

# Resettlement and Ethnic Minority Development Plan (REMDP)

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VIE: Basic Infrastructure for Inclusive Growth in the  
Northeastern Provinces Sector Project-Construction  
of Infrastructure for Agricultural and Rural Value  
Chains in Van Quan District, Lang Son Province

Prepared by Planning and Investment Department of Lang Son province for the Asian  
Development Bank.

## CURRENCY EQUIVALENTS

(as of 27 April 2017)

Currency unit	–	Viet Nam Dong (D)
D1.00	=	\$0.000044
\$1.00	=	Đ 22,730

## 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
DLFDC	-	District Land Fund Development Center
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
DRC	-	District Resettlement Committee
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
PMU	-	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

### **WEIGHTS AND MEASURES**

m (meter)	–	unit of length
m <sup>2</sup> (square meter)	–	a measure of area
m <sup>3</sup> (cubic meter)	–	A measure of volume
kg (kilogram)	–	A measure of weight

## GLOSSARY

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

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:**

- (i) In this report, "\$" refers to US dollars.

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## EXECUTIVE SUMMARY

1. Asian Development Bank (ADB) has provided support to implement Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector Project in four provinces namely Lang Son, Bac Kan, Cao Bang and Ha Giang. The representative subproject in Lang Son province is “construction of agricultural and rural infrastructure for value chains in Van Quan district, Lang Son province”. The subproject will assist people in Tu Xuyen commune in implementing the model of safe vegetable production and improving infrastructure serving harvest of illicium verum for people in Yen Phuc and Binh Phuc communes, Van Quan district, Lang Son province.

2. **Scope of impacts:** The subproject is expected to permanently acquire 144 m<sup>2</sup> of types of land, 111 illicium verum trees and 106m<sup>2</sup> of crops of 23 households in communes of Tu Xuyen, Yen Phuc and Binh Phuc. In addition, the subproject also causes usable limitation of 4,180 m<sup>2</sup> of production forest land of 24 households in two communes of Yen Phuc and Binh Phuc. There is no severely AH.

3. **Legal and policy framework:** The Resettlement and Ethnic Minorities Development Framework of the project has been prepared based on policies and laws of Vietnam Government, policies of Lang Son province and ADB’s safeguard policy statement (SPS 2009) on Involuntary Resettlement (IR) and Indigenous Peoples (IP). The overall objective of these-above mentioned policies is to ensure that all people, including ethnic minority people affected by the subproject shall (i) improve or at least restore their living standards to at least pre-Project levels; (ii) receive appropriate culturally socio-economic benefits; (iii) not be negatively affected by the subproject; and (iv) actively participate in projects that have impacts on them.

4. **Information disclosure, Community consultation and participation:** Community consultation, information disclosure, discussion meetings at village level with APs and local officials have been carried out during the REMDP preparation. Full consultations with the ethnic minority groups have also been carried out during subproject preparation and REMDP preparation.<sup>1</sup> Project policies, options for compensation, resettlement, and ethnic minority development plan and income restoration were discussed during the meetings. Concerns and proposals 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.

5. **Gender and Ethnic minority issues:** Most population in the subproject area is ethnic minority people (99.8% in three subproject affected communes) who belong to Tay and Nung EM groups. Both positive and negative impacts caused by the subproject have been identified such as dust, noise and transport issues, which, however, will be mitigated with mitigation measures. Gender issues still persist in the subproject area such as position of the women in family and community, their daily working hour is more than working hour of men. The illiteracy rate is higher among women than men. A gender action plan has been prepared to address the issues related to women and to enhance their social position in the subproject area.

6. **Institutional Arrangements:** Lang Son Provincial People’s Committee as the Executing Agency will allocate a provincial budget and direct its departments and district authorities to implement land acquisition as scheduled. Department of Planning and Investment (DPI) as the project owner is responsible for overall management and coordination of project implementation. A Project Management Unit (PMU) will be established under DPI as Implementing Agency to manage and implement the subproject and will ensure that

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<sup>1</sup> Details of the Community Consultations meetings with three communes are presented in paragraph 64 of the main report and the minutes of the Community Consultations meetings are included in Annex 1.

compensation and assistance are administered according to the provisions of this REMDP. A District Resettlement Committee District Land Fund Development Center (DRC/ DLFDC) with representatives from affected persons (APs), will be established to implement the REMDP.

