation of the livelihood program to affect livelihood restoration and development;
- v. provide a mechanism for continued dialogue, raising of concerns and monitoring of implementation; and

- vi. Exploring options for the co-management of natural resources through participatory approaches aimed at sustainable use and conservation.

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

66. **Consultation and participation during the REMDP preparation.** 09 consultation meetings were conducted with local authorities, mass organizations, Aps and non-Aps in March 2016. The objective of the consultation meetings was to provide information, as much as possible, on the subproject to local authorities, mass organizations, Aps and non-Aps, and discuss and document their comments on subproject issues. Specifically, the following subjects were presented and discussed:

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

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

- (i) The APs and Non-APs as local authorities supported and agreed with the subproject for improving the existing NH29; Soon implementation of this subproject will improve the transportation condition and access to social services of local people;
- (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; Schedule for implementing the subproject and land acquisition was also informed to people;
- (iii) All APs agreed with the subproject's principle on compensation and resettlement assistance but requested that the implementation process of resettlement and land acquisition shall be transparent and information shall be disclosed to community and APs publically;
- (iv) In Ea Kueh, Ea Tar and Cu Dlie Mhong communes almost all APs have LURC for their land or are legalizable for LURC; In Ea Kiet, Ea Ngai communes, the rate of APs having LURC for residential land is not high however their land is legalizable.
- (v) The EM people do not live along the road therefore the negative impact on EM community is very marginal.
- (vi) During the detailed design phase, it is necessary to consult with communal authority and local people;
- (vii) 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;
- (viii) It is necessary to accelerate the construction progress to mitigate the impacts to the business and production of local people. During the construction period, the traffic should be controlled so that the disturbances to transportation, production and business of local people as well as enterprises will be avoided.
- (ix) Before the civil work commencement, it is necessary to check the condition of houses close to the road to avoid the dispute on the cracking of the house;

- (x) the subproject's complaint mechanism and resolution procedure was consulted.

Table 17: Public consultation meetings

No.	Commune	Location	Participant	No. of participant	No. of EM participant	No. of female participant
1	Ea Tar	Ea Tar CPC office	Representative of CPC, mass organizations, affected households	05	0	02
2	Ea Ngai	Ea Ngai CPC office	Representative of CPC, mass organizations, affected persons, non- affected persons	20	0	04
3	Ea Kiet	Ea Kiet CPC office	Representative of CPC, mass organizations	12	0	04
4	Ea Kueh	Ea Kueh CPC office	Representative of CPC, mass organizations, affected households	31	0	02
5	Cu Dlie Mnong	Cu Dlie Mnong CPC office	Representative of CPC, mass organizations, affected households	15	03	03

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

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

V. GRIEVANCE REDRESS MECHANISM

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

- **First Stage, Commune People's Committee:** The aggrieved affected household can bring his/her complaint in writing or verbally to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and

will have 30 days and maximum of 45 days following the lodging of the complaint, depending on complicated case or distance, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

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

71. 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

72. 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 Dak Lak Province, and policies of ADB are outlined, then if difference between these policies (of Vietnam and of ADB) exist, reconciliation is done to establish policies and principles to be applied under this subproject.

A. ADB Policies

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

74. **Indigenous Peoples (IP)/ Ethnic Minorities (EMs).** The main objectives of ADB's IP safeguards policy under the SPS 2009¹ 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.

75. This subproject will affect 19 households with minor land acquisition which does not significantly impact livelihood and income of the EMs. The subproject also does not affect identity, culture and custom livelihood system of EMs, so Ethnic Minority Development Plan is incorporated with RP of the subproject in a combined document named REMDP.

B. National Laws on Involuntary Resettlement and ethnic minorities (EMs)

76. **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.

77. 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.

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

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

79. Article 5 of the Constitution 2013 clearly indicates that (i) the State of Vietnam is the united state of the various ethnic communities co-habiting on the territory of Vietnam; (ii) All Ems are equality, solidarity, respect and mutual assistance among all nationalities, and forbids all acts of national discrimination and division; (iii) National language is Vietnamese, every

¹ Safeguard Policy Statement, 2009

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.

80. 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.

81. 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.

82. 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.

83. **Dak Lak People's Committee Decisions on Land Acquisition and Resettlement.**
Legal regulations of Dak Lak Province include:

- (i) Decision No. 39/2014/QD-UBND of the People's Committee of Dak Lak Province issued on November 10th, 2014 on promulgating regulations on some specific policies on compensation, assistance and resettlement in the event of land acquired by the State;
- (ii) Decision No. 43/2014/QD-UBND of the People's Committee of Dak Lak Province issued on December 22th, 2014 promulgating the land price in Dak Lak province in 2015 to apply for the period 2015-2019.
- (iii) Decision No. 01/2011/QD-UBND of the People's Committee of Dal Lak Province issued on January 07th, 2011 on promulgating various trees prices over Dak Lak Province; and
- (iv) Decision No. 29/2015/QD-UBND of the People's Committee of Dak Lak Province issued on September 18th, 2015 on promulgating unit price of compensation for house, secondary structures of HHs, individual in the event of land acquired by the State over the Dak Lak Province.

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

84. 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.

85. 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 18: 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	Decree 47/2014/ND-CP, Article 19, Item 3: 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	Land Law 2013, Article 77, item 2 and Article 92: Persons who has used land before 1 st July 2004 and directly be involved in agriculture production on the acquired land without LURC or illegal will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, Clause 1, Article 64 and items b, d, clause 1, Article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	Those Aps without legal title to land will be included in consultations. Ensure that Aps without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures which are occupied/created before cut-off date and was not violated to the regulations of the land law. They will be entitled to resettlement assistance and other compensation social support to assist them to improve and or at least restore their pre-project living standards and income levels.
Compensation unit price for land	Land Law 2013, Article 114, Clause 3: land price for compensation calculation is price of specific land.	Compensation at full replacement cost.	Compensation at full replacement cost.
Compensation for house and structures	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: Houses/structures used for other purposes will be compensated equal to the remaining value	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
	of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.	payments.	
Compensation for trees, crops and livestock, annual crops, perennial trees	Land Law 2013, Article 90: compensation equal to the value of the output of their crops which will be calculated based on the highest yield of crops season in 3 recent years multiplying with the average local price at the time of land acquisition. Compensation equal to the existing value of the orchard, calculated at the local price at the time of land acquisition excluding the value of land user right.	Compensation at full replacement cost	Compensation at specific cost that appraised by independent appraiser
Prepare Resettlement Plan	Decree No. 47/2014/NĐ-CP, Article 28: Prepare compensation plan, assistance, resettlement when the State recovers land for the purpose of national defense and security; economic and social development as national interest, public.	Prepare a resettlement plan	Prepare a resettlement plan
Ethnic Minority			
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 and consultants will be recruited to assist the EMDP preparation, implementation and monitoring.
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	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.

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
		territories that EMs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	
Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donations involving marginal portions of land, the third party consultant will verify and report on the negotiation and Settlement processes as part of the due diligence report. A voluntary donation form signed by the landowners, witnesses and village leaders will be attached in the report.
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: ¹ 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

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

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

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Eligibilities

87. 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.

88. 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.

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

B. Compensation and Assistance

90. 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 Dak Lak 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 Dak Lak provincial People's Committee for compensation are acceptable. The compensation prices for lands and non-land assets will be updated at the time of resettlement implementation based on results of replacement cost survey conducted by an independent qualified and experienced appraiser.

91. **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 43/2014/QD-UBND issued by the Dak Lak Provincial People's Committee for the period 2015 - 2019.

92. **Compensation for structures:** The compensation unit prices for structures are as stipulated in Decision 29/2015/QD-UBND of Dak Lak PPC.

93. **Compensation for trees:** The compensation unit prices for trees are as stipulated in Decision 01/2011/QD-UBND of Dak Lak PPC.

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

95. **Assistance for affected vulnerable households:** For poor households who are marginally affected (loss less than 10% of agricultural land holding and loss of secondary structures), female headed households and elderly households with dependents, severely affected EM household the project will support VND 2,000,000/HH. For social policy households, the project will support the assistance in cash according to provincial regulation of Dak Lak province. The household who falls in two criteria of vulnerability will receive the highest assistance only.

96. **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.

97. 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.

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

C. Entitlement Matrix

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

Table 19: Entitlement matrix

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
I. PRODUCTIVE LAND					
1	Agricultural land of individuals, households	Partially permanent loss (less than 10% and the remaining unaffected portion is viable for continued use)	All individuals, households have LURC or have claim recognized or recognizable by law.	Cash compensation for affected land at replacement cost. Compensation for trees/crops, structures see item III 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.
II. RESIDENTIAL LAND, NON-AGRICULTURAL LAND					
2	Residential land of individual; households	Partially permanent loss and the remaining unaffected portion is viable for continued use	All individuals, households have LURC or have claim recognized or recognizable by law.	Cash compensation for affected land at replacement cost. Compensation for trees/crops, structures see item III below.	AHs shall be informed six 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	Non-agricultural land of economic organization with autonomy in finance	Partially permanent loss and the remaining unaffected portion is viable for continued use	Eligible organizations according to regulation in Article 75 of Land Law 2013	No compensation for land if land use fee is unpaid or paid by state funds, otherwise cash compensation for land at replacement cost; And Cash compensation for affected structures see item III below	DCARB shall verify the eligibility of economic organization and the source of money for land fee of economic organization. The compensation will be implemented as regulated in Land Law 2013.
4	For the portion of agriculture land to be used temporarily: Cash compensation on average productivity of tree/crop years multiplied by duration of land use and market price of tree/crop. Contractors will negotiate with AHs.				
III	HOUSES AND STRUCTURES, CROPS AND TREES				

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
5	Crops and trees	Loss of or damage to crops/trees	Owners regardless of tenure status but crops and trees must be created before cut-off date.	For the annual crops and trees: cash compensation at market price at the time of compensation	<p>Aps have the right to use salvageable trees.</p> <p>Aps will be given three months notice that the land on which their crops are planted will be recovered and that they must harvest their crops on time.</p> <p>Aps will receive cash compensation at current market cost for any un-harvested crops that are near or ready to harvest at the time of land acquisition.</p>
6	Houses and structures	Loss of or damage to houses and structures	Owners regardless of tenure status but house/structures must be built/ created before cut-off date.	For the houses and structures: cash compensation at market price for new construction of houses and structures with similar technical standard at the time of compensation.	No depreciation or deduction of salvageable material will be calculated.
7	Public assets	Loss of or damage to public structures and assets	Commune, government organization	<p>Repair or restoration to original or better conditions of affected community buildings and infrastructures at no cost to community; OR</p> <p>Replacement, if necessary, at locations identified in consultation with affected communities and relevant authorities, at no cost to community; OR</p> <p>Cash compensation at replacement cost based on</p>	

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
				current market prices for affected community assets.	
IV. ECONOMIC REHABILITATION ASSISTANCES					
8	Assistance for job training or job creation due to loss of productive land	Permanent impact	Households that will lose agriculture land	Assistance for job training/ creation at prices, equal to 2.0 times of value of agriculture land lost (as provincial regulation)	Assistance will be paid at the same time of compensation payment and before site clearance.
9	For vulnerable groups	Loss of land and non-land assets	Poor households marginally affected by project; Female headed households OR Elderly households with dependents, severely EM households which are affected by project	Cash assistance: 2,000,000 VND per household	Assistance will be paid at the same time of compensation payment and before site clearance. Using the information from the resettlement surveys, the DCARB will prepare the list of vulnerable persons.
			Social policy households affected by project	Cash assistance as regulation of Dak Lak province	

VIII. ETHNIC MINORITY DEVELOPMENT PLAN

100. According to SIA, EM people will be mainly benefited from the project. Land acquisition for road improvement and tourist component may cause some negative impacts but be mitigated and managed. A simple EM action plan is necessary to facilitate EM affected people participating in project processes. The plan will provide new opportunities for EM people, increasing their income without making their burdens increase and to raise the social status of EM people in the subproject area. The targets of this plan are as follows:

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

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

IX. RESETTLEMENT BUDGET AND FINANCING PLAN

102. **Replacement cost.** A rapid replacement cost assessment has been undertaken via consultation with local authorities and local people and the results indicate that the current prices for houses and structures and crops and trees issued by Dak Lak provincial People's Committee for compensation are acceptable. The compensation prices for lands and non-land assets will be updated at time of resettlement implementation based on results of replacement cost survey conducted by an independent qualified and experienced appraiser. The proposed price for compensation from provincial promulgated price and market price of land, structures and crops are presented in Table 19. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation.

Table 20: Replacement costs and provincial prices for land, structures, crops and trees

No.	Items	Unit	Unit price stipulated by PPC (VND)	Proposed replacement cost (VND)
1	Perennial cropland in affected communes in Cu M'Gar district	VND/m ²	30,000	30,000
2	Perennial cropland in affected communes in Krong Buk district	VND/m ²	26,000	26,000
3	Residential land in Cu Dlie Mnong , Cu M'Gar district	VND/m ²	150,000	150,000
4	Residential land in Cu Pong , Krong Buk district	VND/m ²	400,000	400,000
5	Class 4 brick house	m ²	3,665,000	3,665,000
6	Concrete yard	m ²	170,300	170,300
7	Culvert D30cm	m	450,000	450,000
8	Culvert D40cm	m	500,000	500,000
9	Culvert D50cm	m	600,000	600,000
10	Culvert D60cm	m	700,000	700,000
11	Culvert D80cm	m	950,000	950,000
12	Culvert D100cm	m	1,250,000	1,250,000
13	Box Culvert B=60cm	m	2,000,000	2,000,000
14	Box Culvert B=80cm	m	2,300,000	2,300,000
15	Gate including steel frame	m ²	3,500,000	3,500,000
16	Brick fence	m	700,000	700,000
17	Bared wire fence	m	60,000	60,000
18	Bush fence	m	10,000	10,000
19	Biogas	M ³	12,000,000	12,000,000
20	Power station	Each	250,000,000	250,000,000
21	Electric pole	Each	7.000.000	7.000.000
22	Bus station	Each	5,000,000	5,000,000
23	Bus signal panel	Pc	1,000,000	1,000,000

No.	Items	Unit	Unit price stipulated by PPC (VND)	Proposed replacement cost (VND)
24	Coffee	VND/tree	136,400	136,400
25	Pepper	VND/tree	123,000	123,000
26	Cari	VND/tree	30,000	30,000
27	Jack fruit	VND/tree	250,000	250,000
28	Avocado	VND/tree	130,000	130,000
29	Fruit tree 1-3 years	VND/tree	105,000	105,000
30	Fruit tree 3-5 years	VND/tree	225,000	225,000
31	Fruit tree >5 years	VND/tree	500,000	500,000
32	Timber tree 1- 3 years	VND/tree	20,000	20,000
33	Timber tree 3- 5 years	VND/tree	59,000	59,000

103. **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 4,149,865,722 equivalent to 186,427USD (Table 20). EM action plan will be implemented action plan will be implemented in combination with gender action plan and current agriculture extention program of communes, so it is no need arrangement of budget for EM activities.

104. The budget for resettlement will be provided by the Dak Lak PPC using the provincial budget and allocated sufficiently and timely based on schedule of subproject resettlement implementation.

Table 21 Compensation budget

No.	Item	Unit	Quantity	Price (VND)	Total cost (VND)
1	Compensation and assistance for land				49,390,000
	Compensation for 34erennial land of AHs in Cu M'Gar district	m ²	601	30,000	18,030,000
	Compensation for residential land in Cu Dlie Mnong commune, Cu M'Gar district	m ²	10	150,000	1,500,000
	Compensation for residential land of AH in Cu Pong commune, Krong Buk district	m ²	35	400,000	14,000,000
	Compensation for 34erennial land of AHs in Krong Buk district	m ²	610	26,000	15,860,000
2	Compensation for structures				3,507,567,551
	Class 4 house	m2	10	3,665,000	36,650,000

No.	Item	Unit	Quantity	Price (VND)	Total cost (VND)
	Lean-to (Steel roof)	m2	76	361,500	27,474,000
	Concrete yard	m2	5,732	170,300	976,188,551
	Culvert D30cm	m	237	450,000	106,560,000
	Culvert D40cm	m	1,330	500,000	665,000,000
	Culvert D50cm	m	331	600,000	198,600,000
	Culvert D60cm	m	253	700,000	176,820,000
	Culvert D80cm	m	24	950,000	22,800,000
	Culvert D100cm	m	20	1,250,000	24,375,000
	Box Culvert L=60	m	28	2,000,000	56,400,000
	Box Culvert L=80	m	86	2,300,000	197,800,000
	Gate	m2	89	3,500,000	311,150,000
	Brick fence	m	186	700,000	130,200,000
	Bared wire fence	m	533	60,000	31,980,000
	Bush fence	m	157	10,000	1,570,000
	Biogas 6m3	pc	1	12,000,000	12,000,000
	Power station	pc	2	250,000,000	500,000,000
	Electric pole	pc	2	10,000,000	20,000,000
	Bus station	pc	1	5,000,000	5,000,000
3	Compensation for trees				
	Coffee	tree	30	136,400	4,092,000
	Pepper	tree	31	123,000	3,813,000
	Cari	tree	381	30,000	11,430,000
	Jack fruit	tree	3	250,000	750,000
	Avocado	tree	9	130,000	1,170,000
	Fruit tree 1-3 years	tree	11	105,000	1,155,000
	Fruit tree 3-5 years	tree	13	225,000	2,925,000
	Fruit tree >5 years	tree	6	500,000	3,000,000
	Timber tree 1- 3 years	tree	42	20,000	840,000
	Timber tree 3- 5 years	tree	80	59,000	4,720,000
4	Assistance				107,780,000
A	Job change/ creation	time	2.0* agricul land value of 1,211m ²		67,780,000
B	For vulnerable households	HH	20	2,000,000	40,000,000
Total direct cost					3,698,632,551

No.	Item	Unit	Quantity	Price (VND)	Total cost (VND)
	Administration cost	2%			73,792,651
	Subtotal				2,772,605,202
	Contingencies	10%			377,260,520
	Total				4,149,865,722

X. INSTITUTIONAL ARRANGEMENT

A. Province Level

105. Dak Lak Provincial People's Committee (PPC) will be executing agency and responsible for the preparation and implementation of support to border areas development project in Dak Lak territory. With the role of Executing Agency the main responsibilities of Dak Lak 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.

106. Dak Lak Provincial Department of Planning and Investment (DPI) authorized by Dak Lak PPC as Project Owner, is responsible for:

- (i) Managing the project loan allocated for subprojects in Dak Lak 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.

107. Ethnic minority committee of Dak Lak Province will direct EM department of districts and supervise on implementation of EM action plan.

108. Dak Lak 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 Dak Lak PPC, DPI and ADB;
- (xii) Implementing prompt corrective actions in response to internal monitoring.

B. District Level

109. 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) Assign LFDC as the resettlement and land acquisition implementation agency
- (iii) Direct relevant district departments to verify and appraise detailed compensation, assistance and resettlement plans;
- (iv) 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;
- (v) 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;
- (vi) Directing Commune People's Committees and relevant organizations on implementation of various resettlement and EM activities;
- (vii) Reviewing and endorsing the Updated REMDP for approval of the PPC;
- (viii) Resolving complaints and grievances of Aps

C. Ethnic minority department of districts

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

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

D. Land Fund Development Center (LFDC)

111. The main responsibilities 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.

E. Commune Level

112. 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 with local mass organizations at commune level, mobilize people who will be acquired to implement the compensation, assistance and settlement policy according to approved REMDP;
- (ii) To cooperate with 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 for Ahs (if land is available);
- (v) Sign the Agreement Compensation Forms along with the AHs;
- (vi) Assist in the resolution of grievances; and,
- (vii) Actively participate in all resettlement and EM activities and concerns.

XI. IMPLEMENTATION SCHEDULE

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

Table 22: Indicative Schedule of Resettlement and Compensation Activities

Activities	Time
Approval final draft REMDP and disclosure	
Endorse final draft REMDP by PPC and approve by ADB	6/2016
Disclose the approved REMDP in ADB website and disclose locally to Aps and communes	6/2016
Implementation of the approved REMDP	
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 III/2017

Activities	Time
Conduct DMS and prepare compensation plan (RCS, as required)	Quarter II/2017
Consultations with Aps on the compensation plan	Quarter II/2017
Update the REMDP based on results of DMS, RCS and EM consultation (if required)	Quarter III/2017
Submit compensation plan to DPC for review and approval	Quarter III/2017
Disclose approved compensation plan to APs	Quarter IV/2017
Payment of compensation and allowance	Quarter IV/2017
Clearance of acquired land	Quarter IV/2017
Commencing civil works	Quarter I/2018
Monitoring	
Conducting monthly monitoring on the implementation of REMDP with LIC's support	Quarter II/2017
LIC support for preparation of semi-annual monitoring report to submit CPMU and ADB	Quarter II/2017

XII. MONITORING AND EVALUATION

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

A. Community Monitoring

115. 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

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

- (i) Compliance with the agreed REMDP;
- (ii) The availability of resources and the efficient, effective use of these resources to implement land acquisition and resettlement activities;
- (iii) That resettlement institutions are well-functioning during the course of project implementation;
- (iv) Resettlement and EM activities are undertaken in accordance with the implementation schedule described in the REMDP;
- (v) To identify problems, if any, and remedial actions.

117. The Primary responsibility for internal monitoring lies with the PPMU as the project implementing agency. The PPMU will be responsible for overseeing the formation, function, and activities of each of the provincial and district bodies responsible for resettlement and EMs. The CPMU will ensure that information on resettlement progress flows from LFDCs. The LFDC will submit monthly progress reports on the implementation of REMDP to the PPMU. The PPMU will consolidate all provincial reports into the project performance monitoring system, which will be

used to prepare regular progress reports to submit to ADB. All data will be gender and ethnicity disaggregated.

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

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

ANNEX: MINUTES OF PUBLIC CONSULTATION AND LIST OF ATTENDEES

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập - Tự do - Hạnh phúc

BIÊN BẢN THẢO LUẬN NHÓM TẬP TRUNG

Về Chính sách an toàn Tái định cư và Các tác động đi kèm

I. Thời gian tổ chức: 16h ngày 16 tháng 05 năm 2018

II. Địa điểm tổ chức: Hội trường UBND xã Ea Kiết

III. Hạng mục tham vấn công trình: Cầu Lộ 2/8

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- | | | |
|---------------------------|---------|---------|
| - Ông/bà Nguyễn Văn Dũng | chức vụ | Đầu phố |
| - Ông/bà Nguyễn Long Kiên | chức vụ | Cán bộ |
| - Ông/bà | chức vụ | |

2. Đại diện UBND xã

- | | | |
|----------------------------|---------|------------|
| - Ông/bà Nguyễn Đình Thiệp | chức vụ | PC UBND xã |
| - Ông/bà | chức vụ | |
| - Ông/bà Nguyễn Văn Sỹ | chức vụ | PC UBND xã |

3. Đại diện đơn vị Tư vấn

- | | | |
|---------------------------|---------|-------------------|
| - Ông/bà Nguyễn Tiến Công | chức vụ | Chuyên gia Tư vấn |
| - Ông/bà | chức vụ | |
| - Ông/bà | chức vụ | |

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

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

V. MỤC ĐÍCH THẢO LUẬN NHÓM

- Cung cấp các thông tin về dự án như mục tiêu, địa điểm, quy mô, các thông số kỹ thuật cơ bản của các tuyến đường giao thông
- Phổ biến thông tin về phạm vi ảnh hưởng và Khu vực Tái định cư và phát triển OTTS
- 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 tận dụng 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

- Giữ thời điểm / Như tại 10
- Quy mô tài sản với kế hoạch Et PAB
- Mua đi tài sản của doanh nghiệp và phân bổ chi phí

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

- Dân cấp bình đẳng như nhau tuy nhiên người dân có quyền lập pháp
- Tác động bất lợi cho người dân là không đáng kể
- Tác động tích cực thay việc đi lại, giao lưu phải thuận tiện hơn
- Không hề nào bị ảnh hưởng nhà
- Tác động tại Sài Gòn: Ngõ 47, tuyến vào Sài Gòn
- Cây tre gần Cầu phà, vài loại hoa màu, các loại gia súc, mùa đông tại đây không đáng kể
- Người dân mang nước uống trên mặt
- Họ đi ăn nên có nên tập trung vào các thực phẩm nước uống cho cây cối

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

- Người dân rất thuận các với việc đầu tư dự án.
- Dự án sẽ mang lại nhiều thay đổi trong đời sống và kinh tế cho người dân địa phương.
- Đề nghị dự án sớm triển khai và chúng tôi quyết tâm ủng hộ.