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

8. **Monitoring and evaluation:** The subproject is under the Category B in accordance with resettlement and ethnic minority targets, thus external monitoring consultant is not required. During resettlement implementation, Lang Son PMU will conduct internal monitoring and evaluation to ensure the implementation of the REMDP in compliance with ADB safeguard policy (SPS 2009).

9. **Total resettlement cost:** Total estimated cost, including management cost and contingency, is estimated at VND 204.076.428 (equivalent to USD 9,130.93).<sup>2</sup> This cost will be paid from Lang Son's provincial budget.

## I. SUBPROJECT DESCRIPTION

### A. Background

10. The Asian Development Bank (ADB) is planning to fund the Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector Project (Project). The Project will improve the economic competitiveness of the four North-Eastern provinces (FNEP) of Bac Kan, Cao Bang, Ha Giang, and Lang Son. The Project will: (i) enhance FNEP connectivity by developing critical transport infrastructure; (ii) improve rural water supply; (iii) construction of infrastructure for agricultural and rural value chains in the four provinces; and (iv) Decentralised Public Asset Management Processes Implemented. The Project will help to integrate the FNEP into national and subregional frameworks including the Greater Mekong Subregion (GMS), and the ASEAN Economic Community (AEC). It is consistent with ADB's Country Partnership Strategy (CPS) 2012–2015. Lang Son is one of four northeast provinces under the FNEP. The subproject in Lang Son province is "construction of improved agricultural and rural infrastructure for value chains in Van Quan district, Lang Son province". After being completed, the subproject will assist people in Tu Xuyen commune, Van Quang district, Lang Son province in implementation of the model of safe vegetable production and improvement of infrastructure serving harvesting of illicium verum tree in Yen Phuc and Binh Phuc communes.

### B. Civil work items to be commenced

11. According to the preliminary design, the project will be divided into two subprojects, including:

12. **Subproject 1:** pilot investment of a model of safe vegetable production (area near health care center of Tu Xuyen commune, in Na Luong village with total area of 1.5ha and 11 participating households). Items of the subproject include:

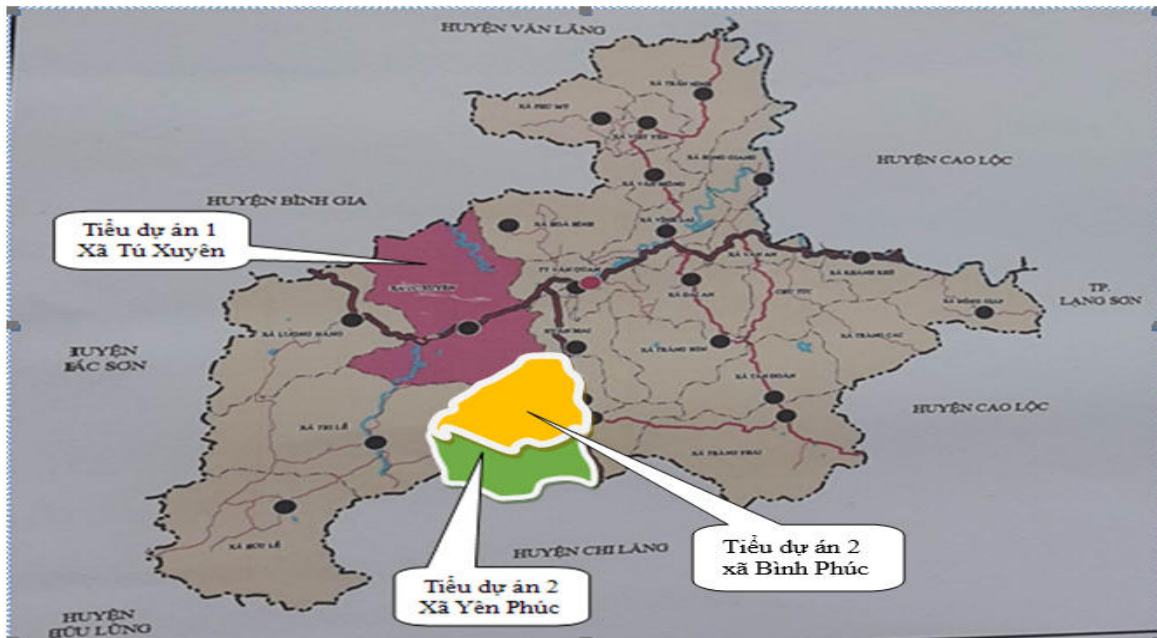
- (i) Construction of water pipe with the length of 250m.
- (ii) Construction of water tank with capacity of 100m<sup>3</sup>
- (iii) Construction of two net houses with total area of 360m<sup>2</sup>.