VII. KẾT LUẬN

- Đảng bộ và nhân dân xã Y A Kiên mong muốn được đầu tư xây dựng tuyến đường QL 29.
- Đề nghị có phương án kỹ thuật phù hợp để đảm bảo chất lượng tuyến đường cho người dân hưởng lợi.
- Đề nghị sớm triển khai.

Cuộc họp các bên thống nhất và kết thúc vào lúc 15 giờ 10 phút ngày 16 tháng 8 năm 2018

Đại diện cộng đồng

BQL tiểu dự án

Nguyễn Văn Hùng



Đại diện chính quyền địa phương

RT / CHỦ TỊCH
HO CHỦ TỊCH

Nguyễn Trình Hùng

Đại diện Tư vấn

(Signature)

Nguyễn Tiến Công

DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Môn học: E.A.K.14

Viết theo số (không cần viết báo cáo thảo luận)

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Trần Bình Sơn	Nam	p.61. Huyện X	
2	Nguyễn Thị Diễm	Nữ	p.67. Huyện X	
3	Nguyễn Đình Hiệp	Nam	p.67. Huyện X	
4	Nguyễn Trung Sỹ	Nam	p.67. Huyện X	
5	Hồ Văn Ngọc Hải	Nam	ĐP. XĐ. Xã	
6	Hương Thị Nguyệt	Nữ	ĐP. Huyện X	
7	Lê Văn Mạnh	Nam	p.67. Huyện X	
8	Trần Thị Thuần	Nữ	p.67. Huyện X	
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DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Phong trào

Thị trấn thành phố (đơn vị cơ sở bầu cử đại biểu nhân dân)

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Phạm Thị Hiền	Nam	Thị trấn	Phạm
2	Nguyễn Thị Lệ	Nam	Thị trấn 5	Nguyễn
3	Phạm Thị Hiền	Nam	Thị trấn 5	Phạm
4	Nguyễn Thị Lệ	Nam	Thị trấn 5	Nguyễn
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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 Tai Bình cư và Dân tộc thiểu số
Dự án hỗ trợ phát triển khu vực biên giới

I. Thời gian tổ chức: 14h ngày 21 tháng 03 năm 2015

II. Địa điểm tổ chức: Hội trường UBND xã Ea Ngai

III. Hạng mục tham vấn Công trình Quốc lộ 28

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông/bà Nguyễn Văn Dũng chức vụ
- Ông/bà Nguyễn Long Khanh chức vụ
- Ông/bà chức vụ

2. Đại diện UBND xã Ea Ngai

- Ông/bà Võ Chung chức vụ CT UBND xã
- Ông/bà chức vụ
- Ông/bà chức vụ

3. Đại diện đơn vị Tư vấn

- Ông/bà Nguyễn Xuân Nhàn chức vụ Tư vấn TTC
- Ông/bà chức vụ
- Ông/bà chức vụ

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

Số lượng người tham gia: người (mình viết chữ lên báo bên dưới 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 và phân vi ảnh hưởng và Khung Tái định cư và phân bổ DTTT
- Phổ biến quy trình khiếu nại và giải quyết khiếu nại và dẫn số 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 dân cư và quyền được dân cư của người bị ảnh hưởng
- Tham vấn về nhu cầu hỗ trợ và khả năng dẫn hành các biện pháp phục hồi cuộc sống
- Sự sẵn sàng tham gia của người dân đối với dự án

3. Mục đích và công tác tham gia của người dân vào Dự án

- Theo buổi họp kế hoạch triển khai dự án được
thành lập tại Sơn, có thể thấy là các công
tác được triển khai theo kế hoạch

VI. KẾT LUẬN

- Người dân đồng ý thực hiện dự án theo
thước kẻ
- Các công việc đã và đang được thực
hiện
- Người dân sẵn sàng phối hợp thực hiện GPMB
cho dự án

Các hợp tác bên liên quan nhất và kết thúc vào lúc: ... ngày ... tháng ... năm 2016

Đại diện cộng đồng


Trần Văn Diện

BQL đầu dự án

Nguyễn Việt Dũng

Đại diện chính quyền địa phương


CHỦ TỊCH
Tổ Chức
Đại diện Tư vấn


Nguyễn Xuân Nhân

DANH SÁCH CÁC ĐƠN VIỆU THAM GIA THAO LUYỆN NHÓM

Phong độ:

Đội tuyển bóng đá nam trường THPT Chuyên Bắc Ninh

STT	Họ và tên	Quê hương	Đội tuyển	Chức vụ	Điện thoại
1	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
2	Trần Văn Cường	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
3	Nguyễn Văn Đức	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
4	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
5	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
6	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
7	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
8	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
9	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
10	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
11	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
12	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
13	Đỗ Văn Khoa	Bắc Ninh	Đội tuyển	Trưởng nhóm	0912 123 456
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BIÊN BẢN THẢO LUẬN NHÓM TẬP TRUNG

Về Công tác an toàn tại tỉnh ủy và Ban lý giải

Đã tiến hành phát triển khu vực liên quan

1. Thời gian tổ chức: 15/10/2023, 14h00 - 15h00

2. Địa điểm tổ chức: Hội trường (Số 1) ở: 15/10/2023

3. Thành phần tham gia: Ông Nguyễn Văn Hùng

4. Thành phần tham gia:

1. Đại diện chủ đầu tư:

- Ông Nguyễn Văn Hùng (Chủ đầu tư)
- Ông Nguyễn Văn Hùng (Chủ đầu tư)
- Ông Nguyễn Văn Hùng (Chủ đầu tư)

2. Đại diện đơn vị tư vấn:

- Ông Nguyễn Văn Hùng (Chủ đầu tư)
- Ông Nguyễn Văn Hùng (Chủ đầu tư)
- Ông Nguyễn Văn Hùng (Chủ đầu tư)

3. Đại diện đơn vị tư vấn:

- Ông Nguyễn Văn Hùng (Chủ đầu tư)
- Ông Nguyễn Văn Hùng (Chủ đầu tư)
- Ông Nguyễn Văn Hùng (Chủ đầu tư)

4. Đại diện bộ phận chuyên môn: Ông Nguyễn Văn Hùng (Chủ đầu tư)

Số lượng người tham gia: 15 người (đã có mặt đầy đủ)

V. NỘI DUNG THẢO LUẬN NHÓM

- Công nhân các công trình và dân cư tại khu vực dự án, khu vực xung quanh khu vực dự án.

- Phổ biến thông tin về phạm vi ảnh hưởng và không gian dự án cho các đơn vị liên quan.
- Phổ biến quy định về an ninh và trật tự khu vực dự án cho các đơn vị liên quan.
- Tham vấn về phạm vi ảnh hưởng và các biện pháp xử lý các vấn đề phát sinh.
- Tham vấn về chính sách đền bù và quy định về bồi thường cho các đơn vị liên quan.
- Tham vấn về nhu cầu hỗ trợ và các biện pháp xử lý các vấn đề phát sinh.
- Lưu ý các biện pháp xử lý các vấn đề phát sinh.

1. MỤC ĐÍCH VÀ PHẠM VI

1.1. MỤC ĐÍCH VÀ PHẠM VI

- Nhằm giúp các em hiểu được tầm quan trọng của việc học tập và rèn luyện.
- Giúp các em nắm vững kiến thức và kỹ năng cần thiết để đạt được mục tiêu học tập.
- Giúp các em rèn luyện thái độ học tập nghiêm túc, chăm chỉ và có trách nhiệm.

2. NỘI DUNG VÀ PHẠM VI

- Phạm vi áp dụng: Áp dụng cho tất cả các em học sinh trong trường.

- Nội dung: Giúp các em hiểu được tầm quan trọng của việc học tập và rèn luyện, nắm vững kiến thức và kỹ năng cần thiết để đạt được mục tiêu học tập, rèn luyện thái độ học tập nghiêm túc, chăm chỉ và có trách nhiệm.
- Hình thức: Áp dụng cho tất cả các em học sinh trong trường.
- Thời gian: Áp dụng cho tất cả các em học sinh trong trường.

- Phân tích các yếu tố ảnh hưởng đến chất lượng sản phẩm
- Phân tích các yếu tố ảnh hưởng đến chất lượng sản phẩm
- Phân tích các yếu tố ảnh hưởng đến chất lượng sản phẩm
- Phân tích các yếu tố ảnh hưởng đến chất lượng sản phẩm

- Phân tích các yếu tố ảnh hưởng đến chất lượng sản phẩm
- Phân tích các yếu tố ảnh hưởng đến chất lượng sản phẩm
- Phân tích các yếu tố ảnh hưởng đến chất lượng sản phẩm
- Phân tích các yếu tố ảnh hưởng đến chất lượng sản phẩm

Ngày... tháng... năm...
 Nơi...
 Người...
 Người...
 Người...

DANH SÁCH CÁC ĐÀI BIỆT THẠM G A THAM LUẬN NHÓM

Địa điểm: En Ngai

Ngày họp: 10/01/2018

STT	Họ và tên	Giới tính	Đặc	Ký tên
1	Nguyễn Văn Tuấn	Nam	B. Tham luận G A Thăm	Nguyễn Văn Tuấn
2	Mã Văn Minh	Nam	CT PHẠM 93	Mã Văn Minh
3	Vũ Văn Hùng	Nam	CT PHẠM 93	Vũ Văn Hùng
4	Trần Văn Hùng	Nam	CT PHẠM 93	Trần Văn Hùng
5	Nguyễn Văn Hùng	Nam	CT PHẠM 93	Nguyễn Văn Hùng
6	Nguyễn Văn Hùng	Nam	CT PHẠM 93	Nguyễn Văn Hùng
7	Nguyễn Văn Hùng	Nam	CT PHẠM 93	Nguyễn Văn Hùng
8	Nguyễn Văn Hùng	Nam	CT PHẠM 93	Nguyễn Văn Hùng
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CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

BIÊN BẢN THẢO LUẬN NHÓM TẬP TRUNG

Về Chính sách phân bổ Tài chính và vốn Đầu tư cho các dự án
Đầu tư hạ tầng phát triển khu vực biên giới

I. Thời gian tổ chức: Ngày 25 tháng 10 năm 2018

II. Địa điểm tổ chức: Tower chung cư...

III. Hàng mời tham dự: Sinh viên...

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông/ Bà Nguyễn Văn Dũng chức vụ Chủ tịch HĐQT

- Ông/ Bà Nguyễn Văn Long chức vụ Giám đốc

- Ông/ Bà ... chức vụ ...

2. Đại diện UBND xã Cát Hải, Hải Phòng

- Ông/ Bà Nguyễn Văn Dũng chức vụ Chủ tịch UBND xã

- Ông/ Bà ... chức vụ ...

- Ông/ Bà ... chức vụ ...

3. Đại diện đơn vị Tư vấn:

- Ông/ Bà Nguyễn Văn Dũng chức vụ Chủ tịch HĐQT

- Ông/ Bà ... chức vụ ...

- Ông/ Bà ... chức vụ ...

4. Đại diện hệ thống công tác: Đại diện công tác và đại diện tại các đơn vị liên quan khác

Phụ lục kèm theo: ... (tính theo số lượng dự kiến)

V. NỘI DUNG THẢO LUẬN:

Công tác phân bổ vốn và phân bổ vốn đầu tư, đây là một công việc rất quan trọng và cần được thực hiện đúng đắn.

- Phân bổ vốn đầu tư và phân bổ vốn đầu tư và không phân bổ vốn đầu tư.
- Phân bổ vốn đầu tư và phân bổ vốn đầu tư và phân bổ vốn đầu tư.
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8. Một số vấn đề cần giải quyết của người dân và Dự án

- Người dân cần được tiếp cận đầy đủ thông tin về Dự án
- Người dân cần được tham gia vào quá trình xây dựng và vận hành công trình
- Người dân cần được tiếp cận đầy đủ thông tin về các rủi ro

VI. KẾT LUẬN

Người dân và chính quyền địa phương cần được tiếp cận đầy đủ thông tin về Dự án

- Là các bên liên quan cần được tiếp cận đầy đủ thông tin về Dự án

- Là các bên liên quan cần được tiếp cận đầy đủ thông tin về Dự án

Các tài liệu cần được tiếp cận đầy đủ thông tin về Dự án

Đại diện cộng đồng

BQL đầu dự án

Nguyễn Việt Dũng

Đại diện chính quyền địa phương

Đại diện Tư vấn

Nguyễn Xuân Nhàn

DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Ngày họp: 10/05/2019

Địa điểm: Phòng họp 1, Trung tâm Văn hóa và Thể thao

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Nguyễn Thị Ngọc	Nữ	Bà Rịa Vũng Tàu	Nguyễn Thị Ngọc
2	Trần Văn Hùng	Nam	TP. Hồ Chí Minh	Trần Văn Hùng
3	Nguyễn Văn Hùng	Nam	TP. Hồ Chí Minh	Nguyễn Văn Hùng
4	Nguyễn Văn Hùng	Nam	TP. Hồ Chí Minh	Nguyễn Văn Hùng
5	Nguyễn Văn Hùng	Nam	TP. Hồ Chí Minh	Nguyễn Văn Hùng
6	Nguyễn Văn Hùng	Nam	TP. Hồ Chí Minh	Nguyễn Văn Hùng
7	Nguyễn Văn Hùng	Nam	TP. Hồ Chí Minh	Nguyễn Văn Hùng
8	Nguyễn Văn Hùng	Nam	TP. Hồ Chí Minh	Nguyễn Văn Hùng
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DANH SÁCH CÁC ĐẠI DIỆN THAM GIA THẢO LUẬN NHÓM

Phong môn: ... Tổ: ... Họ và tên: ... Năm học: ...

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Lê Thanh Kiệt	Nam		
2	Vũ Văn Nam	Nam		
3	Vũ Văn Sơn	Nam		
4	Trần Văn Bình	Nam		
5	Phạm Văn Hòa	Nam		
6	Nguyễn Văn Tuấn	Nam		
7	Đặng Văn Thảo	Nữ		
8	Phạm Văn Chi	Nữ		
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3. Mức độ ảnh hưởng của gia đình người dân đến việc

Ngày nay đây là một người rất giỏi
đi bộ và có thể đi bộ được rất xa
và mang vác được rất nhiều đồ vật
đi bộ như con ngựa và đi bộ rất nhanh

VI. KẾT LUẬN

- Mục tiêu của công việc được phân công
- Nội dung, yêu cầu, thời gian, địa điểm của công việc
- Người được phân công thực hiện công việc
- Thời gian, địa điểm, nơi làm việc

Được cấp vào hôm tháng năm và kết thúc vào lúc 14 ngày 12 tháng 03 năm 2016

Đại diện cùng đơn vị

ROL: 10/11/2017



Đại diện Tư vấn

Nguyễn Việt Dũng

Nguyen Tien Giang

DANH SÁCH ĐẠI DIỆN THAM DỰ CUỘC HỌP

Nhóm công

TỔNG THỦY

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	NGUYỄN VĂN HUY	NAM	Đan Thanh, Đ. Thanh Hóa	Nguyễn Văn Huy
2	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
3	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
4	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
5	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
6	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
7	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
8	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
9	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
10	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
11	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
12	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
13	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
14	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
15	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
16	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
17	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
18	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
19	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
20	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
21	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
22	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy
23	NGUYỄN VĂN HUY	NAM	N.T	Nguyễn Văn Huy

STT	Họ và tên	Giới tính	Đặc tính	Ký hiệu
24	LE ĐÌNH DIỄN	NAM	NT	Đình
25	LÊ PHẠM ĐĂNG	NT	NT	Đinh
26	VĂN ĐỨC ĐOÀN	NT	NT	Đoàn
27	NGUYỄN ĐÌNH LƯU	NT	NT	Đoàn
28	ĐOÀN HUYỀN XINH	NT	NT	Đinh
29	ĐOÀN HUYỀN CHIA	NT	NT	Đinh
30	TRẦN THỊ LAN	NT	NT	Đinh
31	TRẦN NGỌC HƯNG	NAM	NT	Hưng
32				
33				
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Resettlement and Ethnic Minorities Development Plan

Document stage: Final

Project Number: 48189-002

July 2016

VIE: Support to Border Areas Development Project

***Subproject:* Upgrading and expanding the road to the Bu Prang border gate, Dak Nong province**

Prepared by Planning and Investment Department of Dak Nong for Asian Development Bank

CURRENCY EQUIVALENTS

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

Exchange rate on April 2016: \$1 = 22,445 VND

WEIGHTS AND MEASURES

m (Meter)	–	Is the <u>base unit</u> of length
m ² (Square meter)	–	A system of units used to measure areas
m ³ (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"> - 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. <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"> - 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.
Cut-off date	<ul style="list-style-type: none"> - Means the date of land acquisition announcement made by local authorities for project. 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.
Ethnic minority	<ul style="list-style-type: none"> - People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	<ul style="list-style-type: none"> - 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.
Host community	<ul style="list-style-type: none"> - Means the communities receiving physically displaced persons of a project as resettlers.
Income restoration	<ul style="list-style-type: none"> - 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..
Income restoration program	<ul style="list-style-type: none"> - 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.
Inventory of Losses (IOL)	<ul style="list-style-type: none"> - 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

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.

TABLE OF CONTENTS

CURRENCY EQUIVALENTS	I
ABBREVIATIONS	II
GLOSSARY	III
TABLE OF CONTENTS	VI
LIST OF FIGURES	VII
EXECUTIVE SUMMARY	VIII
I. SUBPROJECT DESCRIPTION	10
A. Background	10
B. Civil works to be undertaken	12
B. Objective of Resettlement and Ethnic Minority Development Plan	12
II. PROJECT IMPACTS	13
A. Survey process	13
B. Permanent impacts	13
C. Temporary impact	15
D. Tenure status of AHs	15
E. Vulnerable households and Ethnic Minority households	15
III. GENERAL SOCIOECONOMIC PROFILE	15
A. Socioeconomic condition in the subproject area	15
B. Affected Household Profile	19
C. Ethnic Minorities in the Project Area	21
D. Social Impact Assessment	23
E. Measures taken to minimize the negative impacts	24
IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION	24
A. Information Disclosure	24
B. Public Consultation and Participation	24
V. GRIEVANCE REDRESS MECHANISM	26
VI. LEGAL AND POLICY FRAME WORK	27
A. ADB Policies	27
B. National Laws on Involuntary Resettlement and Ethnic Minorities (EMs)	28
C. Reconciliation of Government and ADB Policies on Resettlement and ethnic minority.	30
D. Subproject policies	33
VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS	34
A. Eligibilities	34
B. Compensation and Assistance	34
C. Entitlement Matrix	36
VIII. ETHNIC MINORITY ACTION PLAN	39
IX. RESETTLEMENT BUDGET AND FINANCING PLAN	39
X. INSTITUTIONAL ARRANGEMENT	41
A. Province Level	41
B. District Level	42

C.	The Land Fund development Center (LFDC)	42
D.	Ethnic minority department of districts	43
E.	Commune Level	43
XI.	IMPLEMENTATION SCHEDULE	43
XII.	MONITORING AND EVALUATION	44
A.	Community Monitoring	44
B.	Internal Monitoring	44
ANNEX:	MINUTES OF PUBLIC CONSULTATION AND LIST OF ATTENDEES	46

LIST OF FIGURES

FIGURE 1: SUBPROJECT SITE	11
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EXECUTIVE SUMMARY

1. **Introduction:** The “Upgrading and expanding the road to the Bu Prang border gate, Dak Nong Province” is one of the subprojects of the Support to Border Areas Development Project (SBADP) funded by the Asian Development Bank (ADB). The project covers five provinces, including Dak Lak, Dak Nong, Gia Lai, Kon Tum and Binh Phuoc. This road section goes thru four communes of Dak Song district and Tuy Duc district namely Nam N’Jang, Dak N’Drung, Dak Buk So and Quang Truc with total length of 39km. The objective of the subproject is to improve the existing road to connect NH14 and NH14C and to the border with Cambodia. The road after improvement will create arterial roads, traffic corridor connection from NR14, NR14C connecting to Bu P’rang border gate going to other provinces of Cambodia, Laos and connecting to the Northeast of Thailand. When this road is used, it will facilitate for transport, goods transport, commercial connectivity, promote socio-economic development for the areas along the road and create conditions for formation of P’rang Bu border gate economic zones.

2. **Scope of Impacts:** The subproject goes thru four communes but there are only two communes affected namely Dak N’Drung (in Dak Song district) and Dak Buk So (in Tuy Duc district). According to inventory of losses (IOL), there are total 22 households (AH) with 87 persons affected by the subproject. Among 22 AHs, no AH is severely affected due to loss of more than 10% of productive land or have to relocate; no ethnic minority (EM) according to SPS identification will be negatively affected but benefited from the improved roads for transportation and production. No Ah is vulnerable group.

3. The subproject will acquire totally 1,830m² of two kinds of land, of which 20m² of rural residential land and 1,810m² of garden land. This subproject also will affect mainly auxiliary structures of households such as culvert, fence, gate and concrete, no house will be affected because the road will be upgraded within right of way (ROW). Besides, 14 pepper trees and 25 other trees will also be affected by 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 is prepared according to ADB SPS requirement. It has been prepared based on policies and laws of Vietnam Government, policies and regulations of Dak Nong 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.

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

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

6. Issues on gender and EMs: A majority of people living in the subproject area are EMs with nearly 60% of the total population in the subproject communes. They are M'ngong, Muong, Tay, Nung and Dao, Thai.... Negative impacts during construction of the subproject have been identified such as dust and noise and traffic but insignificant impact with mitigating measures applied for the negative impacts. There are still gender issues in the subproject area such as low status of women in their respective families and communities and their limited participation in decision-making processes. Rate of illiterate women is higher than that of men. A gender action plan is prepared for this subproject to address concerns of women in order to improve their social status in the subproject area.

7. Institutional Arrangements: Dak Nong 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 Dak Nong 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 LFDC.

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

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

10. Total resettlement cost: The total cost, including administration and contingency cost, is estimated to be VND 248,243,465 equivalent to 11,060 USD. This cost will come from the Dak Nong Province's budget.