13. **Subproject 2:** Construction of infrastructures serving the model of harvesting illicium verum tree with total area of 370ha in villages of Dong B and Tay B, Yen Phuc commune and villages of Khon Moi and Khon Nhu, Binh Phuc commune. Items of the subproject include:

- (i) Upgrading and expanding of six roads serving harvesting of illicium verum tree with the total length of 15.5 km.
- (ii) Construction of 11 block systems with total length of 7.050 m to transport products after being harvested.

14. The subprojects' location is presented in figure 1 below:

Figure 1: The subproject's location in Van Quang district



15. Upon completion, the subproject will help people in Tu Xuyen commune and in neighboring areas access to safe food source. In addition, the subproject also helps people in two communes of Yen Phuc and Binh Phuc reduce labor cost, increase the efficiency in cultivating and harvesting illicium verum tree, and contribute to socio-economic development in the region.

16. Objectives of the subproject:

- (i) Improve the accessibility to clean food source in the project's area
- (ii) Improve productivity and income in agriculture production
- (iii) Reduce transport cost and labor cost in harvesting illicium verum tree
- (iv) Contribute to improvement of food safety and promote socio-economic development as well as living standard of local people.

### C. Mitigation measures

17. To minimize land acquisition impacts caused to local people, the following mitigation measures will be applied: design and construct work items in reasonable positions and minimize impacts on houses and structures of households. Water pipe will be installed underground, along roads and on public land to avoid affecting land of households. Road will be upgraded based on the existing road bed to avoid land acquisition. Position of putting block is on vacant land and design of cable line will minimize impacts on land as well as assets on land. Local labors will be recruited to implement work items of the subprojects in order to create job opportunities and income for them and minimize social evils.

18. During preliminary inventory and socio-economic survey in preparation for REMDP, APs are notified in advance about land acquisition progress so that they will not grow tree or construct houses or structures within the locations that are planned to be acquired for construction.

## **D. Objectives of Resettlement and Ethnic Minorities Development Plan**

19. **Summary of impacts caused by the subprojects:** The subprojects are expected to acquire 144 m<sup>2</sup> of types of land of 23 households in Tu Xuyen, Yen Phuc and Binh Phuc communes. The subprojects will cause useable limitation of 4,180 m<sup>2</sup> of production forest land of 24 households in Phuc Yen and Binh Phuc communes. Number of the subprojects affected tree is 111 illicium verum trees and 106 m<sup>2</sup> of rice. And no household is adversely affected and relocated.

20. The subproject will have both positive and negative impacts on local people. However, the negative impacts are insignificant. No household is severely affected or relocated. REMDP guarantees that subprojects shall (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement with design and implementation measures; (iii) improve or at least restore livelihood of all APs to the rate prior to the project and (iv) improve living standards of the poor and vulnerable groups.

21. Further, this document develops a roadmap for affected Ems in the subproject's 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.

22. 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 incorporated into the REMDP that governs future 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, what asset will be compensated and poverty reduction measures; (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.

23. The REMDP is based on the subproject's basic design. The basic design is required to prepare feasibility study of the subproject, which will be approved by Lang Son PPC. The summary of the REMDP is included in the feasibility study to ensure the allocation of government counterpart funds for the subproject's implementation. The REMDP will be updated following detailed technical design approved by the PPC, result of DMS, results of consultation with local authorities and AHs and replacement cost survey.

## **II. SUBPROJECT IMPACTS**

### **A. Survey process**

24. 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 stakeholders within the subproject area. Additionally, a rapid replacement cost study (RCS) was also carried out.