I. SUBPROJECT DESCRIPTION

A. Background

1. Asian Development Bank (ADB) is planning to fund the Support to Border Areas Development Project (SBADP) to support the objectives of the Cambodia-Laos-Vietnam Development Triangle Area (CLV DTA) in Vietnam by improving critical transport infrastructure to increase the connectivity to areas of high economic productive potential with domestic and international market. The project comprises 3 main components: i) Road infrastructure in five VDTA provinces rehabilitated; (ii) VDTA plans and facilities for transport and trade facilitation (TTF) with a focus on inclusive growth developed; and (iii) Institutional Capacity for VDTA Investment Planning, Project Design and Implementation, and Resource Management strengthened. The project will be implemented in five provinces Dak Lak, Dak Nong, Gia Lai, Kon Tum and Binh Phuoc.

2. Dak Nong is one of five provinces in CLVDTA. Dak Nong province (Vietnam) is located in the southwestern of the Central Highlands, has 130 km of border next to Muldukirri Province, Kingdom of Cambodia, has a strategic position of socio- economic development, as a linkage between the Central Highlands and the key economic zone of the southern and the central coast and the northeastern provinces of Cambodia; has potential and great advantages in many aspects to development, especially in agriculture and ecotourism. Dak Nong has 2 border gates such as Dak Peur and Bu Prang, in which Dak Peur border connects the Dak Mil urban, that is considered as the economic dynamics of Dak Nong province, is expected to create a linkage of economic development among the provinces of Cambodia and other countries in the region through the East - West corridor with the Southern provinces of Central Highlands.

3. *“Upgrading and expanding the road to the Bu Prang border gate, Dak Nong Province”* is one of the subprojects in SBADP. This road section goes thru four communes of Dak Song district and Tuy Duc district namely Nam N’Jang, Dak N’Drung, Dak Buk Soand Quang Truc with total length of 39km (Figure 1). These are poor communes of two districts with many ethnic minority groups living there and specializing in the growing of coffee, rubber, pepper, cashew and cassava in large area. The road after improvement will connect to the border with Cambodia, contribute to social and economic development of these communes, enhance the connectivity of road network in these districts and further contribute to achieve the objectives of project. The beneficiaries of the subproject will facilitate for transport, goods transport, commercial connectivity, promote socio-economic development for the areas along the road and create conditions for formation of P’rang Bu border gate economic zones, as well as ensuring the security and defense of Dak Nong province and the Central Highlands.



Figure 1: Subproject site

Project road to
Bu Prang border

B. Civil works to be undertaken

4. According to preliminary design, this subproject will be constructed with the starting point connecting to NR14 (Km3-Km17 of provincial road No. 6) the expected ending point is Bu P'rang border gate of Tuy Duc district. Total length of this road is about 39 km. The road section from KM 17 to KM3 will be designed in mountainous Grade IV (width: 7.5m, carriage way: 5.5m) and the road section from Dak Buk So to Dak Huyt bridge is mountainous Grade III (width: 9m, carriage way: 6m).

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 more loss for local people. The APs will be informed early about the land acquisition schedule so that they will not plant crops that cannot yet be harvested by the time the land is required for construction and also will not construct new houses and structures in the ROW.

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) receive culturally appropriate social and economic benefits, (iv) do not suffer adverse impacts as a result of project; (v) can participate actively in projects that affect them; (vi) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (vii) 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 that required for the preparation of the subproject's feasibility study to be approved by Dak Nong 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 the communes affected by the subproject. The survey comprised of an inventory of loss (IOL) for all AHs and 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 on their concerns) by directly interviewing them. The survey also collected statistic data of the Province, District and Communes from Year Books of Province and district, and annual socioeconomic reports of communes.

13. *Replacement cost study*: The purpose of the RCS was to collect information on the market prices of land and non-land assets in the subproject area, in order to apply for compensation to ensure that APs would be compensated at the current market value. In future, during the detailed measurement survey, a replacement cost study will be carried out to determine the unit prices for individual types of asset affected by subproject and submitted to PPC for approval. Such unit prices will be the basis for calculating compensation packages for AHs.

B. Permanent impacts

14. **Impact on households**: The subproject will affect 22 HHs in total, 01 households will be affected their rural residential land but very small and without relocation. Among 21 HHs affected perennial land, no one is acquired 10% or more of their productive land. None of affected household is EM as well as vulnerable group. 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 ¹	Number of severely affected HHs	Number of vulnerable AHs	Number of affected EM household
A	Dak Song district	16	16	0	0	0
1	Dak ND'Rung commune	16	16	0	0	0
B	Tuy Duc district	6	6	0	0	0
1	Dak Buk So commune	6	6	0	0	0
Total		22	22	0	0	0

Note: ¹ 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 Dak Nong DPI

15. **Impact on lands**: Based on the results of IOL, the subproject will permanently recover 1,830m² of two kinds of land, of which 1,810m² is perennial land (about 86m² per household), and 20m² is rural residential land. Among 1,810m² of perennial land, 1,648m² belongs to 16 households in Dak ND'Rung commune and 162m² of 5 households in Dak Buk So commune,

and 20m² rural residential land of one household in Dak Buk So commune. 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 (m2)	Perennial land (m2)	Rural residential land (m2)	Other Public land (m2)
1	Dak ND'Rung	1,648	0	1,648	0	0
2	Dak Buk So	182	0	162	20	0

Source of data: IOL data provided by PPMU of Dak Nong DPI

16. **Impact on structures:** as the subproject will affect 16m of culvert, 20m of fence, 20m² of gate, and 130m² of yard. No household will be affected house and/or have to relocate.

17. 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 ²)	Concrete Yard (m ²)	Culvert (m)
1	Dak ND'Rung	16	16	0	16
2	Dak Buk So	4	4	120	0
	Total	20	20	120	16

Source of data: IOL data provided by PPMU of Dak Nong DPI

18. **Impact on crops and trees:** The subproject will also affect 14 pepper trees and 25 other trees (such as avocado, jack-fruit, rambutan...) of 3 households in Dak Buk So commune.

19. **Impact on income and livelihood:** According to IOL results, all households will only be affected marginally their productive land or their auxiliary structures. Therefore, the subproject does not affect livelihood system of local people as well as their income.

20. **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.

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

Table 4: Summary of impacts on land and assets

No.	Category		Unit	Amount
	Affected assets			
1	Land		M²	1,830
		Rural residential land	m ²	20
		Perennial land	m ²	1,810
	Structures			
2		Fence	m ²	20
		Gate	m ²	20
		Concrete yard	m ²	120
		Culvert D30cm-40cm	Each	16
3	Crops and trees			
		Pepper tree (3-4 years)	tree	14
		Avocado tree (> 5 years)	tree	4
		Jack-fruit tree (> 7 years)	tree	8

No.	Category	Unit	Amount
	Rambutan tree (>6 year)	tree	2
	Kapok tree (1 year)	tree	1
	Curry tree (>5 years)	tree	9
	Sapoche tree (>6 years)	tree	1

Source of data: IOL data provided by PPMU of Dak Nong DPI

C. Temporary impact

22. 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

23. 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

24. According to IOL results, there is no vulnerable AH identified in the subproject area.

III. GENERAL SOCIOECONOMIC PROFILE

A. Socioeconomic condition in the subproject area

25. The number of households in Dak Song and Tuy Duc districts in 2015 was 31,675 households and 128,638 people, and the population in 4 subproject communes is 40,020 people with average household size of 3.9 people. The ethnic minority people in the subproject area accounted for 29.7% in Tuy Duc district and 17.2% in Dak Song district.

Table 5: The population in the subproject area in 2015

No.	Name of district/commune	Number of HHs		Population	
		Total of HHs	Of which: EM HHs	Total of population	Of which: EM population
	Dak Nong province	144,132	40,705	603,451	187,414
I	Tuy Duc District	12,871	4,823	52,731	22,928
1	Dak Buk So	2,900	421	10,891	1,807
2	Quang Truc	1,962	922	7,614	3,689
II	Dak Song District	18,804	2,847	75,907	12,616
1	Nam N'Jang	2,763	167	10,525	649
2	Dak N'Drung	2,588	729	10,990	3,043

Data sources: Statistics of poor households and marginal poor households under the new standards of Dak Song District and Tuy Duc PCs in 2015

26. There are 19,444 people at working age in 4 subproject communes with an average number of 1.9 person / household at working age and female labours accounted for 47.7%. Mainly labor force involved in agricultural production (from 78% to 89%).

27. The percentage of trained labor in Dak Song district is low (5%). During 2010 – 2014, Tuy Duc DPC had provided vocational training for 2,640 persons, rate of trained labours was 16.5%. Generally, vocational training work had contributed in increased qualification of the district human resource. The increased rate of qualified labours had contributed in increased income of the local households and in initialized structures of rural economy and labour force.

Table 6: Labour force in the subproject area in 2015

No.	Name of district/commune	Labour		Trained labour (%)
		Total of labour	Female	
I	Tuy Duc District	20,186	9,671	16.5
2	Dak Buk So	4,032	2,085	na
3	Quang Truc	2,104	1,062	15.1
II	Dak Song District	46,276	18,489	5.00
5	Nam N'Jang	6,292	2,894	4.99
6	Dak N'Drung	7,016	3,227	4.99

Data sources: Statistics Division of Dak Song DPC and Tuy Duc DPC

28. **Poverty:** After 10 years of implementing the comprehensive strategy on growth and poverty reduction and the implementation of the National Target Program on sustainable poverty reduction helped reduce the rate of poor household in Vietnam dropped from 29% in 2002 to 14.2% in 2010 and less than 4.5% in 2015 with an average decrease of 2% per year.

29. According to the Steering Committee for the Central Highlands Region, over 35,000 households across the region escaped from poverty in 2015, representing a decrease of nearly 3%. The number of poor households in the Central Highlands region has dropped to 8.5% with the rate among ethnic minority groups standing at 18%.

30. According to the report on survey result of reviewing poor households and near poor households in Dak Nong province in the end of 2015, the poverty rate decreased to 13.8% (according to poverty line for 2011-2015), in which, poor ethnic minority households (EM) accounted for 30.04%. The poverty rate in Dak Nong in the end of 2015 (new poverty line for 2016-2020) was 19.26%, in which the poor ethnic minority households rate occupied 59.8% and female headed households occupied 19.3% of the total of poor households.

31. Early 2015, the poverty rate in Tuy Duc and Dak Song districts was 27.8% and 16.2% (according to poverty line for 2011-2015) and the poverty rate in 4 subproject communes occupied from 6.6% in Nam N'Jang commune to 38.7% in Quang Truc commune and the poverty rate of the poor ethnic minority households and female headed households in Quang Truc commune was highest (66.8% and 31.6%). The main reasons of poverty in Dak Song and Tuy Duc districts were lack of fund (84% and 96.3%, respectively) and lack of production land (27% and 38.4%, respectively).

32. End of 2015, the poor household rate (according to new poverty line for 2016-2020) of Tuy Duc and Dak Song was 51.3% (6,611 households) and 14.9% (2,806 households), respectively, of which the poor households from ethnic minority groups were 3,650 HHs (55.2%) in Tuy Duc and 941 households (33.5%) in Dak Song.

33. The poor households rate in 4 communes in the subproject area at the end of the year 2015 (new poor line for 2016-2020) occupied from 5.36% to 61.77%, in which the poor ethnic minority households rate occupied from 14.9% to 60.4% in the total of poor households. Quang Truc commune had the highest poor household rate (61.77%), and the lowest poor household rate is Nam N'Jang commune (5.3%). The poor rate of female headed household in

Nam N'Jang and Dak N'Drung communes was 38.5% and 11.6% of the total of poor households, and 19.5% and 22.4% in Dak Buk So and Quang Truc communes (Tuy Duc district).

34. Dak Buk So, Quang Truc and Dak N'Drung communes were classified as especially difficult communes received assistance from program 135 such as infrastructure investment (rural road), production development support (fertilizers, equipments and machines) provided for poor households (such as : in Dak Buk So commune : 750 poor households and near poor households were provided 30 tons fertilizers). The Nam N'Jang sub-project commune did not receive assistance under Program 135 but they have been supported from national target program on poverty reduction, Policy on preferential assistance for poor households.

Table 7: Rate of poor households in the subproject area at the end of the year 2014

N o.	District/commune	Total of HHs	Poor households					
			Total of Poor HHs	In which: poor ethnic minority HHs	Female headed HHs	Rate of poor HHs (%)	Rate of poor ethnic minority HHs (%)	Rate of poor Female headed HHs (%)
I	Tuy Duc District	13,324	3,708	2273	762	27.8	61.3	20.6
1	Dak Buk So	3,095	450	124	107	14.5	27.6	23.8
2	Quang Truc	1,752	678	453	214	38.7	66.8	31.6
II	Dak Song District	17,197	2,444	809	585	14.2	33	23.9
1	Nam N'Jang	2,422	160	21	43	6.6	13	26.9
2	Dak N'Drung	2,353	400	185	104	17.0	46	26.0

Source : Report on the survey result of reviewing poor households and near poor households in Tuy Duc and Dak Song districts in 2014 applying for 2015

Table 8: Rate of poor households in the subproject area at the end of the year 2015

N o.	District/commune	Total of HHs	Poor households					
			Total of Poor HHs	In which: poor ethnic minority HHs	Female headed HHs	Rate of poor HHs (%)	Rate of poor ethnic minority HHs (%)	Rate of poor Female headed HHs (%)
	Dak Nong province	144,132	27,761	16,590	5,352	19.26	59.8	19.3
I	Tuy Duc District	12,871	6,611	3,650	1,149	51.36	55.2	17.4
1	Dak Buk So	2,900	752	235	147	25.93	31.3	19.5
2	Quang Truc	1,962	1,212	732	271	61.77	60.4	22.4
II	Dak Song District	18,804	2,806	941	617	14.92	33.5	22.0
1	Nam N'Jang	2,763	148	22	57	5.36	14.9	38.5
2	Dak N'Drung	2,588	492	215	57	19.01	43.7	11.6

Source : Report on the survey result of reviewing poor households and near poor households in Dak Nong province, Tuy Duc and Dak Song districts in 2015 applying for 2016 .

35. **Cause of poverty:** According to the report on the survey result of reviewing poor households in Tuy Duc and Dak Song districts in 2015, most of the poor households in Tuy Duc and Dak Song districts were lack of funds (83.4% and 76.2%), especially in Dak Buk So and Dak N'Drung communes accounted for 100%. The poor households are lack of production land in Dak N'Drung accounted for 64.4%, some ethnic minority households in this commune who had agricultural land but they sold the production land to others. In addition, the poor households have very limited qualifications and awareness of application of scientific advantages into production (40.7% in Dak Buk So commune).

Table 9: Summary of the poor household characteristics in the sub-project area

Unit : HHs

N o.	Commune	Total poor HHs	Lack of fund	Lack of production land	lack of production facilities	lack of labor	Many dependents	Underemployment	Lack production knowledge
I	Tuy Duc District	6,611	83.4	24.1	12.8	5.0	6.2	5.1	10.4
1	Dak Buk So	752	99.9	33.0	46.1	26.7	29.5	34.4	40.7
2	Quang Truc	1,212	44.7	9.2	22.9	4.7	5.0	5.9	15.3
II	Dak Song District	2,806	76.2	46.0	14.7	9.9	7.9	2.5	4.2
1	Nam N'Jang	148	95.3	27.0	18.2	16.9	29.7	11.5	10.6
2	Dak N'Drung	492	100.0	64.4	0.0	0.8	0.4	0.0	0.0

Source: Report on the survey result of reviewing poor households and near poor households in Tuy Duc, Dak Song districts in 2015

36. **Land use right:** In 2015, natural land area in Tuy Duc district is 111,924.94ha, of which 93.73% for agricultural land area and a small area (4.21%) of non-agricultural land, mainly used for public infrastructure, road and irrigation schemes. The agricultural land area in two subproject communes in the Tuy Duc district (Dak Buk So and Quang Truc) accounts for 88.77 % and 94.5%. In Dak Song district, agricultural land accounts for 93.52% of total land area. The agricultural land area in two subproject communes in the Dak Song district (Nam N'Jang and Dak N'Drung) accounts for 93.2% and 91.1%. Main crops in these communes are rice, maize coffee, rubber, pepper.

Table 10: Land use status in the subproject area in 2015

Types of Land	Unit	Tuy Duc District	Dak Buk So	Quang Truc	Dak Song District	Nam N'Jang	Dak N'Drung
Total natural land	ha	111,924.94	8,348.94	55,908.96	80,646.24	16,478.67	6,757.38
I. Agriculture land	ha	104,907.77	7,411.16	52,837.94	75,418.4	15,351.69	6,157.34
Ratio (%)	%	93.73	88.77	94.5	93.52	93.16	91.12
1. Agricultural production land	ha	57,167.63	7,079.98	12,512.32	52,608.34	7,062.22	6,083.99
1.1 Land for planting annual crops	ha	16,967.41	1,113.67	6,395.69	12,312.89	1,861.53	1,157.53
- Rice	ha	585.71	38.03	46.76	349.06	1.49	48.14
- Other (maize, sweet potato)	ha	16,381.70	1,075.64	6,348.93	11,963.82	1,860.04	1,109.19
1.2 Land for long term trees (timber, industrial)	ha	40,200.22	5,966.31	6,116.63	40,295.47	5,200.69	4,926.66

Types of Land	Unit	Tuy Duc District	Dak Buk So	Quang Truc	Dak Song District	Nam N'Jang	Dak N'Drung
trees)							
- Rubber	ha	8,010	824	100	1,469	0	15
- Other (coffee, peper, cashew...)	ha	32,190.22	5,142.31	6,016.63	38,826.47	5,200.69	4,911.66
2. Forestry land	ha	47,565.39	202.43	40,315.42	22,238.81	8,261.81	23.64
3. Aquaculture land	ha	174.75	128.75	10.2	570.57	27.66	49.7
II. Non-agriculture land	ha	4,714.61	918.67	900.14	4,938.76	974.63	599.34
Ratio (%)	%	4.21	11.00	1.61	6.12	5.91	8.87
III. Unused land	ha	2,302.56	19.11	2,170.88	289.08	152.35	0.71
Ratio (%)	%	2.06	0.23	3.88	0.36	0.92	0.01

Data sources: Statistics, inventory of land area of Dak Song DPC and Tuy Duc DPC

B. Affected Household Profile

37. A socio-economic survey has been carried out in March 2016 covers 68.2% of total AHs. Secondary data were collected in all two affected communes. Consultations with local authority, mass organizations, AHs were carried out in all two affected commune while in-depth interview via the questionnaire were conducted for 15 households, the affected households work far away from their home town so the in-depth interview could not be carried out.

38. **Demographic characteristics:** A total 22 affected households have been inventoried in the IOL of subproject, out of them, 15 AHs are surveyed. (See the table 11 below)

Table 11: Demographic characteristics of affected households

No	Communes	Total AHs	Total of APs	Male	Female
1	Dak Buk So	6	23	14	9
2	Dak N'Drung	9	36	24	12
Total		15	59	38	21

(Source: SES data collected in March 2016)

39. Of the 15 affected households surveyed, all of them are male headed households and almost are in labor age (93.3%) (see table 12 below)

Table 12: Surveyed 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	Dak Buk So	0	0	5	1	6
2	Dak N'Drung	0	0	9		9
Total		0	0	14	1	15

(Source: SES data collected in March 2016)

40. **Educational background:** High percentage of heads of households graduated from secondary school and high school with the same rate (6 persons each). One person has not yet graduated from secondary school and two persons are not yet graduated from high school. Table 13 contains the details of the educational background of surveyed AH heads.

Table 53: 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
Dak Buk So	6	0	0	0		1	1	4	0	0
Dak NDrung	9	0	0	0	1	5	1	2	0	0
Total	15	0	0	0	1	6	2	6	0	0

(Source: SES data collected in March 2016)

41. **Livelihood, occupation and production condition:** The household-heads interviewed were engaged in 3 main livelihood sources including: agriculture, business and salary. Some heads of households even have main income sources from business and salary of government they still do the farming activities as subsidiary income source. According to SES data, 13 household heads interviewed reported farming as their main occupation, 1 persons is engaged in business or service and 1 person has salary because he is worker (Table 14).

Table 64: Main occupation of head of affected households

Main occupation	Total (person)	Dak Buk So	Dak NDrung
Agriculture	13	5	8
Business/service	1	1	0
Handicraft worker	0	0	0
Manual labour	0	0	0
Worker	1	0	1
Government official	0	0	0
Retired	0	0	0
Unemployment	0	0	0
Housework	0	0	0
Other	0	0	0
Total	15	6	9

(Source: SES data collected in March 2016)

42. Main agricultural activities in the subproject area are planting coffee, pepper and cashew therefore productive assets are very important with the households. Almost surveyed households own the water pump. One of them has plough machine and truck. The status of ownership of productive assets of AHs is shown in the Table 15 below.

Table 75: Ownership of productive assets of affected households

No	Type of assets	Dak Buk So	Dak NDrung
1	Plough machine, tractor	1	0
2	Truck	0	0
3	Water pump	5	6
4	Other	0	0
Total		6	6

(Source: SES data collected in March 2016)

43. **Income, expenditure and debt:** No one of 22 households affected by subproject belongs to poor group. 15 surveyed heads (both female heads) of households have the average monthly income higher than 3.5 million VND.

44. **Housing condition:** Most of AHs live in brick wall with roof from various materials such as fibrocement or corrugated iron – the most prevalent form of construction in this area. Some of AHs live in the bungalows especially the EM households.

45. In general, the living conditions of AHs are improved. Almost all surveyed AHs own TVs, refrigerator, motorbike, electric rice cooker, and telephone (landline or mobile phone), water-heat machine. Many AHs have electric fan, washing machine, VCD/DVD.

Table 86: Ownership of assets of affected households

No	Type of assets	Dak Buk So	Dak N'Drung	Total
1	Motorbike	6	9	15
2	Bicycle	0	2	2
3	Refrigerator	6	9	15
4	Television	6	9	15
5	Electric rice cooker	6	9	15
6	Micro oven	2	3	5
7	Sewing machine			
8	Electric fan	5	8	13
9	Landline, mobile phone	6	9	15
10	Water heater	6	9	15
11	VCD/DVD	2	5	7
12	Washing machine	4	6	10
13	Other			

(Source: SES data collected in March 2016)

46. **Sanitation:** Nearly half of surveyed households (7 HHs) reported that their main source of water is from well. The left is from pipe water. Regarding to sanitation facilities, majority of the affected households (9 Ahs) answered to use septic compartment in the house while 03 households reported to have septic compartment or semi-septic compartment outside the house and 02 other AHs used other kind of toilet. One affected households answered that does not have WC.

47. **Energy:** The most commonly-used power source for lighting is electricity from the national grid, with 100% of the affected households (15) reporting to use it. For cooking, all surveyed households use oil and gas.

C. Ethnic Minorities in the Project Area

48. **Ethnic minority:** The population in Dak Nong province is 603,451 people, of which, ethnic minority groups account for 31.0% of people in Dak Nong province. They are grouped in 40 categories, native ethnic minority groups accounted for 10.2%.

49. Tuy Duc district has population of 52,731 people, 43.5% of which is ethnic minority (native ethnic minority group is M'Nong group (22.8%) and other ethnic groups of Muong, Tay, Nung and Dao, Thai emigrated from the northern). The ethnic minority groups in Dak Buk So commune accounted for 16.6%, in which 7.8% of M'Nong group. In Quang Truc commune, 51.5% of the Kinh and 34.4% of M'Nong group.