25. An *Inventory of losses* was prepared 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.

26. *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) through face to face interviews. The survey also collected statistical data from the Province, District and Communes and from the Provincial and District publications including the annual socioeconomic reports of communes.

27. *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 establish the required budget for compensation of APs at current market values. 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.

28. *Group discussion and consultation:* In addition to surveys, group discussions are organized with affected and non-affected households in the project area with participation representatives of Woman's Union, Veteran Association, Youth Union and Father Front Land. Meetings are to disseminate information, discuss and consult about scope of impacts, entitlement, IOL implementation progress and grievance redress activities related to the Subproject. Group discussions placing focus on vulnerable groups such as poor people, ethnic minority people and women have also been organized.

## B. Permanent impacts

29. **Impacts caused to households:** The subproject will cause impacts to 47 households with 223 people as follows:

- (i) No household is severely affected (losing 10% or more of production land)
- (ii) Affected people are all ethnic minorities people
- (iii) Subproject will not cause impacts on house, residential land and structures.
- (iv) No affected household has to relocate to new place

30. **Impacts on land:** the subproject is expected to acquire 144 m<sup>2</sup> of types of land of 23 households in Tu Xuyen commune, Yen Phuc and Binh Phuc districts. The subproject also causes usable limitation of 4.180 m<sup>2</sup> of production forest land of 24 households in Yen Phuc and Binh Phuc communes. Detailed impacts caused by the subproject on land is presented in the Table 1 below:

Table 1: Impacts caused by the subproject on land

No.	Communes	Total affected area (m <sup>2</sup> )	Number of affected households	Acquired land area (m <sup>2</sup> )		Land with usable limitation (m <sup>2</sup> )
				Rice land	Production forest land	Production forest land
1	Tu Xuyen	100	1	100	-	-
2	Yen Phuc	2,224	25	4	20	2,200
3	Binh Phuc	2,000	21	2	18	1,980

Total	4,324	47	106	38	4,180
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Source: Results of SES and IOL, December 2016

31. **Impacts on house and structure:** no house or structure is affected by construction of the subproject.

32. **Impacts on trees and crops:** The subproject is expected to affect 111 illicium verum trees and 106 m<sup>2</sup> of rice of 41 households. Impacts on trees and crops are presented in the Table below:

Table 2: Detailed types of tree and crop are affected by the subproject

No.	Communes	Number of affected households	Illicium verum (tree)	Rice (m <sup>2</sup> )
1	Tu Xuyen	1	-	100
2	Yen Phuc	20	63	4
3	Binh Phuc	18	48	2
Total		41	111	106

Source: Results of SES and IOL, December 2016

### C. Temporary impacts

33. The subproject will possibly cause temporary impact on 5,000 m<sup>2</sup> of land. Most land areas are temporarily affected. Items causing temporary land loss include: temporary access road to construction site, water pipe, material storage, dump site and workers' camp. However, to guarantee the mitigation of temporary impact, if it is impossible to completely avoid, the following articles will be included in the contract: (i) the contractor has to pay rent for land acquired for construction purpose based on negotiation and consensus of households; (ii) To the largest extent as possible, only acquire land unused for construction site; (iii) Temporarily used land will be restored or improved compared with before project. Given such above mentioned mitigation measures, the other temporary impacts will be insignificant.

### D. Ownership status of households

34. Verification of land use right certificate (LURC) conducted in 03 affected communes reveals that at the time of land preliminary inventory, 47 HHs affected by the subproject have had LURC issued.

### E. Vulnerable households and ethnic minorities households

35. 47 households affected by the subproject all belong to ethnic minorities group, including one Tay household and 46 Nung households. None of them is poor household with permanently affected land, female headed household or single elder household etc. and no household is severely affected losing 10% or higher production land.

## III. SOCIO-ECONOMIC OVERVIEW

### A. Socio-economic conditions in the subproject area

36. Lang Son is a mountainous province located in the Northeast of Vietnam which is about 154 km far from Ha Noi capital by road and 165 km far from Ha Noi capital by train. Lang Son province is located in Nam Ninh Economic Corridor (China) – Ha Noi – Hai Phong – Quang Ninh (Vietnam) and has international border for economic and cultural exchanges with China.

37. Lang Son province has natural area of 8,310.09 km, including 80% of mountainous area out of the total area of the province. Total population of the province is 757,918 people (average population in 2015). There are seven ethnic minority groups living in the province (accounting for 85% of the total population of the province) in which Nung group accounts for 43.9%, Tay group accounts for 35.3%, Kinh group accounts for 15.3%, Dao group accounts for 3.5%, Hoa and San Chi and other groups account for 1.4%.

38. Van Quan is a mountainous district which is located in the Southwest of Lang Son province and 45km far from Lang Son city (along National highway 1B).

39. **Geographical location and climate:** Geographical coordinates: From 21° 44' to 22° 00' north latitude and from 106° 24' to 106° 43' east longitude. Van Quan district is influenced by general climate status in the North with tropical monsoon. Specially, it is cold and dry in winter and hot and rainy in summer. The annual average temperature is 21.2 °C. Average air humidity is: 82.5%. Average annual rainfall is 1,500 mm. Due to the uneven distribution of rainfall between seasons; it will cause much difficulty in agriculture production and transportation. Main wind direction is the northeast and the southwest. Because Van Quan district is less affected by storm, it is suitable for growing long-term crops/trees. With average sunny hour of 1,466, it is very favorable for farming season arrangement and structure of types of crop and it is a condition of diversified and plentiful development of tropical and subtropical crops.

40. Land resource: Van Quan district has total area of 54,755.9 ha, including 36,763.8 ha (67.1%) of forestry land and 8,708.3 ha (15.9%) of agriculture production land. And the district is divided into 23 communes and one town.

## B. Social – economic features in subproject affected communes

41. **Demographic characteristics:** Out of the subproject affected communes, Yen Phuc commune has larger population than the remaining communes. Regarding ethnic minority groups: Most HHs in the affected communes are ethnic minority HHs under Tay and Nung groups and there are only five Kinh households. Population and ethnicity status in the subproject affected communes is presented in the Table below:

Table 3: **Population and ethnicity in the subproject communes**

No.	Communes	Number of HHs	Number of persons	Gender		Number of households by ethnicity		
				Male	Female	Kinh	Tay	Nung
1	Tu Xuyen	662	2,928	1,427	1,501	4	180	478
2	Yen Phuc	1,130	4,993	2,409	2,584	1	179	942
3	Binh Phuc	627	2,489	1,195	1,294	-	189	438

*Source: results of SES and IOL, December 2016*

42. **Ethnic minority groups in the subproject's areas:** Most of households (99, 8%) in the subproject's area are ethnic minority people, under Nung and Tay groups in which Nung people account for vast majority of total population.

43. **Poverty:** Yen Phuc commune has the largest population out of the affected communes however; the commune has the lowest poverty rate (13.5%) out of the affected communes. Commune has the highest poverty rate is Tu Xuyen with 50.1%. The poverty rate is presented in the Table below:



ble 4: **Poverty rate**

No.	Communes	Number of HHs	Poor HHs	The poor	Poverty rate (%)
1	Tu Xuyen	662	335	1,632	50.1
2	Yen Phuc	1,130	152	672	13.5
3	Binh Phuc	627	266	1,181	42.4

Source: Results of SES and IOL, December 2016

**C. Socio-economic features of affected HHs**

44. **Demographic characteristics:** The subproject will affect 47 HHs with 223 persons. All of the HHs are under ethnic minority groups. Detailed statistic of demographic characteristics of affected HHs is presented in the Table below:

Table 5: **Demographic characteristics of affected HHs**

Commune	Number of HHs	Total number of persons	By gender		By age		Ethnicity	
			Male	Female	>15	15<	Nung	Tay
Tu Xuyen	1	4	3	1	2	2	-	4
Yen Phuc	25	124	59	65	32	92	124	-
Binh Phuc	21	95	48	47	17	68	95	-
Total	47	223	110	113	51	162	219	4

Source: Results of SES and IOL, December 2016

45. **Education:** Most household heads having land acquired by the subproject graduate from primary and secondary schools. Subproject affected persons graduating from university and vocational school account for low rate, only 7.2% and there is no illiterate person. Detailed statistic on education level of subproject affected persons is presented in the Table below.