50. In Dak Song district, the population is 75,907 people, of which 16.6% is the ethnic minority groups (M'Nong group is 9.5% and 7.1% is ethnic groups from northern). Dak N 'Dung

is an especially difficult commune of Dak Song district, the commune has 20 villages with 14 ethnic groups (Kinh, M'Nong, S'tieng, Xe Dang, Tay, Nung, and other ethnic groups from northern), 27.7% is ethnic minority people. Nam N'Jang commune has 15 villages with 12 ethnic groups, of which, 93.8% is Kinh people, only 6.1% is ethnic minority people and all most of them from the northern.

Table 17: The ethnic minority population in the subproject area in 2015

No	District/Commune	Total of population	Kinh	Native ethnic minority groups	Other ethnic minority groups
I	Dak Nong province	603,451	416,837	61,627	125,787
	<i>Percentage (%)</i>	<i>100.0</i>	<i>69.0</i>	<i>10.2</i>	<i>20.8</i>
II	Tuy Duc District	52,731	29,803	12,016	10,912
	<i>Percentage (%)</i>	<i>100.0</i>	<i>56.5</i>	<i>22.8</i>	<i>20.7</i>
1	Dak Buk So	10,891	9,084	849	958
	<i>Percentage (%)</i>	<i>100.0</i>	<i>83.4</i>	<i>7.8</i>	<i>8.8</i>
2	Quang Truc	7,614	3,925	2,617	1,072
	<i>Percentage (%)</i>	<i>100.0</i>	<i>51.5</i>	<i>34.4</i>	<i>14.1</i>
III	Dak Song District	75,907	63,291	7,216	5,400
	<i>Percentage (%)</i>	<i>100.0</i>	<i>83.4</i>	<i>9.5</i>	<i>7.1</i>
1	Nam N'Jang	10,525	9,876	2	647
	<i>Percentage (%)</i>	<i>100.0</i>	<i>93.8</i>	<i>0.0</i>	<i>6.1</i>
2	Dak N'Drung	10,990	7,947	2,325	718
	<i>Percentage (%)</i>	<i>100.0</i>	<i>72.3</i>	<i>21.2</i>	<i>6.5</i>

Source: Decision No. 403/QĐ-UBND on survey result of poor households and near poor households in Dak Nong province and Report on the survey result of reviewing poor households and near poor households in Dak Nong province and Tuy Duc, Dak Song districts in 2015

51. In recent years, in Tuy Duc and Dak Song districts has a program on livelihood for ethnic minority groups via the Government's program 135 that has promoted to help people in ethnic minority and mountainous areas overcome poverty, narrow the income gap with other communes in other districts and provinces and eliminate risks for social instability. P135 was designed to address the different causes of poverty particular to ethnic minorities such as: low capacity; small landholdings; lack of knowledge, skills and market information; health problems; large family size; unemployment; and vulnerability to risks (including social problems). The other programs: Policy on directly providing assistance to the poor households living in difficult area, this policy is based on Decision 102/ QĐ-TTg, the project on interspersal settlement and cultivation under Decision 33/2013/QĐ-TTg of the Premier Minister; Policy on visit and spiritual motivation to the prestigious persons in community under Decision 18/2011/QĐ-TTg of the Premier Minister, policy on assistances of residential land and domestic water supply for the E.M poor households, and the poor living in special difficult area under decision 755/QĐ-TTg of the Premier Minister, policy on assisting loan to the poor for production development under Decision 54/2012 QĐ-TTg; Policy on assisting special communes under Resolution 38 of the Provincial people council; All of these programmes are to promote development of household economy. The poor ethnic minority households are entitled to monthly support from the government.

52. **Social and Cultural Systems of the M'Nong - the native ethnic minority group in this subproject area:** Traditionally, the village chief has great prestige and play the role of running collective activities. The M'Nong has a matrilineal custom, that is, the lineage is traced

through the mother rather than the father. In society, men play a more important role but in the family the women have more power. The M'ngong likes to have a lot of children. When their babies are one year old, they must have official name. When they get old, they will live with the youngest daughter.

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

54. **Production activities:** Previously, the M'ngong cultivate mainly on the burnt-over land. Ordinary rice is the stable food. Livestock-breeding develops, covering cattle, pigs, dogs, and poultry. In the past, the M'ngong was very famous about taming the elephants. Men are skillful in basketry, and women in cloth weaving. With the support of government for economic development and forest management of state, such activities are reduced. Nowadays, beside the traditional income generating activities such as planting ordinary rice on their burnt-over land, husbandry, fishing... the M'ngong also plant rubber, coffee, pepper and cashew as King People.

D. Social Impact Assessment

55. **Potential negative project impacts.** A social impact assessment (SIA) has been conducted through a census and Inventory of loss (IOL) and meaningful consultation to identify the subproject impacts both positive and negative, and measures of negative impact mitigation and enhancing subproject benefits to local people. Results of SIA show that land acquisition is insignificant so that it does not much impact on income and livelihood of APs including EMs. 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.

56. **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.

57. 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.

58. **Expected Positive impacts.** The subproject will have a lot of positive effects on local 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

59. 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.

60. 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).

61. At the IOL stage, the subproject does not affect on livelihoods of the EMs, so no livelihood restoration program is needed. Therefore, no budget is required for implementing this EMDP. The implementation and management costs of EMDP are included in the RP costs.

IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Information Disclosure

62. 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).

63. APs are notified in advance of resettlement activities, including (i) community meetings about the scope of the subproject, work alignment plan, site clearance plan and construction plan; (ii) detailed measurement survey results; (iii) lists of eligible APs and their entitlements; (iv) compensation rates and amounts, (v) payment of compensation and other assistance; and (vi) other contents such as the grievance 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.

64. This REMDP will be uploaded in ADB websites in both English and Vietnamese and disclosed to the EMs through commune and village meetings. The staff of CPC and mass organizations will translate into EM language (if needed) and disseminate the information to the EMs through loud speakers and other oral communication means in traditional market days as well as in public meetings. Table 18 below shows the different public consultation meetings with different stakeholders conducted during preparation of the REMDP.

B. Public Consultation and Participation

65. 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.

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

- i. provide full and impartial information to affected persons about the subproject, its activities, and potential impacts that affect them, and to provide an opportunity for their feedback on the subproject;
- ii. explore a range of options for minimizing subproject negative impacts, and for those impacts that cannot be avoided, explore the range of options for, and ensure APs participation in the design of mitigation measures;
- iii. gather information about the needs and priorities of APs as well as their feedback on proposed resettlement and compensation policies, options and activities;
- iv. obtain the cooperation, participation and feedback of APs on activities to be undertaken in resettlement planning and implementation, in particular on the location for resettlement, planning and design of housing (if necessary), land and community facilities, and the development and implementation of the livelihood program to affect livelihood restoration and development;
- v. provide a mechanism for continued dialogue, raising of concerns and monitoring of implementation; and
- vi. Exploring options for the co-management of natural resources through participatory approaches aimed at sustainable use and conservation.

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

67. **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 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

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

- (i) the APs and Non-APs supported and agreed with the subproject for improving the existing 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 however all impacts on the assets should be compensated and assisted;

- (iii) the APs agreed with the subproject's principle on compensation and resettlement assistance;
- (iv) during the detailed design phase, it is necessary to consult with communal authority and local people;
- (v) it was noted that the environmental impacts of the subproject during construction are inevitable, but these can be minimized with the proposed mitigation measures in the EMP;
- (vi) it was proposed that meaningful consultation with and participation of women and EMs in the process of REMDP implementation, management and monitoring will be continuously undertaken in next steps;
- (vii) APs proposed that the compensation payment be paid at one time and before the start of construction. The APs also mentioned that the issues on the quality of the subproject be considered and that they are willing to be representative in the Community Monitoring Board during subproject construction;
- (viii) the subproject's grievance mechanism and resolution procedure was consulted with APs. They proposed that their complaints should be resolved timely and successfully.

Table 98: Participants of public consultation meetings

No.	Commune	Location	Participant	No. of participant	No. of EM participant	No. of female participant
1	Dak N'Drung	Dak N'Drung CPC office	Representative of CPC, mass organizations, affected households	16	0	7
2	Dak Buk So	Dak Buk So CPC office	Representative of CPC, mass organizations, affected persons, non-affected persons	13	0	3

69. **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.
70. Local people, especially affected persons have right to work for the subproject as specified in the Gender Action Plan and in this REMDP. All communities have rights to monitor not only the construction of the subproject but also the implementation of the REMDP (see part XI – Monitoring and evaluation), and their representatives should be members of the Community Monitoring Board of the commune to monitor the implementation process. They can make grievance if they find any illegal actions or things they disagree as specified in Section V.

V. GRIEVANCE REDRESS MECHANISM

71. In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Furthermore, APs will not be ordered to pay any fee from all administrative and legal fees that might be incurred in the resolution of grievance and

complaints at any level of trial and court. Grievances redress mechanism of the project will be followed Law on complaint No. 02/2011/QH13 and regulation on grievance at Government Decree 75/2012/NĐ-CP dated 20/11/2012. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort.

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

72. 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

73. 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 Dak Nong Province, and policies of ADB are outlined, then if difference between these policies (of Vietnam and of ADB) exist, reconciliation is done to establish policies and principles to be applied under this subproject.

A. ADB Policies

74. **Involuntary Resettlement.** The main objectives of ADB's Policy on Involuntary Resettlement are to avoid or minimize the adverse impacts on people, HHs, businesses and others in the implementation of development project. Where resettlement is not avoidable, the

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

75. **Indigenous Peoples (IP)/ Ethnic Minorities (EMs).** The main objectives of ADB's IP safeguards policy under the SPS 2009¹ 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.

76. The subproject will affect 14 EM households with minor land acquisition, which does not significantly impact livelihood and income of the EMs. The subproject also does not affect identity; culture and custom livelihood system of EMs so Ethnic Minority Development Plan is incorporated with Resettlement Plan of the subproject in a combined document named REMDP with all elements of EMDP are included in the REMDP.

B. National Laws on Involuntary Resettlement and Ethnic Minorities (EMs)

77. **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.

78. 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.

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

- (i) A language different from the national language;

¹ Safeguard Policy Statement, 2009

- (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.

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

81. 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.

82. 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.

83. 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-UBDT of the Ministry of Justice and the Committee of Ethnic Minorities, on guiding implementation of legal assistance for EMs.
- (xii) Decision 551/QD-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.

84. Dak Nong People's Committee Decisions on Land Acquisition and Resettlement. Legal regulations of Dak Nong Province include:

- (i) Decision No. 07/2015/QD-UBND of the People's Committee of Dak Nong Province issued on January 29th, 2015 on promulgating regulations on some specific policies on compensation, assistance and resettlement in the event of land acquired by the State;
- (ii) Decision No. 31/2014/QD-UBND of the People's Committee of Dak Nong Province issued on December 26th, 2014 promulgating the land price in Dak Nong province to apply for the period 2015-2019.
- (iii) Decision No.14/2015/QD-UBND of People's Committee of Dak Nong Province issued on 13th March 2015 promulgating the k co-efficiency for adjustment of land price in Dak Nong to apply in year 2016.
- (iv) Decision No. 177/2015/QD-UBND of the People's Committee of Dak Nong Province issued on January 30th, 2015 on temporarily promulgating various trees prices over the Dak Nong Province area;
- (v) Decision No. 09/2015/QD-UBND of the People's Committee of Dak Nong Province issued on February 12th, 2015 on promulgating unit price of compensation for house, secondary structures of HHs, individual in the event of land acquired by the State over the Dak Nong Province area.

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

85. 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.

86. 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 109: 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	Decree 47/2014/ND-CP, Article 19, Item 3: APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts,	Losing 10% or more of the household's productive assets and/or relocation shall be considered as threshold of severely

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
	to livelihood restoration measures.	which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	affected HHs.
APs without LURC	Land Law 2013, Article 77, item 2 and Article 92: Persons who has used land before 1 st July 2004 and directly be involved in agriculture production on the acquired land without LURC or illegal will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, Clause 1, Article 64 and items b, d, clause 1, Article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	Those APs without legal title to land will be included in consultations. Ensure that APs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures which are occupied/created before cut-off date and was not violated to the regulations of the land law. They will be entitled to resettlement assistance and other compensation social support to assist them to improve and or at least restore their pre-project living standards and income levels.
Compensation unit price for land	Land Law 2013, Article 114, Clause 3: land price for compensation calculation is price of specific land parcel.	Compensation at full replacement cost.	Compensation at full replacement cost.
Compensation for house and structures	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
	percentage of current value but total compensation amount is not exceed value of the new house/structure.		
Compensation for trees, crops and livestock, annual crops, perennial trees	Land Law 2013, Article 90: compensation equal to the value of the output of their crops which will be calculated based on the highest yield of crops season in 3 recent years multiplying with the average local price at the time of land acquisition. Compensation equal to the existing value of the orchard, calculated at the local price at the time of land acquisition excluding the value of land user right.	Compensation at full replacement cost	Compensation at specific cost that appraised by independent appraiser
Prepare Resettlement Plan	Decree No. 47/2014/NĐ-CP, Article 28: Prepare compensation plan, assistance, resettlement when the State recovers land for the purpose of national defense and security; economic and social development as national interest, public.	Prepare a resettlement plan	Prepare a resettlement plan
Ethnic Minority			
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 and consultants will be recruited to assist the EMDP preparation, implementation and monitoring.
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	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

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
		lands and territories that EMs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	actions to protect or compensate the areas.
Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donations involving marginal portions of land, the third party consultant will verify and report on the negotiation and Settlement processes as part of the due diligence report. A voluntary donation form signed by the landowners, witnesses and village leaders will be attached in the report.
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: ¹ 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

87. 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. Temporarily affected land will be restored to pre-Project conditions.
- (ii) 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.
- (iii) 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.
- (iv) 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.

- (v) The Subproject will ensure the rights of local EMs to benefit from the use of their cultural resource and knowledge.
- (vi) The issues of access restriction and physical displacement from protected areas and natural resources will be avoided as much as possible.
- (vii) The REMDP shall be updated and consultants will be recruited to assist the REMDP updating, implementation and monitoring.
- (viii) Key information in the REMDP, including results of IOL or DMS, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to the APs in an understandable format and in the local language, such as the posting of the full REMDP in commune offices and the distribution of project information booklets (PIBs) to the APs.
- (ix) 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.
- (x) Internal monitors of REMDP implementation will be carried out.
- (xi) 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

88. 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.

89. 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.

90. 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

91. 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 Dak Nong 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 Dak Nong 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.

92. **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. 31/2014/QĐ-UBND of the People's Committee of Dak Nong Province for the period 2015 - 2019, and the factor for land price adjustment for year 2016 according to Decision No.14/2015/QĐ-UBND of People's Committee of Dak Nong Province ($k=1.1$ for the rural residential land in Dak Buck So commune and $k=1.15$ for perennial land).

93. **Compensation for structures:** The compensation unit prices for construction of new house and structures are as stipulated in Decision 9//2015/QĐ-UBND of Dak Nong PPC.

94. **Compensation for trees:** The compensation unit prices for trees are as stipulated in 177/2015/QĐ-UBND of Dak Nong PPC.

95. **Assistance for job changing/creation:** For the households who lost the agricultural land: Following the provincial policy, the cash assistance equivalent to 3 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.

96. **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.

97. 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.

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

C. Entitlement Matrix

99. Entitlement Matrix to be applied for this Sub-Project is presented in the Table 20 below.

Table 2011: Entitlement matrix

Table 20-11 Entitlement Matrix					
No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
I. LAND					
1	Rural residential land	Acquired land with houses/structure thereon	Land user with LURC Total 20 m ² of rural residential land belonging to one HH	- 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 less than 10% and the remaining unaffected portion is viable for continued use)	All individuals, households have LURC or have claim recognized or recognizable by law. Total 1,810 m ² of perennial land belonging to 21 HHs	- Cash compensation for acquired land at replacement cost. - Compensation for trees, structures (see item II below); and - Provision of job training/creation allowance of 3 times value of the lost land.	AHs shall be informed three months in advance before the 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. Contractors will negotiate with AHs.				
II	HOUSES AND STRUCTURES AND TREES				
4	Trees	Loss of or damage to trees	Owners regardless of tenure status but crops and trees must be created before cut-off date.	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

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
			14 pepper trees and 25 other trees will be cut		planted will be recovered and that they must harvest their crops on time. APs will receive cash compensation at current market cost for any un-harvested crops that are near or ready to harvest at the time of land acquisition.
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. 20 m ² of fence, 20m ² of gate, 120m of concrete yard and 16m ² of culvert D30-40 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.
III. ECONOMIC REHABILITATION ASSISTANCES					
6	Assistance for job training or job creation due to loss of productive land	Permanent impact	Households that will lose agriculture land Total 1,810 m ² of perennial land belonging to 21 HHs	Assistance for job training/ creation at prices, equal to 3 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.

VIII. ETHNIC MINORITY ACTION PLAN

100. 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

101. 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 and the results indicate that the current prices for houses and structures and crops and trees issued by Dak Nong 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 21. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation.

Table 2112: Replacement costs and provincial prices for land, structures, crops and trees

No.	Items	Unit	K factor	Unit price stipulated by PPC (VND)	Proposed replacement cost (VND)
1	Rural residential land	VND/m ²	1.1	460,000	506,000
2	Perennial land	VND/m ²	1.15	16,000	18,400
3	Fence	VND/m ²	1.0	1,309,093	1,309,093
4	Gate	m ²	1.0	757,000	757,000
5	Concrete yard	m ²	1.0	153,000	153,000
10	Culvert D30cm-40cm	m ²	1.0	320,000	320,000
13	Pepper tree (3-4 years)	VND/tree	1.0	420,000	420,000
14	Avocado tree (> 5 years)	VND/tree	1.0	396,000	396,000
15	Jack-fruit tree (> 7 years)	VND/tree	1.0	402,000	402,000
16	Rambutan tree (>6 year)	VND/tree	1.0	517,000	517,000

No.	Items	Unit	K factor	Unit price stipulated by PPC (VND)	Proposed replacement cost (VND)
17	Kapok tree (1 year)	VND/tree	1.0	24,000	24,000
18	Curry tree (>5 years)	VND/tree	1.0	110,000	110,000
19	Sapoche tree (>6 years)	VND/tree	1.0	385,000	385,000

102. Budget for resettlement. The estimated budget, including compensation cost for land and assets on the land, assistance and costs for administration and contingency, is estimated according to the above prices to be VND 248,243,465 equivalent to 11,060 USD (Table 22). EM action plan will be implemented action plan will be implemented in combination with gender action plan and current agriculture extention program of communes, so it is no need arrangement of budget for EM activities.

103. The budget for resettlement will be funded by the Dak Nong PPC using the provincial budget and allocated sufficiently and timely based on schedule of subproject resettlement implementation.

Table 132. Compensation budget

No.	Item	Unit	Quantity	Price (VND)	Total cost (VND)
1	Compensation and assistance for land				43,424,000
	Compensation for perennial land of AHs	m ²	1,810	18,400	33,304,000
	Compensation for rural residential land of AHs	m ²	20	506,000	10,120,000
2	Compensation for structures				64,801,860
	Fence	m ²	20	1,309,093	26,181,860
	Gate	m ²	20	757,000	15,140,000
	Concrete yard	m	120	153,000	18,360,000
	Culvert D30cm-40cm	m	16	320,000	5,120,000
3	Compensation for trees				13,113,000
	Pepper tree (3-4 years)	tree	14	420,000	5,880,000
	Avocado tree (> 5 years)	tree	4	396,000	1,584,000
	Jack-fruit tree (> 7 years)	tree	8	402,000	3,216,000
	Rambutan tree (>6 year)	tree	2	517,000	1,034,000
	Kapok tree (1 year)	tree	1	24,000	24,000
	Curry tree (>5 years)	tree	9	110,000	990,000
	Sapoche tree (>6 years)	tree	1	385,000	385,000
4	Assistance				99,912,000
	Job change/ creation	time	3* agricul land value of 1,820m ²		99,912,000

No.	Item	Unit	Quantity	Price (VND)	Total cost (VND)
Total direct cost					221,250,860
Administration cost		2%			4,425,017
Subtotal					225,675,877
Contingencies		10%			22,567,588
Total					248,243,465

X. INSTITUTIONAL ARRANGEMENT

A. Province Level

104. Dak Nong 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.

105. Dak Nong Provincial Department of Planning and Investment (DPI) authorized by Dak Nong PPC as Project Owner, is responsible for:

- (i) Managing the project loan allocated for subprojects in Dak Nong 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.

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

107. Dak Nong 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 Dak Nong PPC, DPI and ADB;
- (xii) Implementing prompt corrective actions in response to internal monitoring.

B. District Level

108. 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)

109. 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

110. 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

111. 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

112. The implementation schedule for resettlement activities for the subproject is presented in Table 22, including (i) activities that have been completed to prepare the REMDP; (ii) resettlement implementation activities; and (iii) internal monitoring activities.

Table 142: Initial Schedule of Resettlement and Compensation Activities

Activities	Time
Approval final draft REMDP and disclosure	
Endorse final draft REMDP by PPC and ADB	6/2016
Disclose the endorsed REMDP in ADB website and disclose locally to APs and communes	6-7/2016
Implementation of the approved REMDP	
Detailed engineering and demarcation of land to be acquired	Quarter II/2017
Conduct Public consultation meeting with APs and EM people	Quarter II/2017
Conduct propagation of HIV/AID and women trafficking for EM people	Quarter II/2017-2018
Conduct DMS and prepare compensation plan (RCS, as required)	Quarter II/2017
Consultations with APs on the compensation plan	Quarter II/2017

Activities	Time
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
Monitoring	
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

113. 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

114. 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

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

- (i) Compliance with the agreed REMDP;
- (ii) The availability of resources and the efficient, effective use of these resources to implement land acquisition and resettlement activities;
- (iii) That resettlement institutions are well-functioning during the course of project implementation;
- (iv) Resettlement and EM activities are undertaken in accordance with the implementation schedule described in the REMDP;
- (v) To identify problems, if any, and remedial actions.

116. 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.

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

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

ANNEX: MINUTES OF PUBLIC CONSULTATION AND LIST OF ATTENDEES

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

BIÊN BẢN THẢO LUẬN NHÓM TẬP TRUNG
Về Chính sách an toàn Tài chính và Dân tộc thiểu số
Dự án: hỗ trợ phát triển khu vực biên giới

I. Thời gian tổ chức: 19/03/2019 (ngày 22 tháng 03 năm 2019)

II. Địa điểm tổ chức: Hội trường UBND xã Đắk Búk Sa

III. Hình thức tham vấn: Cộng đồng T.H 6

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông/ Bà Đoàn Thị Thuý Trang chức vụ Chủ tịch
- Ông/ Bà _____ chức vụ _____
- Ông/ Bà _____ chức vụ _____

2. Đại diện UBND xã Đắk Búk Sa

- Ông/ Bà Nguyễn Văn Đại chức vụ Phó chủ tịch UBND xã
- Ông/ Bà _____ chức vụ _____
- Ông/ Bà _____ chức vụ _____

3. Đại diện Đơn vị Tư vấn

- Ông/ Bà Nguyễn Xuân Nhân chức vụ Chuyên gia kỹ thuật
- Ông/ Bà _____ chức vụ _____
- Ông/ Bà _____ chức vụ _____

4. Đại diện hộ dân (tổng đồng): Đại diện cộng đồng và đại diện hộ gia đình bị ảnh hưởng từ dự án xã

Số không người tham gia: 17 người (sánh xuất danh sách 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 an ninh, an ninh lương thực và kinh tế tài chính và phát triển DTG
- Phổ biến quy trình thi công và giải quyết khiếu nại và 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 địa phương

VI. NỘI DUNG THẢO LUẬN

1. Giới thiệu nội dung thảo luận

- Giới thiệu chủ đề / chủ đề tài là nhà tài trợ
- Giới thiệu về qui mô dự án và phạm vi thu hút đất, giới giới mua để tài đang của DN trên người dân địa phương
- Những thông tin và dữ liệu khác trong quá trình thực hiện dự án

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

- Bất sử dụng của gia đình đến có sự 'đo'
- Không có nhà cửa bị mất bị ảnh hưởng
- Quá trình thu công nhanh, quên quên đến các hộ gia đình các loại tài sản như: xe, đồ đạc, tài sản khác cho phù hợp
- Về việc nắm bắt thông tin: người dân chưa nắm bắt thông tin chính xác. Họ đã cuối cùng cấp đồng đủ thông tin để người dân nắm bắt
- Trong vùng có 20 người dân từ trước sẽ ít giữ lại các tài sản như: tài sản, tài sản khác để lại, tài sản khác để lại, tài sản khác để lại

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

- Các hộ gia đình người dân địa phương nhất trí đồng thuận cao với và tham gia tích cực vào dự án.
- Các hộ gia đình người dân địa phương sẵn sàng hiến đất để xây dựng các công trình.
- Các hộ gia đình người dân địa phương sẵn sàng tham gia các hoạt động khác của dự án.

VII. KẾT LUẬN

- Các kết quả nghiên cứu và phân tích đã nêu trên cho thấy rằng các hộ gia đình người dân địa phương đã đồng thuận cao với và tham gia tích cực vào dự án.
- Các hộ gia đình người dân địa phương sẵn sàng hiến đất để xây dựng các công trình.
- Các hộ gia đình người dân địa phương sẵn sàng tham gia các hoạt động khác của dự án.

Cuộc họp các bên thống nhất và kết thúc vào lúc: _____ ngày _____ tháng _____ năm 2015

Đại diện cộng đồng

BQL khu dự án

Đoàn Thị Huyền Trang

Đại diện chính quyền địa phương



TRƯỞNG NHƯ
Trần Trung Hải

Đại diện Tư vấn

Nguyễn Xuân Nhàn

DANH SÁCH CÁC ĐÀ: BIỂU THAM GIA THẢO LUẬN NHÓM

Phường 28 Tolbatso, Quận Hoàn Kiếm (Khu vực Sân Bắn Bắn Kéo Hàng)

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Nguyễn Văn Hùng	Nam	Chợ gạo H. Lạc	Nguyễn Văn Hùng
2	Nguyễn Văn Hùng	Nam	Chợ gạo H. Lạc	Nguyễn Văn Hùng
3	Nguyễn Văn Hùng	Nam	Chợ gạo H. Lạc	Nguyễn Văn Hùng
4	Nguyễn Văn Hùng	Nam	Chợ gạo H. Lạc	Nguyễn Văn Hùng
5	Nguyễn Văn Hùng	Nam	Chợ gạo H. Lạc	Nguyễn Văn Hùng
6	Nguyễn Văn Hùng	Nam	Chợ gạo H. Lạc	Nguyễn Văn Hùng
7	Nguyễn Văn Hùng	Nam	Chợ gạo H. Lạc	Nguyễn Văn Hùng
8	Nguyễn Văn Hùng	Nam	Chợ gạo H. Lạc	Nguyễn Văn Hùng
9	Nguyễn Văn Hùng	Nam	Chợ gạo H. Lạc	Nguyễn Văn Hùng
10				
11				
12				
13				
14				
15				

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

BIÊN BẢN THẢO LUẬN NHÓM TẬP TRUNG

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

Dự án Hỗ trợ phát triển khu vực biên giới

I. Thời gian tổ chức: 15/10/2016, ngày 22 tháng 03 năm 2016

II. Địa điểm tổ chức: Hội trường UBND xã Đắk Búk Sô

III. Hàng mục tham vấn: Công suất T.Đ

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông/tà Đoàn Thị Huyền Trang được cử là Đại diện

- Ông/tà chức vụ

- Ông/tà chức vụ

2. Đại diện UBND xã Đắk Búk Sô

- Ông/tà Trần Trọng Đại được cử là Đại diện

- Ông/tà chức vụ

- Ông/tà chức vụ

3. Đại diện đơn vị Tư vấn

- Ông/tà Nguyễn Xuân Nhàn được cử là Đại diện

- Ông/tà chức vụ

- Ông/tà chức vụ

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

Số lượng người tham gia: người (chính sách định hướng theo điều kiện 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 Khu vực Tài định cư và phát triển QTTS

- 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 tài chính các biện pháp phục hồi cuộc sống

- Sự sẵn sàng tham gia của người dân đối với dự án

VỀ NỘI DUNG THẢO LUẬN

1. Giới thiệu nội dung thảo luận

Giới thiệu về địa an / Chai Tân tử / Nhữ tử

- Giới thiệu lịch sử của Nhữ tử (Phục kích)
- Giới thiệu về phân vị của Nhữ tử và GPMB
- Giới thiệu về quy mô của Nhữ tử địa an

2. Những vấn đề liên quan đến Chính sách an toàn TDC và DTT

- Các đồng cấp địa an của Nhữ tử địa an
- Các đồng cấp địa an của Nhữ tử địa an

Nhữ tử địa an là một đơn vị địa an của Nhữ tử địa an

- Các đồng cấp địa an của Nhữ tử địa an
- Các đồng cấp địa an của Nhữ tử địa an

Một số hàng của Nhữ tử địa an có thể bị ảnh hưởng bởi địa an của Nhữ tử địa an

- Một số hàng của Nhữ tử địa an có thể bị ảnh hưởng bởi địa an của Nhữ tử địa an

1. Mục đích sản xuất tham gia của người dân vào Dự án

- Phòng hướng dẫn thực hiện các khâu, chất lượng, tiến độ công việc nhằm đảm bảo nhân lực + người dân có việc làm và hưởng lợi từ dự án thành công để người dân tốt nhất và
- Đảm bảo công bằng, minh bạch và công khai trong quá trình thực hiện các công việc và các khâu liên quan đến dự án.
- + Các thủ tục hành chính liên quan đến dự án, không bị lệ thuộc vào ai.
- + Các thông tin liên quan đến dự án, bao gồm các khâu
- + Các vấn đề khác liên quan đến dự án sẽ phát triển

VI. KẾT LUẬN

- Tất cả hồ sơ dân tham gia đều có đầy đủ hồ sơ và
- Người dân mong muốn được tiếp cận công việc công khai để được tiếp cận và tiếp cận được nhiều hơn
- Đảm bảo công bằng, minh bạch và công khai trong quá trình thực hiện các công việc và các khâu liên quan đến dự án.

Các hợp tác viên đồng nhất và kết thúc vào lúc: ngày tháng năm 2018

Đại diện cộng đồng

BQL liên dự án

Đoàn Thị Huyền Trang

Đại diện chính quyền địa phương



PHÓ CHỦ TỊCH
Ban Quản lý
Dự án Tư vấn

Nguyễn Xuân Nhân

DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Trường: Tỉnh/thị trấn/phố: (Điền vào bên dưới theo thực tế)

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Phạm Văn Khanh	Nam	Xã Bắc Bình Sơn, Huyện	Xanh
2	Đoàn Huệ	Nam	Xã Bắc Bình Sơn, Huyện	Hồng
3	Nguyễn Văn Long	Nam	Xã Bắc Bình Sơn, Huyện	Đan
4	Nguyễn Long Sơn	Nam	Xã Bắc Bình Sơn, Huyện	Đan
5	Đường Hồng Thi	Nam	Xã Bắc Bình Sơn, Huyện	Đan
6	Phạm Văn Khanh	Nam	Xã Bắc Bình Sơn, Huyện	Nam
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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: 18/11 ngày 22 tháng 11 năm 2016

II. Địa điểm tổ chức: Hội trường UBND xã Đốt Hố Rang

III. Hạng mục tham vấn: Công trình TL-6

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông/tà Đinh Thị Huyền Trưởng đơn vị Công ty DT
- Ông/tà chức vụ
- Ông/tà chức vụ

2. Đại diện UBND xã Hố Hố Rang

- Ông/tà Đinh Thị Thị Hương chức vụ Phó CT UBND
- Ông/tà chức vụ
- Ông/tà chức vụ

3. Đại diện đơn vị Tư vấn

- Ông/tà Nguyễn Văn Mạnh chức vụ Trưởng dự án
- Ông/tà chức vụ
- Ông/tà chức vụ

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

Số lượng người tham gia: 7 người (sơ bộ ước tính 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 Khu vực Tái định cư và phát triển OTTS
- Phổ biến quy trình khi đầu tư và giải quyết khiếu nại và đền bù cho các hộ bị ảnh hưởng
- Thảo luận về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án
- Thảo luận về Chính sách đền bù và quyền được đền bù của người bị ảnh hưởng
- Thảo luận về tiêu chuẩn hỗ trợ và kỹ năng cần thiết các bên tham gia phát triển cuộc sống
- Sự sẵn sàng tham gia của người dân đối với dự án

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

- Người dân sẵn sàng tham gia vào dự án với mức độ cao nhất.

KẾT LUẬN

Được hợp các bên thống nhất và ký kết vào lúc: Ngày 22 tháng 3 năm 2017.

Đại diện cộng đồng

ĐOL bầu dự án

Đoàn Thị Huyền Trang



Ủy ban Nhân dân
PHÓ CHỦ TỊCH

Đại diện Ủy ban
Chủ tịch Ủy ban

Nguyễn Văn Mạnh

DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Phường/Đoàn N.T. Quang (tên họ tên chủ tọa) (tên họ tên chủ tọa) (tên họ tên chủ tọa)

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Lê Thị Liên		Thị trấn Tân Lập	Liên
2	Nguyễn Văn Khoa		Thị trấn Tân Lập	Khoa
3	Nguyễn Văn Khoa		Thị trấn Tân Lập	Khoa
4	Lê Thị Liên		Thị trấn Tân Lập	Liên
5	Lê Thị Liên		Thị trấn Tân Lập	Liên
6	Lê Thị Liên		Thị trấn Tân Lập	Liên
7	Lê Thị Liên		Thị trấn Tân Lập	Liên
8	Lê Thị Liên		Thị trấn Tân Lập	Liên
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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
Đương đầu mở phát triển khu vực biên giới

I. Thời gian tổ chức: Thứ 3 ngày 22 tháng 3 năm 2023

II. Địa điểm tổ chức: Hội trường UBND xã Độc N. Đông

III. Hàng ngũ tham dự: Công trình 7.6

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông: Đoàn Thị Hương chức vụ: Chủ IA
- Ông: chức vụ:
- Ông: chức vụ:

2. Đại diện UBND xã: Ông N. Đông

- Ông: Đoàn Thị Hương chức vụ: Chủ CSVBKD
- Ông: Trần Thị Hương chức vụ: Chủ CSVBKD
- Ông: chức vụ:

3. Đại diện đơn vị Tư vấn:

- Ông: Nguyễn Văn Đông chức vụ:
- Ông: chức vụ:
- Ông: chức vụ:

4. Đại diện hộ dân cộng đồng: Đại diện cộng đồng và đại diện hộ gia đình BHH trực tiếp bị ảnh hưởng xã

Số lượng người tham gia: 50 người (bình quân đến lượt thảo luận bốn lượt)

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, sơ bản của các tuyến đường giao thông
- Phổ biến thông tin về phạm vi ảnh hưởng và không gian tái định cư xã chức năng D.T.T
- Phổ biến quy trình khiếu nại và giải quyết khiếu nại và 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 tiếp nhận các biện pháp phục hồi cuộc sống
- Sự sẵn sàng tham gia của người dân đối với dự án

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

- Dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10% và có thể chấp nhận mức giá cao hơn để mua là 10%.
- Người dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10%.
- Người dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10%.
- Người dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10%.
- Người dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10%.
- Người dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10%.
- Người dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10%.
- Người dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10%.
- Người dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10%.
- Người dân địa phương sẵn lòng chấp nhận mức giá cao hơn để mua là 10%.

VI KẾT LUẬN

- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.
- Dự án sẽ được triển khai theo kế hoạch và tiến độ đã đề ra.

Các bên tham gia đã thống nhất và ký kết vào lúc 12 giờ 00 ngày 22 tháng 12 năm 2018

Đại diện cộng đồng

BQL tiểu dự án

Đoàn Thị Huyền Trang

Đại diện/chiến quyền địa phương

KĐCHỦ TỊCH
PHÓ CHỦ TỊCH

Đại diện Tư vấn

Nguyễn Văn Minh

DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Phường xã: Bà L. H. D. K. K. K. (tên thành phố, Quận/Miền/Giáo khu/Thị trấn/Huyện/Hà Nội)

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Tên họ và tên		Ph. CT (H. M. D.)	
2	Những tên khác		PCT (H. M. D.)	
3	Đến đây		CT (H. M. D.)	
4	Bên ngoài phố		Ph. CT (H. M. D.)	
5	Đến đây		Cán bộ tư pháp	
6	Ngay tại đây		Đại diện thành	
7	Đến đây		PCT (H. M. D.)	
8	Tên họ và tên		Đại diện thành	
9	Đến đây		Cán bộ tư pháp	
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Thân lương đơn thể được chế tạo với 141 điểm, nguyên liệu
 - Thân lương đơn thể có 9 bộ phận, thân lương đơn thể được chế tạo
 tại các nhà máy chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 - Thân lương đơn thể có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 - Thân lương đơn thể có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể

9.2. Thân lương đơn thể có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 - Thân lương đơn thể có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 - Thân lương đơn thể có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 - Thân lương đơn thể có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 - Thân lương đơn thể có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể
 có thể được chế tạo tại các nhà máy chế tạo, thân lương đơn thể

Được học các bài thống nhất và kết thúc vào lúc 10h ngày 26 tháng 3 năm 2016

Đại diện đơn vị Tư vấn











Đại diện chính quyền địa phương


 Nguyễn Văn Mạnh


 Trần Văn Tuấn

DANH SÁCH CÁC ĐẠI BIỂU THAM GIA HỌP THAM VẤN

Xã/Phường: Sương Thuỷ Tỉnh/thành phố: Đà Nẵng

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Phạm Xuân Sơn	Nam	15/10/1978	
2	Trần Thị Tuyết	Nữ	15/10/1978	
3	Nguyễn Khắc Tiến	Nam	15/10/1978	
4	Đinh Văn	Nam	15/10/1978	
5	Phạm Văn Công	Nam	15/10/1978	
6	Trần Thị	Nữ	15/10/1978	
7	Nguyễn Thị Xuân Loan	Nữ	15/10/1978	
8	Phạm Văn Trung	Nam	15/10/1978	
9	Nguyễn Văn Vinh	Nam	15/10/1978	
10	Đinh Thanh	Nam	15/10/1978	
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Resettlement and Ethnic Minorities Development Plan

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VIE: Support to Border Areas Development Project

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

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

CURRENCY EQUIVALENTS

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

Exchange rate on April 2016: \$1 = 22,445 VND

WEIGHTS AND MEASURES

- | | | |
|-------------------------------|---|--|
| m (Meter) | – | the base unit of length |
| m ² (Square meter) | – | A system of units used to measure areas |
| m ³ (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
CARB	-	Compensation, Assistance and Resettlement Board
CPC	-	Commune Peoples, Committee
DARD	-	Department of Agriculture and Rural Development
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DPC	-	District Peoples, Committee
DPI	-	Department of Planning and Investment
DTA	-	Development Triangle Areas
EA	-	Executing Agency
EM	-	Ethnic Minority
FS	-	Feasibility Study
GOV	-	Government of Vietnam
HH	-	Household
IMO		Independent Monitoring Organization
IOL	-	Inventory of Losses
LIC	-	Loan Implementation Consultants
LURC	-	Land Use Rights Certificate
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MPI	-	Ministry of Planning and Investment
NTP	-	Notice to Proceed
PIB	-	Project Information Booklet
PPC	-	Provincial People Committee
PPMU	-	Provincial Project Management Unit
RCS	-	Replacement Cost Study
REMDP	-	Resettlement and Ethnic Minorities Development Plan
SIA	-	Social Impact Assessment
VND	-	Vietnamese dong
VWU	-	Viet Nam Women's Union

GLOSSARY

Affected person (AP) / Affected household (AH)	<ul style="list-style-type: none"> - 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. <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"> - 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.
Cut-off date	<ul style="list-style-type: none"> - Means the date of land acquisition announcement made by local authorities. The APs will be informed of the cut-off date for each subproject component, and any people or assets that settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
Ethnic minority	<ul style="list-style-type: none"> - People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	<ul style="list-style-type: none"> - 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.
Host community	<ul style="list-style-type: none"> - Means communities receiving physically displaced persons of a project as resettlers.
Income restoration	<ul style="list-style-type: none"> - 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..
Income restoration program	<ul style="list-style-type: none"> - 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.
Inventory of Losses (IOL)	<ul style="list-style-type: none"> - 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 replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.

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

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

Note:

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

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

TABLE OF CONTENTS

CURRENCY EQUIVALENTS	I
ABBREVIATIONS	II
GLOSSARY	III
TABLE OF CONTENTS	VI
LIST OF TABLES	VII
LIST OF FIGURES	VII
EXECUTIVE SUMMARY	VIII
I. SUBPROJECT DESCRIPTION	10
A. Background	10
B. Civil works to be undertaken	12
C. Mitigation measures	12
D. Objective of Resettlement and Ethnic Minority Development Plan	12
II. PROJECT IMPACTS	13
A. Survey process	13
B. Permanent impacts	13
C. Temporary impact	16
D. Tenure status of AHs	17
E. Vulnerable households and Ethnic Minority households	17
III. GENERAL SOCIOECONOMIC PROFILE	17
A. Socioeconomic condition in the subproject area	17
B. Affected Household Profile	19
C. Ethnic Minorities in the Project Area	23
D. Social Impact Assessment	25
E. Measures taken to minimize the negative impacts	25
IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION	26
A. Information Disclosure	26
B. Public Consultation and Participation	26
V. GRIEVANCE REDRESS MECHANISM	29
VI. LEGAL AND POLICY FRAME WORK	30
A. ADB Policies	30
B. National Laws on Involuntary Resettlement and Ethnic Minorities (EMs)	30
C. Reconciliation of Government and ADB Policies on Resettlement and ethnic minority.	32
D. Subproject policies	35
VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS	36
A. Eligibilities	36
B. Compensation and Assistance	36
C. Entitlement Matrix	38
VIII. ETHNIC MINORITY ACTION PLAN	42
IX. RESETTLEMENT BUDGET AND FINANCING PLAN	43
X. INSTITUTIONAL ARRANGEMENT	45

A.	Province Level	45
B.	District Level	46
C.	District Land Fund Development Center/ District Compensation, Assistance and Resettlement Board (CARB)	46
D.	Ethnic minority department of districts	47
E.	Commune Level	47
XI.	IMPLEMENTATION SCHEDULE	47
XII.	MONITORING AND EVALUATION	48
A.	Community Monitoring	48
B.	Internal Monitoring	48
	ANNEX I: MINUTES OF PUBLIC CONSULTATION AND LIST OF ATTENDEES	50

LIST OF TABLES

TABLE 1: IMPACTS ON HOUSEHOLDS, ENTERPRISES AND ORGANIZATIONS	14
TABLE 2: IMPACTS ON LAND OF HOUSEHOLDS, ENTERPRISES AND ORGANIZATIONS	14
TABLE 3: IMPACTS ON HOUSE AND STRUCTURES OF HOUSEHOLDS, ENTERPRISES AND ORGANIZATIONS	15
TABLE 4: SUMMARY OF IMPACTS ON LAND AND ASSETS	16
TABLE 5: POPULATION OF DISTRICT AND COMMUNES IN THE SUBPROJECT AREA	18
TABLE 6: SITUATION OF LAND USE RIGHTS CERTIFICATE OF SURVEYEES	18
TABLE 7: POOR AND NEAR POOR POPULATION BY ETHNIC GROUPS IN SUBPROJECT AREA	19
TABLE 8: DEMOGRAPHIC CHARACTERISTICS OF AFFECTED HOUSEHOLDS	20
TABLE 9: HOUSEHOLD HEADED, SEX AND AGE	20
TABLE 10: HOUSEHOLD HEADED SEX AND ETHNIC	20
TABLE 11: EDUCATIONAL BACKGROUND OF HEAD OF HOUSEHOLD	21
TABLE 12: MAIN OCCUPATION OF HEAD OF AFFECTED HOUSEHOLDS	22
TABLE 13: OWNERSHIP OF PRODUCTIVE ASSETS OF AFFECTED HOUSEHOLDS	22
TABLE 14: OWNERSHIP OF ASSETS OF AFFECTED HOUSEHOLDS	22
TABLE 15: POPULATION OF SUBPROJECT BY ETHNIC GROUPS IN 2015	24
TABLE 16: SUMMARY OF PUBLIC CONSULTATION MEETINGS	28
TABLE 17: RECONCILIATION OF GOVERNMENT AND ADB POLICIES ON INVOLUNTARY RESETTLEMENT AND ETHNIC MINORITY	33
TABLE 18: ENTITLEMENT MATRIX	39
TABLE 19: REPLACEMENT COSTS AND PROVINCIAL PRICES FOR LAND, STRUCTURES, CROPS AND TREES	43
TABLE 20: COMPENSATION BUDGET	44
TABLE 21: INDICATIVE SCHEDULE OF RESETTLEMENT AND COMPENSATION ACTIVITIES	47

LIST OF FIGURES

FIGURE 1: SUBPROJECT SITE	11
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EXECUTIVE SUMMARY

1. **Introduction:** The Support to Border Areas Development Project (SBADP) funded by the Asian Development Bank (ADB) covers five provinces, including Dak Lak, Dak Nong, Gia Lai, Kon Tum and Binh Phuoc. Subproject of “*Improving the Provincial Road 665, Section Ia Bang - Ia Mor in Chu Prong District, Gia Lai Province*” is one of 5 subprojects of SBADP. This road section goes thru six communes of Chu Prong district namely Ia Bang, Ia Tor, Ia Me, Ia Pia, Ia Ga and Ia Mor with total length of 65,87km. The objective of the subproject is to improve the existing road to connect NH14 to the border with Cambodia. The road after improvement will contribute to social and economic development of the southern west region of Gia Lai province and enhance the connectivity of road network in Chu Prong district.
2. **Scope of Impacts:** subproject will affect in total 56 households (AH) with 252 persons. Among 56 AHs, two AHs are severely affected due to loss of more than 10% of productive land; No households have to relocate in new place; 14 AHs are ethnic minority (EM) belonging to Gia Rai and Tay groups; 08 affected households belong to vulnerable group of which 06 households are female headed with dependents and 02 others are severely affected EM households. 13 enterprises and organizations will be affected by this subproject including 04 enterprises, 04 schools, 01 medical station, 01 post office, 02 CPCs, 01 frontier post of the army.
3. Subproject will acquire totally 356,485m² various kinds of land, of which 15,186m² of annual crops land, 10,016m² of perennial land, 13,657m² of productive forest land and 317,625m² of public land in right of way and water surface of streams. Subproject will affect mainly to auxiliary structures of households, enterprises and organizations such as culvert, fence, gate.... One household will be affected his temporary house built on the productive forest land managed by CPC but not his shelter. 288 various trees will also be affected by subproject. Beside the negative impact from land acquisition, the EM people in subproject area will benefit from the improvement of road with better transport condition for travelling and production.
4. **Legal and policy framework:** The Resettlement and Ethnic Minorities Development Framework of the project have been prepared based on policies and laws of Vietnam Government, policies and regulations of Gia Lai Province and regulations and principles of ADB (SPS 2009) on Involuntary Resettlement (IR) and Indigenous People (IP). The overall objective of these policies is to ensure that all people, including ethnic minority people affected by the subproject are able to (i) improve or at least restore their living standards to at least pre-Project levels and ethnic people, (ii) receive culturally appropriate social and economic benefits, (iii) do not suffer adverse impacts as a result of project, and (iv) can participate actively in projects that affect them.
5. **Grievance Redress Mechanism (GRM):** In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism is established in this REMDP. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Furthermore, APs will not be ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. EA and IAs are responsible for resolving timely and successfully all complaints of APs.
5. **Disclosure, public consultation and participation:** Consultations, public meetings, and village discussions with APs and local officials were carried out during the resettlement planning process. Meaningful consultations with EM people have also been conducted during the social impact assessment and the resettlement planning process. Project policies and alternatives of land compensation and resettlement, EM's development plan and income restoration have been discussed during the meetings. Concerns and suggestions raised by the affected persons were elicited and incorporated into the REMDP. The grievance mechanism is designed and disclosed to

people to ensure that APs' concerns and grievances are addressed and resolved in a timely, culturally appropriate and satisfactory manner. APs will be made fully aware of their rights verbally and in writing during consultation, survey, and at the time of compensation.