Table 6: **Education level of affected household**

Education level	Household head	Percentage (%)	Affected persons	Percentage (%)
Illiterate	-	-	12	5.4
Graduating from primary school	17	36.2	70	31.4
Graduating from secondary school	22	46.8	81	36.3
Graduating from high school	8	17	44	19.7
Vocational school/college	-	-	11	4.9
University and postgraduate	-	-	5	2.3
Total	47	100	223	100

Source: Results of SES and IOL, December 2016

46. **Occupation and income:** Affected HHs all have main occupation and income from agriculture, growing rice and crop, developing livestock and growing illicium verum which create

stable income for them annually. Average annual income of each household is VND 45,000,000/Household/year.

47. **Vulnerable households:** 47 subproject affected households are ethnic minority households and under preferential treatment policy. Only one HH is under Tay ethnic group and 46 households are under Nung ethnic group.

**D. Gender issues:**

48. According to socio-economic survey in December 2016, both men and women share outdoor and indoor works such as farming, looking after children, house cleaning, and etc. Even they are more equal in family decision-making.

49. Clean food source is very important for the improvement of health and sanitation for women and children. It means that women and children will need more clean food for domestic use. Providing clean food will mitigate risk of disease. In addition, efficiency from the improvement of infrastructure in the model of harvesting illicium verum will help reduce transport cost and labor cost, improve the efficiency of fertilization and harvesting and facilitate in development of household's economy.

50. **Gender analysis:** The immediate benefit of the subproject is to address the urgent and pressing need of women and children on clean food source. The subproject will also help reduce transport cost and labor cost, improve the efficiency of fertilization and harvesting. During the design process, it needs to have assistance policies for women and children:

51. Along with the development of clean vegetable model and improvement of infrastructure for the model of harvesting Illicium verum, women and children should have opportunities to raise their awareness/knowledge on health and sanitation and disease.

52. The participation of women in decision-making and giving their opinion on implementation of REMDP: Women's Union can participate in implementation and supervision of the implementation of REMDP.

**(i) Social Impact Assessment**

53. **Potential negative project impacts.** A social impact assessment (SIA) has been conducted through socio-economic survey and Inventory of loss (IOL) and meaningful consultation to identify both positive and negative impacts caused by the subproject, 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 incomes and livelihoods of APs including EMs. Because the education level and qualification of ethnic minority labor in the subproject's area are limited, workers from other regions will take jobs opportunities instead of local people during the subproject implementation process. Moreover, these workers may cause risks disease transmission to ethnic minority people, especially women such as sexually transmitted infections like HIV and also social evils like drugs.

54. The construction of the subproject may cause negative impacts on ethnic minority women as a result of land acquisition. However, these impacts are not significant, so does not affect the living condition of their families. Moreover, mitigation measures will be considered through the processes of design, compensation and resettlement. In addition, during the construction process, environmental pollution such as dust, construction waste and noise may affect people. The impacts can be mitigated through mitigation measures proposed through EMP.

55. **Expected Positive impacts.** The subproject will bring a lot of positive effects to local people in general and to EM women in particular. The expected positive impacts are as follows:

- (i) Reduce transport cost and labor cost, improve the efficiency of fertilization and harvesting, promote economic development of household.
- (ii) To provide clean water and food source for women and children; to improve health, sanitary and hygienic conditions for women and children with purpose of sustainable poverty reduction.
- (iii) To create new jobs/works for local people leading to improving income for them, particularly for poor EM women and/or vulnerable persons from the subproject;
- (iv) To provide opportunities to improve the role of women, especially EM women and enhance their participation in community activities through gender action plan; and
- (v) To directly contribute to poverty alleviation in the subproject commune.

(i) **Measures taken to minimize the negative impacts**

56. In order to mitigate negative impacts on local peoples including EM people, at all stages of the project, the project staff will disseminate project information to and conduct meaningful consultations with ethnic minorities to ensure that EM people get maximum benefit from the subproject outcomes in a culturally appropriate manner. During the construction process, the contractor should use dust and noise mitigation measures and restore quality of road if construction vehicles cause damage to the road. The contractor also needs to use measures of disseminating and preventing risks of sexually transmitted infection and discouraging or preventing social evils.