6. Issues on gender and EMs: A majority of people living in the subproject area are EMs with approximately 56.8% of the total population in the subproject communes. They are J'Rai, Thai, Muong, Tay, Nung, Dao....Positive and negative impacts of the subproject have been identified such as land acquisition but insignificant impact with mitigating measures defined for the negative impacts. There are still gender issues in the subproject area such as low status of women in their respective families and communities and their limited participation in decision-making processes. Rate of illiterate women is higher than that of men. A gender action plan is prepared for this subproject to address concerns of women in order to improve their social status in the subproject area.

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

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

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

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

I. SUBPROJECT DESCRIPTION

A. Background

1. Asian Development Bank (ADB) is planning to fund the Support to Border Areas Development Project (SBADP) to support the objectives of the Cambodia-Laos-Vietnam Development Triangle Area (CLV DTA) in Vietnam by improving critical transport infrastructure to increase the connectivity to areas of high economic productive potential with domestic and international market. The project comprises 3 main components: i) Road infrastructure in five VDTA provinces rehabilitated; (ii) VDTA plans and facilities for transport and trade facilitation (TTF) with a focus on inclusive growth developed; and (iii) Institutional Capacity for VDTA Investment Planning, Project Design and Implementation, and Resource Management strengthened. The project will be implemented in five provinces Dak Lak, Dak Nong, Gia Lai, Kon Tum and Binh Phuoc.

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

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

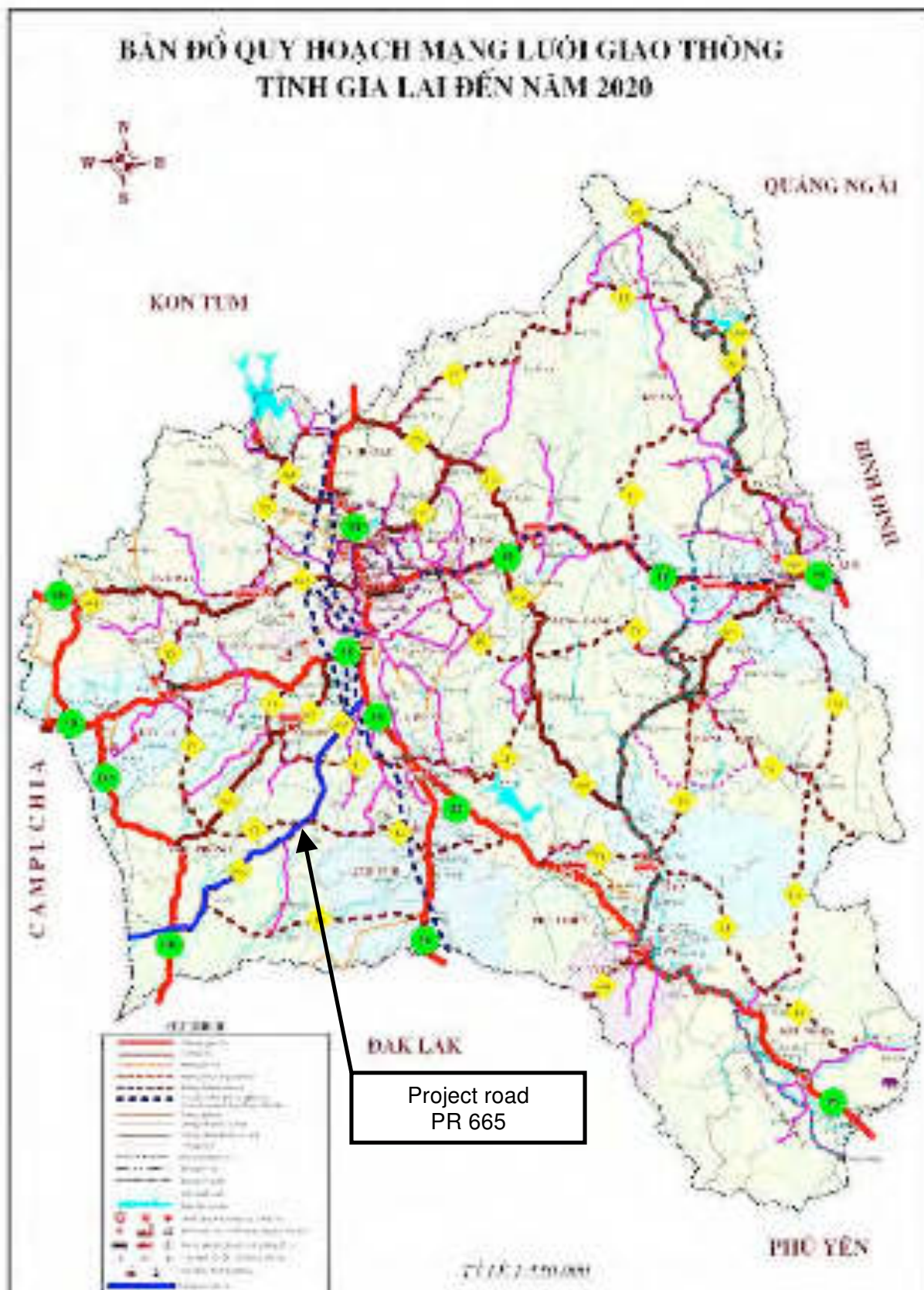


Figure 1: Subproject site

B. Civil works to be undertaken

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

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

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

C. Mitigation measures

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

D. Objective of Resettlement and Ethnic Minority Development Plan

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

7. Further, this document develops a roadmap for affected EMs. The objective is to design and implement subproject in a way that fosters full respect for EMs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the EMs themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

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

- (i) Policy and procedural guidelines for asset acquisition, compensation, resettlement, and strategies that will help ensure full restoration of the AH's livelihood and standard of living;
- (ii) Identification of HHs and communities to be adversely affected by the subproject, where they are located, what compensation and related alleviating measures to be provided to them and how and when these measures will be carried out;

- (iii) A plan on how AHs will be involved in the various stages of the Project, including resolution of grievances;
- (iv) An estimate budget for REMDP implementation; and
- (v) A monitoring mechanism on resettlement implementation for the subproject.

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

II. PROJECT IMPACTS

A. Survey process

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

11. *Census and Inventory of loss* were done for all affected households based on the preliminary design. Agricultural land to be acquired has been identified through referencing of commune cadastral records. Affected trees and crops have been determined by actual measurement and counting. The amounts indicated for area of land loss and affected trees/crops will be validated during the DMS that will be done when detailed technical design approved.

12. *Socioeconomic survey*: The SES was conducted by collecting socioeconomic information of affected households (including demographic characteristics of AHs, their income and livelihood, ethnic composition, education levels and on their concerns) by directly interviewing them. The survey also collected statistic data of the Province, District and Communes from Year Books of Province and district, and annual socioeconomic reports of communes.

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

B. Permanent impacts

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

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

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

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

Table 1: Impacts on households, enterprises and organizations

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

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

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

16. **Impact on lands:** Based on the results of IOL, the subproject will permanently recover 356,485m² of various kinds of land, of which 15,186m² is annual crop land, 10,016m² is perennial land, 13,657.23m² is forest production land and 317,625m² is public land including 314,694.74m² of land on the right of way and 2,930.64m² of surface of stream and river. Among 15,186m² annual crop land, 7,686m² belongs to 07 households in Ia Mor commune and 7,500m² of Ia Mor CPC. 10,016m² of perennial land belongs to Chu Prong Rubber Enterprise, Frontier Station and Ia Mor CPC. No household lose residential land or has to relocate. The result of the inventory of land loss is shown in Table 2.

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

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

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

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

17. **Impact on house and structures:** The subproject will affect 47.9m² of temporary house of 01 household in la Ga commune built on the public land managed by CPC, which is used for the purpose of looking after his rubber forest land not for shelter. Besides, the subproject affects 75 m of box culvert, 360m of fences, 158 culverts and 845m² of yards.

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

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

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

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

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

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

21. **Impact on natural habitat and culture of ethnic minority:** The subproject will not affect natural habitat, and livelihood system, cultural practice and ancestral domains of ethnic minorities' people living in the subproject area because the road will be improved on the existing

road and within the right of way and the EM groups live far from the road. Only few EM households live scatteredly with Kinh people along the road.

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

Table 4: Summary of impacts on land and assets

No.	Category		Unit	Amount
	Affected assets			
1	Land		M²	356,485
		Annual crop land	m ²	15,186
		Perennial land	m ²	10,016
		Forest production land	m ²	13,657.23
		Other land (transportation, bed of stream, river)	m ²	317,625
2	House and Structures			
		House and shop	m ²	47.9
		Concrete yard	m ²	845.7
		Culvert	Each	158
		Box culvert (60x100)	md	75.0
		Fence	m	360.1
		Water tank	m ²	9
		Electric meter	Each	8
		Electric line	m	350
3	Crops and trees			
		Rubber	tree	249
		Cashew	tree	12
		Jack fruit	tree	2
		Avocado	tree	4
		Custard apple	tree	4
		Soursop	tree	2
		Papaya	tree	2

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

C. Temporary impact

23. The subproject may cause temporary impacts during construction on the AHs whose land will be used for constructor's temporary yard or temporary roads. However, to ensure that the temporary impacts are minimized, if not avoided entirely, in the civil works contract, it will include the following provisions, (i) contractor to pay rent for any land required for construction work based on negotiation with and concurrence of AHs; (ii) to the extent possible, only unused land will be used as construction work space; and (iii) temporarily used land will be restored or improved to its pre-project condition. With the mitigation measures, the remaining temporary impact will be insignificant.

D. Tenure status of AHs

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

E. Vulnerable households and Ethnic Minority households

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

III. GENERAL SOCIOECONOMIC PROFILE

A. Socioeconomic condition in the subproject area

Chu Prong district.

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

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

Subproject communes:

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

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

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

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

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

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

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

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

Table 6: Situation of land use rights certificate of surveyees

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

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

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

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

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

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

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

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

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

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

B. Affected Household Profile

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

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

Table 8: Demographic characteristics of affected households

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

(Source: SES data collected in March 2016)

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

Table 9: Household headed, Sex and Age

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

(Source: SES data collected in March 2016)

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

Table 10: Household headed ethnicity

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

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

(Source: SES data collected in March 2016)

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

Table 11: Educational background of head of household

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

(Source: SES data collected in March 2016)

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

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

Table 12: Main occupation of affected households heads

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

(Source: SES data collected in March 2016)

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

Table 13: Ownership of important productive assets of affected households

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

(Source: SES data collected in March 2016)

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

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

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

Table 14: Ownership of assets of affected households

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

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

(Source: SES data collected in March 2016)

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

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

C. Ethnic Minorities in the Project Area

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

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

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

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

Table 15: Population of subproject by Ethic groups in 2015

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

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

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

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

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

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

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

D. Social Impact Assessment

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

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

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

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

E. Measures taken to minimize the negative impacts

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

64. The measures to minimize resettlement impacts was applied:

- i. *alternative location selection:* all components have been selected based on the existing roads and public vacant land.
- ii. *design solution:* roads will be designed within the existing road's ROW to minimize resettlement impact from households living or cultivating along these roads.

- iii. *public consultation*: during technical design and updating REMDP, public consultations with local people will be conducted to inform people about project information as well as resettlement impacts. Broad discussion on design solutions, alternative location selection will be carried out aiming on minimizing land acquisition. Local people will be also informed of scope of land acquisition and resettlement implementation schedule, e.g informing 90 days before acquisition of agricultural land and 180 days for residential land acquisition, so that people will not cultivate or construct structures on the land to be acquired.

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

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

IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Information Disclosure

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

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

69. This REMDP will be uploaded in ADB websites in both English and Vietnamese and disclosed to the EMs through commune and village meetings. The staff of CPC and mass organizations will translate into EM language (if needed) and disseminate the information to the EMs through loud speakers and other oral communication means in traditional market days as well as in public meetings. Table 16 below shows different public consultation meetings with various stakeholders carried out.

B. Public Consultation and Participation

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

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

- i. provide full and impartial information to affected persons about the subproject, its activities, and potential impacts that affect them, and to provide an opportunity for their feedback on the subproject;
- ii. explore a range of options for minimizing subproject negative impacts, and for those impacts that cannot be avoided, explore the range of options for, and ensure APs participation in the design of mitigation measures;
- iii. gather information about the needs and priorities of APs as well as their feedback on proposed resettlement and compensation policies, options and activities;
- iv. obtain the cooperation, participation and feedback of APs on activities to be undertaken in resettlement planning and implementation, in particular on the location for resettlement, planning and design of housing (if necessary), land and community facilities, and the development and implementation of the livelihood program to affect livelihood restoration and development;
- v. provide a mechanism for continued dialogue, raising of concerns and monitoring of implementation; and
- vi. Exploring options for the co-management of natural resources through participatory approaches aimed at sustainable use and conservation.

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

72. **Consultation and participation during the REMDP preparation.** 08 consultation meetings were conducted with local authorities, mass organizations, APs and non-APs in March 2016. The objective of the consultation meetings was to provide information, as much as possible, on the subproject to local authorities, mass organizations, APs and non-APs, and discuss and document their comments on subproject issues. Specifically, the following subjects were presented and discussed:

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

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

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

- (v) it was noted that the environmental impacts of the subproject during construction are inevitable, but these can be minimized with the proposed mitigation measures in the EMP;
- (vi) It is necessary to have proper construction method especially for the road section goes through the area of Bac Tay Nguyen Oil and Gas enterprise and Van Khoa Agricultural Product Trading Company. During the construction period, the traffic should be controled so that the disturbances to transportation, production and business of local people as well as enterprises will be avoided.
- (vii) Before civil work commencement, it is necessary to check the condition of houses close to the road to avoid the dispute on the craking of the house;
- (viii) it was proposed that meaningful consultation with and participation of women and EMs in the process of REMDP implementation, management and monitoring will be continuously undertaken in next steps;
- (ix) APs proposed that the compensation payment be paid at one time and before the start of construction. The APs also mentioned that the issues on the quality of the subproject be considered and that they are willing to be representative in the Community Monitoring Board during subproject construction;
- (x) Complaints of APs should be resolved timely and successfully.

Table 16: Summary of public consultation meetings

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

74. **Consultation and participation during REMDP implementation.** During the implementation phase, the PPMU in combination with district resettlement committee (or land fund development center) and Commune PC is responsible for the dissemination of subproject information (translated into local language if necessary) using various media such as organizing seminars, presentations, and public meetings for which subproject APs and beneficiaries are invited. The PPMU will deliver the Project Information Brochure (PIB) and other documents of the subproject to the APs.
75. Local people, especially affected persons have right to work for the subproject as specified in the Gender Action Plan and in this REMDP. All communities have rights to monitor not only the construction of the subproject but also the implementation of the REMDP (see part XI – Monitoring and evaluation), and their representatives should be members of the Community Monitoring Board of the commune to monitor the implementation process. They can make grievance if they find any illegal actions or things they disagree as specified in Section V.

V. GRIEVANCE REDRESS MECHANISM

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

- **First Stage, Commune People's Committee:** The aggrieved affected household can bring his/her complaint in writing or verbally to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days and maximum of 45 days following the lodging of the complaint, depending on complicated case or distance, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- **Second Stage, District People's Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbal, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days following the lodging of the complaint, depending on complicated case or remote area, to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DCARB of any determination made and the DCARB is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure their decision is notified to the complainant.
- **Third Stage, Provincial People's Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the PPC. The PPC has 30 days or maximum of 70 days, depending on complicated case or remote area, to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping file of all complaints that reaches the same.
- **Final Stage, the Court of Law Arbitrates:** If after 30 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a Court of law for adjudication. If the court rules in favour of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favour of PPC, then the complainant will receive compensation approved by PPC.

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

VI. LEGAL AND POLICY FRAME WORK

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

A. ADB Policies

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

80. **Indigenous Peoples (IP)/ Ethnic Minorities (EMs).** The main objectives of ADB's IP safeguards policy under the SPS 2009¹ are to: (i) avoid adverse impacts of projects on the environment and affected persons, where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected persons when avoidance is not possible; and (iii) assist in strengthening country safeguard systems and develop the capacity to manage environmental and social risks. The policy is triggered if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of EMs or affects the territories or natural or cultural resources that EMs own, use, occupy, or claim as their ancestral domain. Should ADB projects affect EMs, a set of general policy requirements are observed to maintain, sustain, and preserve their cultural identities, practices, and habitats (SR-3 of SPS 2009). A set of special requirements are in place should projects be (i) within ancestral domains and lands and related natural resources, (ii) commercial development of cultural resources and knowledge of EMs; (iii) physical displacement from traditional or customary lands; and (iv) commercial development of natural resources within customary lands under use that would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of EMs.

81. The subproject will affect 14 EM households with minor land acquisition and does not significantly impact livelihood and income of the EMs. The subproject also does not affect identity, culture and custom livelihood system of EMs so Ethnic Minority Development Plan is incorporated with Resettlement Plan of the subproject in a combined document named REMDP with all elements of EMDP are included in the REMDP.

B. National Laws on Involuntary Resettlement and Ethnic Minorities (EMs)

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

¹ Safeguard Policy Statement, 2009

2013 and Circular No. 37/2014/TT-BTNMT, dated 30 Jun 2014, guiding on implementation of Decree 47/2014/ND-CP, and Circular No. 36/2014/TT-BTNMT, dated 30 Jun 2014, guiding on implementation of Decree 44/2014/ND-CP.

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

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

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

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

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

87. A series of policies related to ethnic minorities was promulgated. Two of the most important policies is the Program 134 (or Decision No. 134/2004/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.

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

- (i) Decree No. 70/2001/ND-CP of the Government, on detailing the implementation of the marriage and family law. This stipulates that all documents registering family assets and land use rights must be in the names of both husband and wife;
- (ii) Decision No. 112/2007/QĐ-TTg of the Prime Minister, on assistance policy for improving legal awareness under the Program 135 – phase II;
- (iii) Decision No. 06/2007/QĐ-UBND of the Committee of Ethnic Minorities, on media strategies for the Program 135 – Phase II;
- (iv) Circular No. 06/2007/TT-UBND of the Committee of Ethnic Minorities, on guiding implementation of assistance of services, improvement of livelihood, technical

support for enhancement of legal awareness, following Decision 112/2007/QĐ-TTg of the Prime Minister;

- (v) Decision No. 05/2007/QĐ-UBND of the Committee of Ethnic Minorities, on recognizing mountain and three EM regions based on development situation;
- (vi) Decision No. 01/2007/QĐ-UBND of the Committee of Ethnic Minorities, on recognizing mountainous communes and districts;
- (vii) Decree No. 60/2008/NĐ-CP of the Government, on defining the functions, tasks, powers and organizational structure of the Committee of Ethnic Minorities;
- (viii) Resolution No. 30a/2008/NQ-CP of the Government, on the support program for fast and sustainable poverty reduction in the 61 poorest districts;
- (ix) Decree No. 82/2010/NĐ-CP of the Government, on teaching and learning EM languages in schools;
- (x) Decree No. 05/2011/NĐ-CP of the Government, on EM work; and
- (xi) Joint Circular No. 01/2012/TTLT-BTP-UBND of the Ministry of Justice and the Committee of Ethnic Minorities, on guiding implementation of legal assistance for EMs.
- (xii) Decision 551/QĐ-TTg of Prime Minister dated 04/04/2013 on approval to 135 Program for providing the assistance to develop infrastructure, production for especially difficult communes, border communes, communes in ATK zone, especially difficult villages in periods 2012-2015 and 2016-2020.

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

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

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

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

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

Table 17: Reconciliation of Government and ADB Policies on Involuntary Resettlement and ethnic minority.

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
Severely impacted APs losing productive land	Decree 47/2014/ND-CP, Article 19, Item 3: 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	Land Law 2013, Article 77, item 2 and Article 92: Persons who has used land before 1 st July 2004 and directly be involved in agriculture production on the acquired land without LURC or illegal will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, Clause 1, Article 64 and items b, d, clause 1, Article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	Those APs without legal title to land will be included in consultations. Ensure that APs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures which are occupied/created before cut-off date and was not violated to the regulations of the land law. They will be entitled to resettlement assistance and other compensation social support to assist them to improve and or at least restore their pre-project living standards and income levels.
Compensation unit price for land	Land Law 2013, Article 114, Clause 3: land price for compensation calculation is price of specific land parcel.	Compensation at full replacement cost.	Compensation at full replacement cost.
Compensation for house and structures	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
	of the new house/structure.		
Compensation for trees, crops and livestock, annual crops, perennial trees	Land Law 2013, Article 90: compensation equal to the value of the output of their crops which will be calculated based on the highest yield of crops season in 3 recent years multiplying with the average local price at the time of land acquisition. Compensation equal to the existing value of the orchard, calculated at the local price at the time of land acquisition excluding the value of land user right.	Compensation at full replacement cost	Compensation at specific cost that appraised by independent appraiser
Prepare Resettlement Plan	Decree No. 47/2014/NĐ-CP, Article 28: Prepare compensation plan, assistance, resettlement when the State recovers land for the purpose of national defense and security; economic and social development as national interest, public.	Prepare a resettlement plan	Prepare a resettlement plan
Ethnic Minority			
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 and consultants will be recruited to assist the EMDP preparation, implementation and monitoring.
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	In case of land donations involving marginal portions of land, the third party consultant will verify

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
		address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	and report on the negotiation and Settlement processes as part of the due diligence report. A voluntary donation form signed by the landowners, witnesses and village leaders will be attached in the report.
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 an external monitoring organization.

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

D. Subproject policies

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

- (i) Poor and vulnerable non-titled land users will be provided appropriate assistance to help them improve their socioeconomic status. The type of assistance will be identified during REMDP preparation as per consultation with APs.
- (ii) Payment for affected lands and assets upon lands will be based on the principle of replacement cost.
- (iii) Temporarily affected land will be restored to pre-Project conditions.
- (iv) RCS shall be carried by an experienced appraiser to identify the market rates and replacement costs for the affected lands and assets upon lands.
- (v) Assistance on life and production stabilization will be provided to those who lose 10% or more of their productive income generating assets and/or being physically displaced. The subproject will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable persons and will be entitled to participate in an income restoration program, which will be mainstreamed in the District Extension Program.
- (vi) Assistance shall be provided in accordance with the current Provincial regulations for those below the official poverty line, and for vulnerable groups (e.g. female-headed HHs, elderly headed HHs etc.) as per consultation results.
- (vii) Social impacts assessment will be conducted and updated open to use of similar methods to assess potential project impacts, both positive and adverse, on EMs.
- (viii) Capacity building programs for EMs in the project area will be provided. Meaningful consultations with local EMs will be carried in all stages of the Subproject. The

grievance redress mechanism has been developed and will be discussed and disclosed publicly in the communities.

- (ix) The Subproject will ensure the rights of local EMs to benefit from the use of their cultural resource and knowledge.
- (x) The issues of access restriction and physical displacement from protected areas and natural resources will be avoided as much as possible.
- (xi) The REMDP shall be updated and consultants will be recruited to assist the REMDP updating, implementation and monitoring.
- (xii) Key information in the REMDP, including measurement of losses data, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to the APs in an understandable format and in the local language, such as the posting of the full REMDP in commune offices and the distribution of project information booklets (PIBs) to the APs.
- (xiii) Meaningful consultation with local EMs will be made to define areas with customary rights and to reflect the issues in an updated REMDP with particular actions to protect or compensate the areas.
- (xiv) Internal monitors of REMDP implementation will be carried out.
- (xv) Civil works will not be issued a notice to proceed (NTP) for any subproject or project component that entails involuntary resettlement in accordance with the approved REMDP for that subproject or component until (i) compensation payment and relocation to new sites have been satisfactorily completed for that area, and (ii) agreed rehabilitation (income restoration) program is in place.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Eligibilities

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

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

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

B. Compensation and Assistance

96. 72. The compensation unit price for land, structures and trees and crops applied for resettlement cost estimate of this REMDP is based on the compensation unit price for land (land prices for the period 2015 - 2019), structures and trees and crops issued by Gia Lai provincial People's Committee in recent years. A rapid replacement cost assessment has been undertaken via consultation with local authorities and local people to verify the current unit prices of the PPC for land and other assets. Results of the assessment indicate that the

current prices for land, houses and structures and crops and trees issued by Gia Lai provincial People's Committee for compensation are acceptable. The compensation prices for lands and non-land assets will be updated at time of resettlement implementation based on results of replacement cost survey conducted by an independent qualified and experienced appraiser.

97. **Compensation for land:** The compensation unit prices for lands at the time of preparing the REMDP follow the unit prices for lands stipulated in Decision 28/2014/QD-UBND issued by the Gia Lai Provincial People's Committee for the period 2015 - 2019, and the factor for land price adjustment for year 2016 according to Decision 14/2016/QD-UBND of Gia Lai PPC (in Ia Mor commune: $k=1.1$ for the residential land plots located along PR 665, annual crops land, perennial land, other agriculture land; $k=1.15$ for productive forest land).

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

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

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

101. **Assistance for job changing/creation:** For the households who lost the agricultural land: Following the provincial policy, the cash assistance equivalent to 2.5 times the value of their affected land but not exceed agriculture land quota will be provided to affected households as the assistance for job training and creation.

102. **Assistance for affected vulnerable households:** For poor households who lose 10% or more of agriculture land holding shall be entitled to receive the assistance in cash equivalent to 30kg of rice per person per month in period of 36 months from the date of completion of land recovery; For poor households who are marginally affected (loss less than 10% of agricultural land holding and loss of secondary structures), female headed households and elderly households with dependents, severely affected EM household the project will support VND 2,000,000/HH. For social policy households, the project will support the assistance in cash according to provincial regulation of Gia Lai province. The household who falls in two criteria of vulnerability will receive the highest assistance only.

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

- i. Voluntary land donation (VLD) is allowed only if a sub-project can be technically implemented in another location than where it is planned. If a sub-project is location specific by nature, land acquisition associated with such a sub-project cannot be considered as voluntary, rather, it is an act of eminent domain. In such cases, an agreed and approved entitlement matrix has to be followed accordingly;
- ii. VLD is allowed only for very minor impact (about 5% of total land holding) that meets the following criteria:
- iii. The affected HH are fully informed that they have the right to refuse to donate land and instead receive compensation at replacement cost, and that a grievance redress mechanism is available to them through which they can express their unwillingness to donate;
- iv. The affected people are encouraged to use the grievance redress mechanism if they have questions or inquiries, either in writing or verbally;
- v. Adequate measures are in place to protect complainants;
- vi. Confirmation from face to face meetings and in writing that the affected people are indeed aware that they are entitled to compensation and knowingly agree to donate land or other assets without compensation. The minutes of the meeting, which include confirmation that

all conditions for voluntary donations above are met. The voluntary donation form should be attached in the local language (if needed). Once the informed consent of the affected people has been confirmed in writing, both husband and wife of the affected HH sign the form in the presence of the third party, and the affected HH keeps one original signed form;

- vii. Implementation of sub-projects involving VLD starts only once the assigned authority (village committee, resettlement committee, etc.) has approved the signed voluntary donation forms;
- viii. If affected people are unwilling to donate assets without compensation, or if impacts go beyond the threshold for voluntary donations occur, compensation should be paid accordingly.

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

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

C. Entitlement Matrix

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

Table 18: Entitlement matrix

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
I. PRODUCTIVE LAND					
1	Agricultural land of individuals, households	Partially permanent loss (loss of productive land of the HH and the remaining unaffected portion is viable for continued use)	All individuals, households have LURC or have claim recognized or recognizable by law.	Cash compensation for acquired land at replacement cost. Compensation for trees/crops, structures see item II below.	AHs shall be informed three months in advance before the Notice of land recovery. AHs shall fully receive the compensation and allowance at the replacement cost before site clearance.
2	Agricultural land managed by CPC	Permanent loss	Communal People Committee	No compensation for affected land but support equivalent to 100% of compensation value of the affected land; and Cash compensation at replacement cost for all non-land affected assets on the affected land and allowance for transfer assets, If any.	The support amount shall be paid to account of affected commune and used for infrastructure improvement of the commune; Assets on land will be compensated to their owner.
3	Agricultural land of economic organizations leased from Government	Permanent loss	Eligible organization as regulated in Article 75 of Land Law 2013	Cash compensation for the land acquired if fee for renting such land is paid by organization in one time and is not used from state budget; OR Not compensation for the land acquired if fee for renting such land is paid annually by organization but compensation for the remaining of investment	District CARB shall verify the source of money used for renting such land of economic organization and compensation rate according to government regulation

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
				cost on such land with the condition that the rent fee is not used from the state budget.	
4	For the portion of agriculture land to be used temporarily: Cash compensation on average productivity of tree/crop years multiplied by duration of land use. Contractors will negotiate with AHs.				
II	HOUSES AND STRUCTURES, CROPS AND TREES				
5	Crops and trees	Loss of or damage to crops/trees	Owners regardless of tenure status but crops and trees must be created before cut-off date.	For the annual crops and trees: cash compensation at market price at the time of compensation	<p>APs have the right to use salvageable trees.</p> <p>APs will be given three months notice that the land on which their crops are planted will be recovered and that they must harvest their crops on time.</p> <p>APs will receive cash compensation at current market cost for any un-harvested crops that are near or ready to harvest at the time of land acquisition.</p>
6	Houses and structures	Loss of or damage to houses and structures	Owners regardless of tenure status but house/structures must be built/ created before cut-off date.	For the houses and structures: cash compensation at market price for new construction of houses and structures with similar technical standard at the time of compensation.	No depreciation or deduction of salvageable material will be calculated.
III. ECONOMIC REHABILITATION ASSISTANCES					
7	Life stabilization assistance due to severe loss of productive land	AHs losing from 10 to less than 30% of agricultural land holding	Individuals, households directly cultivate on the affected land	Cash assistance equal to 30 kg of rice per month per household's member for 3 months	<p>Assistance will be paid at the same time of compensation payment and before site clearance.</p> <p>Rice price is valued at market price by</p>

No.	Type of Loss/Impacts	Level of Impact	Eligibility	Entitlements	Implementation Arrangements
					District Financial Division at the time of preparing the compensation plan.
7	Assistance for job training or job creation due to loss of productive land	Permanent impact	Households that will lose agriculture land	Assistance for job training/creation at prices, equal to 2.5 times of value of agriculture land lost (as provincial regulation)	Assistance will be paid at the same time of compensation payment and before site clearance.
9	For vulnerable groups	Loss of land and non-land assets	Poor households severely affected by project	Cash assistance equal to 30kg of rice per month for each member of household and be supported for 36 months.	Assistance will be paid at the same time of compensation payment and before site clearance. Using the information from the resettlement surveys, the DCARB will prepare the list of vulnerable persons.
			Poor households marginally affected by project; Female headed households OR Elderly households with dependents, severely EM households which are affected by project	Cash assistance: 2,000,000 VND per household	
			Social policy households affected by project	Cash assistance as regulation of Gia Lai province	

VIII. ETHNIC MINORITY ACTION PLAN

107. According to SIA, EM people will be mainly benefited from the project. Land acquisition for road improvement and tourist component may cause some negative impacts but be mitigated and managed. A simple EM action plan is necessary to facilitate EM affected people participating in project processes. The plan will provide new opportunities for EM people, increasing their income without making their burdens increase and to raise the social status of EM people in the subproject area. The targets of this plan are as follows:

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

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

IX. RESETTLEMENT BUDGET AND FINANCING PLAN

109. **Replacement cost.** A rapid replacement cost assessment has been undertaken via consultation with local authorities and local people and the results indicate that the current prices for houses and structures and crops and trees issued by Gia Lai provincial People's Committee for compensation are acceptable. The compensation prices for lands and non-land assets will be updated at time of resettlement implementation based on results of replacement cost survey conducted by an independent qualified and experienced appraiser. The compensation prices of land, structures, crops and trees are shown in Table 19. The selected price for compensation from provincial promulgated price and market price of land and crops are presented in Table 19. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation.

Table 19: Replacement costs and provincial prices for land, structures, crops and trees

No.	Items	Unit	K factor	Unit price stipulated by PPC (VND)	Proposed replacement cost (VND)
1	Annual cropland	VND/m ²	1.1	9,000	9,000
2	Perennial cropland	VND/m ²	1.1	9,000	9,000
3	Production forest land	VND/m ²	1.15	5,000	5,000
4	Temporary house	m ²	1.0	1,087,000	1,087,000
5	Concrete yard	m ²	1.0	153,000	153,000
6	Culvert D30cm-40cm	m	1.0	741,000	741,000
7	Culvert D50cm-60cm	m	1.0	963,000	963,000
8	Box culvert (60x100)	md	1.0	963,000	963,000
9	Fence	m	1.0	51,400	51,400
10	Water tank	m ²	1.0	2,689,000	2,689,000
11	Electric meter	Each	1.0	1.000.000	1.000.000
12	Electric line	m	1.0	5,000	5,000
13	Rubber (4 years)	VND/tree	1.0	146,647	146,647
14	Cashew ≥ 5 years	VND/tree	1.0	276,000	276,000
15	Jack-fruit > 5 years	VND/tree	1.0	288,000	288,000
16	Avocado (1 year)	VND/tree	1.0	10,000	10,000
17	Custard apple (1 year)	VND/tree	1.0	10,000	10,000
18	Soursop (1 year)	VND/tree	1.0	10,000	10,000
19	Papaya (1 year)	VND/tree	1.0	10,000	10,000

110. **Budget for resettlement.** The estimated budget, including compensation cost for land and assets on the land, assistance and costs for administration and contingency, is estimated according to the above prices to be VND 814,469,066 equivalent to 36,287.33 USD (Table 20). EM action plan will be implemented action plan will be implemented in combination with gender action plan and current agriculture extention program of communes, so it is no need arrangement of budget for EM activities.

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

Table 20 Compensation budget

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

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

X. INSTITUTIONAL ARRANGEMENT

A. Province Level

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

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

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

- (i) Managing the project loan allocated for subprojects in Gia Lai province;
- (ii) Establishing Provincial Project Management Unit (PPMU);
- (iii) Directing PPMU to implement all project activities including REMDP according to the regulations of government and ADB policies;
- (iv) Ensuring budget available for implementation of land acquisition in time;
- (v) Coordinating with relevant agencies to ensure timely redress of complaints or grievances of APs;
- (vi) Supervising project implementation.

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

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

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

- (ii) Guiding CARB to implement all resettlement activities in compliance with the approved REMDP; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the REMDP are met;
- (iii) Conducting, in combination with CARB and CPCs, information campaigns and stakeholder consultation in accordance with established project guidelines;
- (iv) Coordinating with relevant agencies to ensure timely: providing compensation, support and rehabilitation measures, and resolving of complaints or grievances of APs;
- (v) Implementing internal resettlement monitoring, establishing and maintaining resettlement and grievance databases in accordance with procedures and requirements in approved REMDP and providing regular reports to Gia Lai PPC, DPI and ADB;
- (vi) Implementing prompt corrective actions in response to internal monitoring.

B. District Level

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

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

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

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

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

D. Ethnic minority department of districts

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

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

E. Commune Level

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

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

XI. IMPLEMENTATION SCHEDULE

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

Table 21: Indicative Schedule of Resettlement and Compensation Activities

Activities	Time
Approval final draft RP and disclosure	
Endorse final draft REMDP by PPC and ADB	6/2016
Disclose the endorsed REMDP in ADB website and disclose locally to APs and communes	6-7/2016
Implementation of the approved REMDP	
Detailed engineering and demarcation of land to be acquired	Quarter II/2017
Conduct Public consultation meeting with APs and EM people	Quarter II/2017
Conduct propagation of HIV/AID and women trafficking for EM people	Quarter II/2017
Conduct DMS and prepare compensation plan (RCS, as required)	Quarter II/2017

Activities	Time
Consultations with APs on the compensation plan	Quarter II/2017
Update the REMDP based on results of DMS, RCS, and EM consultations (if required)	Quarter III/2017
Submit compensation plan to DPC for review and approval	Quarter III/2017
Disclose approved compensation plan to Aps	Quarter IV/2017
Payment of compensation and allowance	Quarter IV/2017
Clearance of acquired land	Quarter IV/2017
Commencing civil works	Quarter I/2018
Monitoring	
Conducting monthly monitoring on the implementation of REMDP with LIC's support	Quarter II/2017
LIC support for preparation of semi-annual monitoring report to submit CPMU and ADB	Quarter II/2017

XII. MONITORING AND EVALUATION

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

A. Community Monitoring

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

B. Internal Monitoring

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

- (i) Compliance with the agreed REMDP;
- (ii) The availability of resources and the efficient, effective use of these resources to implement land acquisition and resettlement activities;
- (iii) That resettlement institutions are well-functioning during the course of project implementation;
- (iv) Resettlement and EM activities are undertaken in accordance with the implementation schedule described in the REMDP;
- (v) To identify problems, if any, and remedial actions.

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

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

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

ANNEX : MINUTES OF PUBLIC CONSULTATION AND LIST OF ATTENDEES

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

BIÊN BẢN THẢO LUẬN NHÓM TẬP TRUNG

Về Chính sách an toàn Tài chính cư và Dân tộc thiểu số

I. Thời gian tổ chức: 17/10/2015, ngày 17/10/2015, tháng 10/2015

II. Địa điểm tổ chức: Hội trường UBND xã Tân Bình

III. Hàng mục tham vấn Công dân: 17/10/2015

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông bà chức vụ
- Ông bà chức vụ
- Ông bà chức vụ

2. Đại diện UBND xã:

- Ông bà Nguyễn Văn Quý chức vụ Chủ tịch UBND
- Ông bà chức vụ
- Ông bà chức vụ

3. Đại diện đơn vị Tư vấn:

- Ông bà Nguyễn Văn Quý chức vụ Trưởng đơn vị
- Ông bà chức vụ
- Ông bà chức vụ

4. Đại diện hộ dân/ cộng đồng: Đại diện cộng đồng và đại diện hộ gia đình (VH) tham gia tại thôn/bản/xã

Số trong cuộc tham vấn: 1 người (chính sách dân tộc thiểu số bản bản này)

V. MỤC ĐÍCH THẢO LUẬN NHÓM

- Cung cấp các thông tin về dự án an ninh quốc gia, địa điểm quy mô, các thông tin kỹ thuật cơ bản của các tuyến đường giao thông

- Phổ biến thông tin về phạm vi ảnh hưởng và Khu vực Tài chính cư và phát triển DTTS

- Phổ biến quy trình khảo sát và giải quyết khiếu nại về dân tộc thiểu số 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 dân tộc và quyền được bồi thường của người bị ảnh hưởng

- Tham vấn về năng lực, hỗ trợ và khả năng sẵn sàng các biện pháp phục hồi cuộc sống

- Sự đồng ý tham gia của người dân đối với dự án

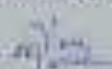
3. Mức độ sẵn sàng tham gia của người dân vào Dự án

Ngày: 15/10/2015 tại UBND xã Hòa Bình, huyện Hòa Bình, tỉnh Hòa Bình.

VII. KẾT LUẬN

Các hợp tác xã đồng nhất và nhất trí vào dự án ngày 15/10/2015.

Đại diện cộng đồng


Bà Nguyễn Thị Hằng

Đại diện dự án

Đại diện chính quyền địa phương



CHỦ TỊCH

HUYỆN HÒA BÌNH

Đại diện Dự án



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 tại đình cũ và Dân tộc thuộc xã

I. Thời gian tổ chức: 18h ngày 13 tháng 5 năm 2018

II. Địa điểm tổ chức: Hội trường UBND xã - TP. An Khê

III. Hướng dẫn tham vấn: Công nhân - D.L.H.T.

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông/ Bà chức vụ
- Ông/ Bà chức vụ
- Ông/ Bà chức vụ

2. Đại diện UBND xã: D.L.H.T.

- Ông/ Bà chức vụ
- Ông/ Bà chức vụ
- Ông/ Bà chức vụ

3. Đại diện Ban an ninh:

- Ông/ Bà chức vụ (Nguyễn Tiến Lợi)
- Ông/ Bà chức vụ (Trưởng thôn)
- Ông/ Bà chức vụ

4. Đại diện tổ dân phố đồng lập: Đại diện đồng lập và đại diện hộ gia đình BPH tại khu vực đồng lập.

Đo lường giá tham gia người dân mỗi thôn/vườn theo diện tích đất.

V. NỘI DUNG THẢO LUẬN NHÓM

- Cung cấp các thông tin về dự án và mục tiêu của Dự án, quy mô, các thông số kỹ thuật và bản vẽ sơ đồ hiện trạng khu vực.

- Phổ biến thông tin về phạm vi ảnh hưởng và Mảng Tác động dự án và phát triển (ITTA)

- Phổ biến quy trình đánh giá và giải quyết khiếu nại và khiếu nại về dự án và 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 công bằng và minh bạch.

- Tham vấn về nhu cầu hỗ trợ và khả năng tuân thủ các quy định pháp luật và xã hội.

- Đại diện đồng lập và các hộ dân tại khu vực.

Resettlement and Ethnic Minorities Development Plan

Document stage: Final

Project Number: 48189-002

July 2016

VIE: Support to Border Areas Development Project

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

CURRENCY EQUIVALENTS

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

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

WEIGHTS AND MEASURES

m (Meter)	–	the base unit of length
m ² (Square meter)	–	A system of units used to measure areas
m ³ (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
CARB	-	Compensation, Assistance and Resettlement Board
CPC	-	Commune Peoples, Committee
DARD	-	Department of Agriculture and Rural Development
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DPC	-	District Peoples, Committee
DPI	-	Department of Planning and Investment
DTA	-	Development Triangle Areas
EA	-	Executing Agency
EM	-	Ethnic Minority
FS	-	Feasibility Study
GOV	-	Government of Vietnam
HH	-	Household
IMO		Independent Monitoring Organization
IOL	-	Inventory of Losses
LIC	-	Loan Implementation Consultants
LURC	-	Land Use Rights Certificate
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MPI	-	Ministry of Planning and Investment
NTP	-	Notice to Proceed
PIB	-	Project Information Booklet
PPC	-	Provincial People Committee
PPMU	-	Provincial Project Management Unit
RCS	-	Replacement Cost Study
REMDP	-	Resettlement and Ethnic Minorities Development Plan
SIA	-	Social Impact Assessment
VND	-	Vietnamese dong
VWU	-	Viet Nam Women's Union

GLOSSARY

Affected person (AP) / Affected household (AH)	<ul style="list-style-type: none"> - 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. <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"> - 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.
Cut-off date	<ul style="list-style-type: none"> - Means the date of land acquisition announcement made by local authorities. The APs will be informed of the cut-off date for each subproject component, and any people or assets that settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
Ethnic minority	<ul style="list-style-type: none"> - People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	<ul style="list-style-type: none"> - 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.
Host community	<ul style="list-style-type: none"> - Means communities receiving physically displaced persons of a project as resettlers.
Income restoration	<ul style="list-style-type: none"> - 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..
Income restoration program	<ul style="list-style-type: none"> - 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.
Inventory of Losses (IOL)	<ul style="list-style-type: none"> - 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 replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.

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

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

Note:

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

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

TABLE OF CONTENTS

CURRENCY EQUIVALENTS	I
ABBREVIATIONS	II
GLOSSARY	III
TABLE OF CONTENTS	VI
LIST OF TABLES	VII
LIST OF FIGURES	VII
EXECUTIVE SUMMARY	VIII
I. SUBPROJECT DESCRIPTION	10
A. Background	10
B. Civil works to be undertaken	11
C. Mitigation measures	11
D. Objective of Resettlement and Ethnic Minority Development Plan	11
II. PROJECT IMPACTS	12
A. Survey process	12
B. Permanent impacts	13
C. Temporary impact	13
D. Tenure status of AHs	14
E. Vulnerable households and Ethnic Minority households	14
III. GENERAL SOCIOECONOMIC PROFILE	14
A. Socioeconomic condition in the subproject area	14
B. Affected Household Profile	16
C. Ethnic Minorities in the Project Area	17
D. Social Impact Assessment	18
E. Measures taken to minimize the negative impacts	18
IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION	19
A. Information Disclosure	19
B. Public Consultation and Participation	19
V. GRIEVANCE REDRESS MECHANISM	21
VI. LEGAL AND POLICY FRAME WORK	22
A. ADB Policies	22
B. National Laws on Involuntary Resettlement and Ethnic Minority (EMs)	23
C. Reconciliation of Government and ADB Policies on Resettlement and ethnic minority.	25
D. Subproject policies	28
VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS	29
A. Eligibilities	29
B. Compensation and Assistance	29
C. Entitlement Matrix	30
VIII. ETHNIC MINORITY DEVELOPMENT PLAN	34
IX. RESETTLEMENT BUDGET AND FINANCING PLAN	34
X. INSTITUTIONAL ARRANGEMENT	36

A.	Province Level	36
B.	District Level	37
C.	District Land Fund Development Center/ District Compensation, Assistance and Resettlement Board (CARB)	38
D.	Ethnic minority department of districts	38
E.	Commune Level	38
XI.	IMPLEMENTATION SCHEDULE	38
XII.	MONITORING AND EVALUATION	39
A.	Community Monitoring	39
B.	Internal Monitoring	39
ANNEX:	MINUTES OF PUBLIC CONSULTATION AND LIST OF ATTENDEES	41

LIST OF TABLES

TABLE 1:	SUMMARY OF PERMANENT IMPACTS ON LAND AND ASSETS-----	14
TABLE 2:	POPULATION OF DISTRICT AND COMMUNES IN THE SUBPROJECT AREA -----	15
TABLE 3:	SITUATION OF LAND USE IN PROJECT AREA -----	15
TABLE 4:	RATE OF POOR HOUSEHOLDS IN THE SUBPROJECT AREA IN 2015 -----	16
TABLE 17:	RECONCILIATION OF GOVERNMENT AND ADB POLICIES ON INVOLUNTARY RESETTLEMENT AND ETHNIC MINORITY -----	25
TABLE 18:	ENTITLEMENT MATRIX -----	31
TABLE 7:	REPLACEMENT COSTS AND PROVINCIAL PRICES FOR LAND, STRUCTURES, CROPS AND TREES	34
TABLE 8	COMPENSATION BUDGET-----	35
TABLE 21:	INDICATIVE SCHEDULE OF RESETTLEMENT AND COMPENSATION ACTIVITIES -----	39

LIST OF FIGURES

FIGURE 1:	SUBPROJECT LOCATION	10
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EXECUTIVE SUMMARY

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

2. **Scope of Impacts:** There is only land acquisition in Section #2 of the subproject. The construction in this section will affect Chu Mom Ray Rubber Company (herein after called Chu Mom Ray Company), 06 workers of this company and Sa Thay frontier post. Subproject will acquire permanently 99,150m², of which 2,216m² of garden land, 15,309 m² of perennial land for planting rubber trees, 79,625m² of internal road land in the rubber plantation of Chu Mom Ray Company, and 2,000m² of other land of Sa Thay Frontier post. About 12,800m² of 03 kinds of land will be temporarily affected during the construction to be used for temporary road, producing prestress concrete girger yard, and disposal and borrow pit.