57. **Action plan for ethnic minority people:** based on the analysis above, a simple action plan is necessary for affected ethnic minority people to facilitate them participating in the subproject implementation process. The plan will create new opportunities for ethnic minority people, increase income and reduce the burden for them and improve their social position in the subproject's area. Objectives of the plan are as follows:

- (i) Local contractors are encouraged to use local labor (both male and female), especially ethnic minority people, for construction/improvement. Job opportunities should be prioritized for members of affected ethnic minority HHs (if any);
- (ii) Local contractors may not under any circumstances use child labor;
- (iii) Ethnic minority communities are consulted about design of all work items of the project;
- (iv) Training on prevention of HIV/AIDS for ethnic minority communities as part of the gender action plan implementation;
- (v) Provide training courses on cultivation and livestock and poultry rearing techniques which will be combined and implemented in accordance with the gender action plan;
- (vi) Training courses on policy of ADB on ethnic minority people for executing agencies at provincial level and local agencies (PMU and the stakeholders);
- (vii) At least, there must be one member on the communal supervision board to be the representative of ethnic minority people.

#### **IV. INFORMATION DISSEMINATION, PUBLIC CONSULTATION AND PARTICIPATION**

##### **A. Information dissemination**

58. In compliance with the ADB requirements, the PMU will assist the DCARB 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).

59. 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 (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.

60. 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. See Table 7 for more details of consultation meetings with the Stakeholders.

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

61. 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.

62. 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.

- (vii) 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.

63. **Consultation and participation in the REMDP preparation.** Three community consultations have been conducted with local authorities, mass organizations and APs in March 2017.<sup>3</sup> 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

64. Results from observations and consultation meetings with local authority, organizations and affected people are summarized as follows:

- (i) affected and non-affected people support and agree with construction of the subproject;
- (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 running through residential area. 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.
- (vii) Before 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;
- (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;

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<sup>3</sup> The Minutes of the Community Consultations meetings with three communes of the ARVC subproject are found in Annex 1 of the REMDP report.

- (ix) 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 should 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 7 Participants in community consultation meetings**

No.	Commune	Location	Participants	Number of participants	Number of ethnic minority participants	Number of participating women
1	Tu Xuyen commune	CPC	Representatives of CPC, union, affected HHs	19	19	4
2	Yen Phuc commune	CPC	Representatives of CPC, union, affected HHs	36	36	8
3	Binh Phuc commune	CPC	Representatives of CPC, union, affected HHs	18	18	6

Source: the REMDP Consultant's Community Consultation Results in March 2017.

65. **Consultation and participation during REMDP implementation.** During the implementation phase, the PMU coordinates with compensation, assistance and resettlement board and Commune PC to disseminate 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 PMU will deliver the Project Information Brochure (PIB) and other documents of the subproject to the APs.

66. 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**

67. 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.

68. **First Stage, Commune People's Committee:** If a household or individual has any complaint he/she can submit a complaint in written or verbal form to the representative of the

CPC-community monitoring board (usually the Deputy Chairman of the commune/town). The CPC will work with PMU to solve complaints and a representative PMU will respond in written form to the complainant. The CPC, as a whole body will meet personally with the aggrieved affected household and will have 30 days and a maximum of 60 days after the lodging of the complaint to resolve the complaint, however, depending upon whether it is a complicated case or case comes from a remote area. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

69. **Second Stage, District People's Committee:** If after 30 days or 45 days (in remote areas) 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, to any member of the DPC. The DPC in turn will have 30 days or a maximum of 70 days after the lodging of the complaint to resolve the case, however, depending on whether the case is complicated or in remote area. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the District Resettlement Committee (DRC) of any decision made and the DRC is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure that the complainant is notified of the decision made

70. **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 made 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 a maximum of 70 days to resolve the complaint to the satisfaction of all concerned. However, depending if the case is complicated or from a remote area The PPC is responsible for maintaining records of complaints received, action taken and outcomes.

71. **Final Stage, the Court of Law Arbitrates:** If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, after a period of thirty days, complainants have the right to bring the case to a Court of law for adjudication. The decision of the Court is binding on all parties.