3. Subproject will affect 02 drilling wells and 60m² fishing pond of 02 workers, and 100m fence of Sa Thay frontier post, 2,496 rubber trees of Chu Mom Ray Company, 114 trees and 106m² of crops of 04 workers of this company. About 2,600m² of crops and 30 fruit trees of Sa Thay frontier post will be also affected. Beside the negative impact from land acquisition, the EM people in subproject area will benefit from the improvement of road with better transport condition for travelling and production.

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

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

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

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

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

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

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

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

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

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

I. SUBPROJECT DESCRIPTION

A. Background

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

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

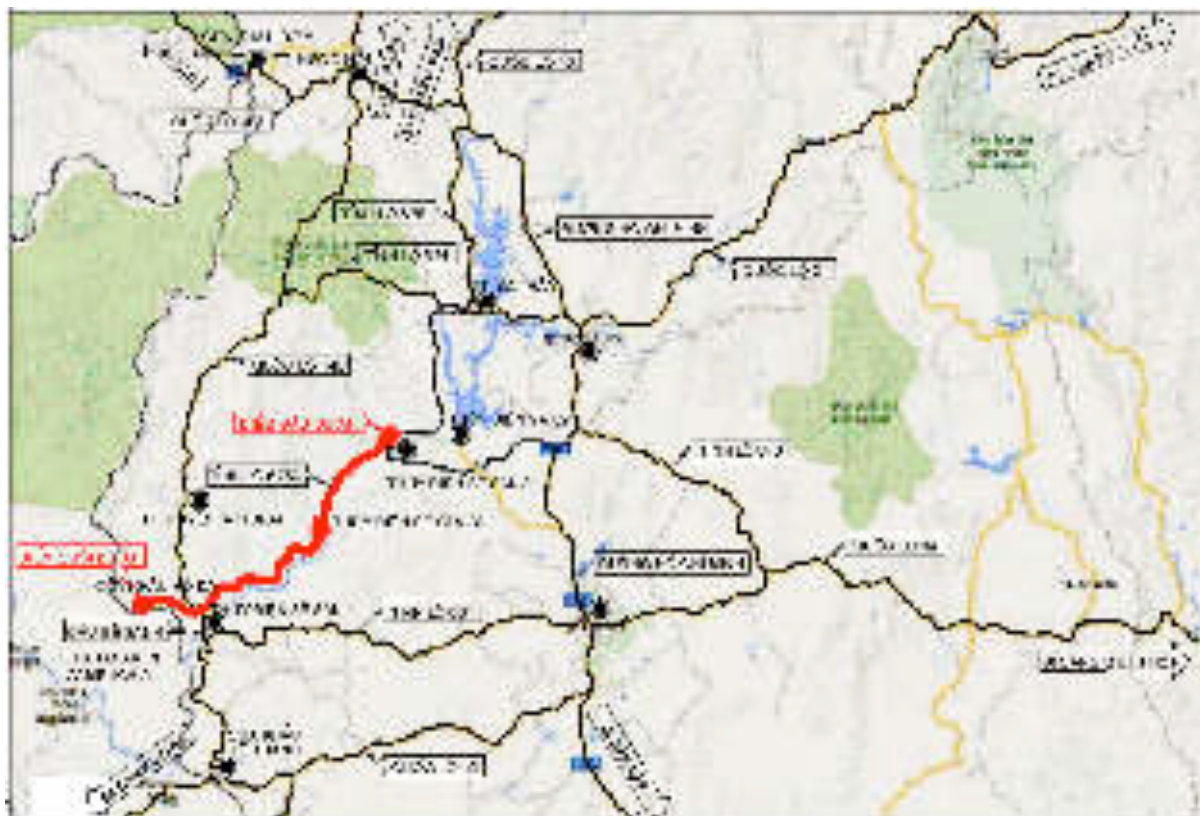


Figure 1: Subproject location

B. Civil works to be undertaken

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

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

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

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

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

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

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

C. Mitigation measures

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

D. Objective of Resettlement and Ethnic Minority Development Plan

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

20. Further, this document develops a roadmap for affected EMs. The objective is to design and implement subproject in a way that fosters full respect for EMs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the EMs themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

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

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

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

II. PROJECT IMPACTS

A. Survey process

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

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

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

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

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

B. Permanent impacts

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

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

29. Impact on lands: Based on the results of IOL, as mentioned in para 10 above, only Section #2 of the subproject has land acquisition. The construction of this section will permanently recover 99,150 m² of various kinds of land, of which 2,000 m² of garden land and 2,000m² of other land of Sa Thay frontier post, 15,309m² is perennial land for planting rubber trees, 79,625m² of road land have been used for inner transportation roads in the rubber farm of Chu Mom Ray company (will not be compensated), and 216m² is garden land of 02 workers of Chu Mom Ray company.

30. Impact on house, structures and public assets: The subproject will only affect auxiliary structures including 100m of fence of Sa Thay Frontier Post, 02 drilling wells and 60m² of fishing pond of 02 workers of Chu Mom Ray Company.

31. Impact on crops and trees: The subproject will affect in total of 2,640 various trees, and 2,706m² crops of which 2,496 are rubber trees of Chu Mom Ray Company, 2,600m² of crops and 30 fruit trees of Sa Thay Frontier Station, 106m² of crops and 114 trees (including 37 cashew trees, 02 timber trees and 45 fruit trees) of 04 workers planted on the land of Chu Mom Ray company.

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

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

C. Temporary impact

34. According to the preliminary design, during construction, the subproject will temporary impact totally 12,800m² of different kinds of land including 1,250m² of residential land of 03 workers, 1,850m² and 8,600m² of other agricultural land respectively of Chu Mom Ray Company, 1,100m² of garden land of Sa Thay Frontier Post which will be used for constructor's temporary yard or temporary roads. However, to ensure that the temporary impacts are minimized, if not avoided entirely, in the civil works contract, it will include the following provisions, (i) contractor to pay rent for any land required for construction work space based on negotiation with and concurrence of AHs; (ii) to the extent possible, only unused land will be used as construction work space; and (iii) temporarily used land will be restored or improved to its pre-project condition before returning affected people. With the mitigation measures, the remaining temporary impact will be insignificant.

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

Table 1: Summary of permanent impacts on land and assets

No.	Category	Unit	Quantity
	Affected assets		
1	Land permanently affected	M²	99,150
	1.1 Garden land	m ²	2,216
	1.2 Perennial land	m ²	94,934
	1.3 Other land (bed of stream, river,)	m ²	2,000
2	Land temporarily affected	M²	12,800
	2.1 Residential land	m ²	1,250
	2.4 Garden land	m ²	1,100
	2.2 Perennial land	m ²	1,850
	2.3 Other agriculture land (bed of stream, river,)	m ²	8,600
3	House and Structures		
	3.1 Drilling well	Pc	02
	3.2 Pond	M ²	60
	3.3 Fence	M	100
4	Crops and trees		
	4.1 Crops	M ²	2,706
	4.2 Rubber	tree	2,496
	4.3 Cashew	tree	37
	4.4 Timber tree	tree	2
	4.5 Fruit tree	tree	75

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

D. Tenure status of AHs

36. In Ia H'Drai district, agricultural land accounts for 92.6% of total natural land area, main crops in this area used for growing rubber, cassava and managed by rubber companies. Chu Mom Ray company is leasing about 1,200 ha of productive forest land from local government to develop the rubber farm for 27 years. The affected households are workers of this company. Each worker household is allocated averagely residential land area of 500m² within the company's land area for living and for gardening and 11 hectares of rubber farm for taking care. Therefore, no one has LURC for their land they are using now. However, workers are allowed to build house and plant fruit trees or crops on the residential and garden land assigned.

E. Vulnerable households and Ethnic Minority households

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

III. GENERAL SOCIOECONOMIC PROFILE

A. Socioeconomic condition in the subproject area

Ia H'Drai district.

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

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

Subproject communes:

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

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

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

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

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

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

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

Table 3: Situation of land use in project area

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

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

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

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

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

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

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

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

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

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

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

B. Affected Household Profile

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

¹ Ia Dom is beneficiary commune of project

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

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

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

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

C. Ethnic Minorities in the Project Area

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

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

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

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

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

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

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

D. Social Impact Assessment

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

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

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

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

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

E. Measures taken to minimize the negative impacts

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

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

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

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

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

IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Information Disclosure

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

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

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

B. Public Consultation and Participation

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

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

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

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

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

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

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

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

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

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

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

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

V. GRIEVANCE REDRESS MECHANISM

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

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

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

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

VI. LEGAL AND POLICY FRAME WORK

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

A. ADB Policies

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

80. **Indigenous Peoples (IP)/ Ethnic Minorities (EMs).** The main objectives of ADB's IP safeguards policy under the SPS 2009² 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

²Safeguard Policy Statement, 2009

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Issues	Viet Nam policy	ADB Policy (SPS 2009)	Policy applied for the Project
		and experienced experts and that draw on indigenous knowledge and participation by the affected EM communities.	implementation and monitoring.
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 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 an external monitoring organization.

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

D. Subproject policies

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

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

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Eligibilities

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

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

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

B. Compensation and Assistance

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

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

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

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

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

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

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

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

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

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

C. Entitlement Matrix

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

Table 6: Entitlement matrix

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

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

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

VIII. ETHNIC MINORITY DEVELOPMENT PLAN

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

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

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

IX. RESETTLEMENT BUDGET AND FINANCING PLAN

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

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

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

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

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

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

Table 8 Compensation budget

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

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

X. INSTITUTIONAL ARRANGEMENT

A. Province Level

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

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

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

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

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

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

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

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

B. District Level

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

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

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

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

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

D. Ethnic minority department of districts

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

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

E. Commune Level

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

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

XI. IMPLEMENTATION SCHEDULE

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

Table 9: Indicative Schedule of Resettlement and Compensation Activities

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

XII. MONITORING AND EVALUATION

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

A. Community Monitoring

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

B. Internal Monitoring

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

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

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

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

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

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

ANNEX : MINUTES OF PUBLIC CONSULTATION AND LIST OF ATTENDEES

ỦY BAN NHÂN DÂN HUYỆN SA THẦY	CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM <u>Độc lập - Tự do - Hạnh phúc</u>
Số: 11/UBND-TH	Sa Thầy, ngày 12 tháng 6 năm 2016
Về việc cam kết không đến bỏ CPMH trên đường S5 Sơn 3-Quốc lộ 14C	

Kính gửi Ngân hàng Phát triển Châu Á (ADB)


Ngày 10/06/2016, UBND huyện Sa Thầy đã làm việc với đại diện của ngân hàng phát triển châu Á (ADB), trên cơ sở rà soát công tác đền bù, giải phóng mặt bằng của dự án đường S5 Sơn 3- Quốc lộ 14C, UBND huyện Sa Thầy cam kết một số nội dung như sau:

Dự án đường S5 Sơn 3- Quốc lộ 14C được UBND tỉnh Kon Tum phê duyệt đầu tư tại quyết định số 599/QĐ-UBND ngày 23/05/2008 với chiều dài L=58km, điểm trình dự án tại Quyết định số 1132/QĐ-UBND ngày 29/09/2009, dự án này UBND tỉnh Kon Tum giao UBND huyện Sa Thầy thực hiện (chủ đầu tư). Trong quá trình triển khai thực hiện giai đoạn 1 của dự án, UBND huyện Sa Thầy đã thực hiện song song tác động bồi thường giải phóng mặt bằng theo các quy định của chính phủ Việt Nam, diện tích đất thu hồi là rừng tự nhiên, đất chưa sử dụng, một phần đất người dân khai hoang trái phép nên không thuộc đối tượng đền bù. Đến nay dự án đã thi công xong phần mở đường, mở ngân hàng phát triển châu Á tiếp tục đầu tư vào hạng mục còn lại trên phần nền đã được Chính phủ Việt Nam đầu tư tại UBND huyện Sa Thầy cam kết không phát sinh bồi thường giải phóng mặt bằng.

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

Nơi nhận:
- Nhà văn:
- Lưu NT&T

TM. ỦY BAN NHÂN DÂN
CHỦ TỊCH
THỦ CHỨC TỊCH



Nguyễn Văn Thành

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 Tài chính và Dân số, Miêu số

I. Thời gian tổ chức: 15/6, ngày 15, tháng 6, năm 2010

II. Địa điểm tổ chức: Hội trường UBND xã Tân An

III. Hàng mục tham vấn: Công việc

IV. Thành phần tham dự:

1. Đại diện Chủ tịch xã

- Chủ tịch: (chức vụ)
- Ủy viên: (chức vụ)
- Ông/Bà: (chức vụ)

2. Đại diện UBND xã

- Chủ tịch: Lê Văn Hùng (chức vụ) Bí thư chi bộ
- Ủy viên: Lê Văn Bắc (chức vụ) Phó UBND
- Ông/Bà: (chức vụ)

3. Đại diện đơn vị Tư vấn

- Chủ tịch: Nguyễn Văn Nhân (chức vụ) Trưởng nhóm
- Ủy viên: Nguyễn Văn Cường (chức vụ)
- Ông/Bà: (chức vụ)

4. Đại diện hộ dân đồng ý: Đại diện hộ đồng ý và đại diện hộ không đồng ý thực hiện tại địa phương xã

Số lượng người tham dự: 6 (số lượng người tham dự theo danh sách)

V. NỘI DUNG THẢO LUẬN NHÓM

Cung cấp các thông tin về lợi ích và mục tiêu đã được quy định, các thông tin và lý do cơ bản của các biện pháp an toàn.

- Phổ biến thông tin về an toàn và lợi ích của Kế hoạch Tài chính và Dân số (CTTE)
- Phổ biến quy định pháp luật, các văn bản quy định pháp luật về dân số và an toàn nhân sinh
- Tham vấn về phạm vi ảnh hưởng và tác động của các biện pháp thực hiện an toàn
- Tham vấn về chính sách dân số và an toàn được đưa ra của các đơn vị liên quan
- Tham vấn về nhu cầu hỗ trợ và khả năng tiếp nhận các biện pháp phục vụ cuộc sống
- Phổ biến và giải thích các thông tin đã được cung cấp

3. Khi họ sẵn sàng tham gia của người dân vào Dự án

1) Hộ gia đình là đơn vị xây dựng để phát triển
Sinh kế
= Phải là lý do này

= Người dân sẽ được hưởng lợi từ dự án
đây là chủ yếu

VI. KẾT LUẬN

Đã được các bên thống nhất và phê duyệt vào ngày 15/04/2015 tại Phòng 5, năm 2015

Đại diện cộng đồng



BUL đầu dự án

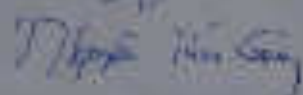


Đại diện nhà quyền địa phương

PHÓ CHỦ TỊCH

Đỗ Văn Tiến

Đại diện Tư vấn



DANH SÁCH CÁC ĐẠI BIỂU THAM GIA THẢO LUẬN NHÓM

Phường/xã: Tân Phú Quận/Thị trấn/Huyện: Phước Ninh

STT	Họ và tên	Giới tính	Địa chỉ	Ký tên
1	Phạm Thị Duyên			<u>[Signature]</u>
2	Lê Ngọc Xuân			<u>[Signature]</u>
3	Xiêu Xuân			<u>[Signature]</u>
4	Trần Văn Long			
5	Cao Văn Thành			
6	Vũ Văn Long			<u>[Signature]</u>
7				
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13				
14				
15				

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

BIÊN BẢN THẢO LUẬN NHÓM TẬP TRUNG

VỀ CHÍNH SÁCH AN TÀI TẠI ĐỊNH TỰ VÀ ĐƠN TỘC ĐIỀU KIỆN

I. Thời gian tổ chức: 14h, ngày 16 tháng 03 năm 2015

II. Địa điểm tổ chức: Hội trường UBND xã Trà Tía

III. Hàng mục tham vấn: Công trình

IV. Thành phần tham dự:

1. Đại diện Chủ đầu tư:

- Ông/à Bà Anne Hany chức vụ C. kỹ thuật
- Ông/à chức vụ
- Ông/à chức vụ

2. Đại diện UBND xã Trà Tía

- Ông/à Bà Văn Nhung chức vụ Cán bộ UBND
- Ông/à chức vụ
- Ông/à chức vụ

3. Đại diện đơn vị tư vấn:

- Ông/à Nguyễn Xuân Mạnh chức vụ Trưởng nhóm
- Ông/à chức vụ
- Ông/à chức vụ

4. Đại diện hộ dân sống đồng lập: đại diện đồng lập xã Trà Tía và đơn vị tư vấn địa phương (đồng lập xã Trà Tía)

Số lượng người tham gia: 08 người (phần số 08 không có chữ số 08)

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 cốt lõi của các biện pháp giảm thiểu

- Phổ biến thông tin về phạm vi ảnh hưởng và không gian định cư và an ninh xã hội
- Phổ biến quy trình khảo sát và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng
- Tham vấn và phạm vi ảnh hưởng và các tác động của việc thực hiện dự án
- Tham vấn về chính sách đền bù và chuyển đổi đến cơ của người bị ảnh hưởng
- Tham vấn về nhu cầu hỗ trợ và khả năng tiếp nhận các tín chấp phục hồi cuộc sống
- Sơ thảo các biện pháp giảm thiểu tác động

VI NỘI DUNG THẢO LUẬN

1. Giới thiệu nội dung thảo luận

Ngày viết báo cáo: 24/11/2018

- Các bài tập cần đi kèm như sau:

- Can't keep up the same quality than trading

2. Phòng vào sổ tên quan dân Chính sách an dân TDC và TTTS

Tuyển tập 3 bài hát, 1 bài thơ Non bôn
Thơ và tuyển tập các bài thơ khác

[illegible]

- Tôi đã phải chịu khổ gần 2 năm nay với một trái tim đau khổ như thế này.

... Theo thời gian, dần dần tôi cũng nhận ra
mối quan hệ giữa các vấn đề này. Như tôi đã nói
đến 2 bài trước đây.

- Hai nhà hàng có thể đứng về cái
- Tôi đứng về nhà hàng mà ông nói giờ thì
- không còn

2. Một số vấn đề tham gia của người dân vào Dự án

- Tổng thể các vấn đề tham gia của người dân.

Được dân chúng có thể tham gia vào dự án, mà các vấn đề có thể xảy ra. Tuy nhiên, các vấn đề này không phải là những vấn đề mà người dân không có thể tham gia vào dự án.

VI. KẾT LUẬN

- Hệ thống các vấn đề tham gia của người dân.
- Một số vấn đề tham gia của người dân không có thể tham gia vào dự án.
- Các vấn đề tham gia của người dân không có thể tham gia vào dự án.

Được hợp tác với các đơn vị tham gia vào dự án và các đơn vị khác.

Đại diện cộng đồng:

Được tham gia vào dự án.

Ban Quản lý



CHỦ TỊCH
Bùi Văn Hoàng
Đại diện Tư vấn

Nguyễn Văn Hoàng

DANH SÁCH CÁC ĐỐI BIỆT THAM GIA THẢO LUẬN NHÓM

Phân công: T. B.

Thời gian: 1 giờ (từ 14h00 đến 15h00)

SST	Họ và tên	Đơn vị	Địa chỉ	Họ tên
1	A. Chấn	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
2	B. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
3	C. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
4	D. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
5	E. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
6	F. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
7	G. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
8	H. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
9	I. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
10	J. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
11	K. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
12	L. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
13	M. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
14	N. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	
15	O. Văn Hùng	Chấn	Đ.Đ.Đ.Đ.Đ.Đ.	

TA 8289 Support to Border Area Development – 01 Preparation for Support to Border Area Development Project (2010-2015)

List of participants attending ADR Resettlement Mission

No.	Name of participants (English)	Position (Khmer)	Name of Organizations (English)	Signature (English)	Phone Number (English)
1	Phan Van An	Phó Ban quản lý dự án	Phó Ban chỉ đạo SĐT	Phan	
2	Nguyễn Văn Bình	Trưởng Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT	Châu	09154 4020
3	Nguyễn Văn Bình	Phó Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT		
4					
5	Phan Văn Bình	Phó Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT	Phan	
6	Nguyễn Văn Bình	Trưởng Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT	Nguyễn	
7	Phan Văn Bình	Phó Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT		
8	Bùi Văn Bình	Phó Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT		
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TA 8289 Support to Border Area Development – 01 Preparation for Support to Border Area Development Project (2010-2015)

List of participants attending ADR Resettlement Mission

No.	Name of participants (English)	Position (Khmer)	Name of Organizations (English)	Signature (English)	Phone Number (English)
1	Phan Van An	Phó Ban quản lý dự án	Phó Ban chỉ đạo SĐT	Phan	09154 4020
2	Nguyễn Văn Bình	Trưởng Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT	Châu	09154 4020
3	Nguyễn Văn Bình	Phó Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT		09154 4020
4	Phan Văn Bình	Phó Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT	Phan	09154 4020
5	Phan Văn Bình	Trưởng Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT	Phan	09154 4020
6	Bùi Văn Bình	Phó Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT		09154 4020
7	Phan Văn Bình	Phó Ban chỉ đạo SĐT	Ủy ban chỉ đạo SĐT		09154 4020
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TA 4943 Support to Border Area Development – in Preparation for Support to Border Area Development Project (finalized)

List of participants attending ADB Readiness Mission

No.	Name of participants (in Kh)	Position (in Kh)	Name of Organization (in Kh)	Signature (in Kh)	Phone Number (in Kh)
1	Chh'ng Lyng	Chief of Mission	ADB	[Signature]	0918412345
2	Sim' Ph'lon	Chief of Border Area Development	Ministry of Agriculture and Forestry	[Signature]	
3	Ngoun Th'ek Th'ek	Chief of Border Area Development	Ministry of Agriculture and Forestry	[Signature]	
4	Ngoun Th'ek Th'ek	Chief of Border Area Development	Ministry of Agriculture and Forestry	[Signature]	
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