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 FRAMEWORK**

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 Lang Son 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. Asian Development Bank Safeguard Policy**

74. The ADB Safeguard Policy Statement (2009) consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment. The objectives of the involuntary resettlement safeguards are (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons (DPs) in real terms relative to pre-project levels; and, (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

75. The objectives of the indigenous peoples (IP) safeguards is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

76. ADB SPS (2009) applies to all ADB-financed and/or ADB-administered sovereign and non- sovereign projects, and their components regardless of the source of financing including resettlement actions conducted by the borrower/client in anticipation of ADB support.

77. For projects/subprojects involving facilities and/or business activities that already exist or are under construction, the borrower is required to undertake an environment and/or social compliance audit<sup>4</sup>, including on-site assessment, to identify past or present concerns related to impacts on the environment, involuntary resettlement, and indigenous peoples. The audit should determine whether actions were in accordance with ADB's safeguards principles and requirements and identify and plan appropriate measures to address outstanding compliance issues. Where noncompliance is identified, a corrective action plan agreed on by ADB and the borrower will be prepared.

78. For projects/subprojects proposed for ADB financing, ADB is required to conduct safeguard reviews, including reviews of the borrower's/client's safeguard documents, as part of its overall due diligence. Such due diligence and review involves field visits as well as desk reviews to (i) confirm that key impacts and risks have been identified; (ii) ensure effective measures to avoid/minimize/ mitigate/compensate for the adverse impacts are incorporated into the safeguard plans and project designs; (iii) ensure that the borrower understands ADB safeguard policy principles and requirements and has adequate capacity and commitment; (iv) ensure the roles of third parties are appropriately defined in the plans; and (v) ensure meaningful consultations with APs have been conducted.

79. Involuntary Resettlement covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary.

80. Projects financed and/or administered by ADB are expected to observe the following policy principles:

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with APs, host communities, and concerned non-government organizations. Inform all APs of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate

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<sup>4</sup> Refer to paragraph 12, appendix 4 (Special Requirements for Different Finance Modalities), of ADB SPS (2009).



resolution of the APs' concerns. Support the social and cultural institutions of displaced persons and their host population.

- (iii) Improve, or at least restore, the livelihoods of all APs through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide APs with needed assistance, including the following: (i) if there is relocation, secured tenure to replacement land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women headed households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status<sup>5</sup>.
- (vii) Ensure that APs without title to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating on APs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose both the draft and final resettlement plan in a form and language understandable to APs and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

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<sup>5</sup> ADB involuntary resettlement safeguards is applicable to negotiated settlements if expropriation would result upon the failure of negotiations. Negotiated settlement should be based on meaningful consultation with affected persons, including those without legal title to assets. In doing so, the borrower is required to offer adequate and fair price for land and/or other assets. The borrower is also required to engage an independent external party to document the negotiation and settlement processes. Refer to paragraph 25, Appendix 2 (involuntary resettlement) of ADB SPS (2009).

- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of APs, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

81. **Indigenous Peoples Safeguards** The Indigenous Peoples safeguards are triggered if a project/subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. The term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy. Projects financed and/or administered by ADB are expected to observe the following policy principles related to indigenous people:

- (i) Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.
- (iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.

- (iv) Obtain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples.
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- (vi) Prepare an Indigenous Peoples Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.
- (viii) 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 Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

82. **The ADB Policy on Gender and Development** (ADB, 1998) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. ADB's OM F2/OP requires that the findings of a gender analysis be included in the RP, and at all stages, resettlement identification, planning, and management will ensure that gender concerns are incorporated, including gender-specific consultation and information

disclosure. This includes special attention to guarantee women's assets, property, and land-use rights; and to ensure the restoration of their income and living standards.

83. **The ADB Public Communications Policy** (ADB, 2011) seeks to encourage the participation and understanding of people affected by and other stakeholders to ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected people and other stakeholders. The Executing Agency should, as necessary, develop a project communications plan and designate a focal point to maintain contact with affected people. With respect to land acquisition, compensation and resettlement, information should be distributed to APs and publicly in the following manner: (i) prior to loan appraisal, the draft Resettlement Plan (RP); (ii) following completion of the final RP, the final RP; and, (iii) following any revisions, the revised RP. This information can be in the form of brochures, leaflets or booklets, in the local language(s) as well as English, the working language of the ADB. When APs include non-literate people, other appropriate methods of communications will be used.

#### **B. Legal basis of the Government of Vietnam**

84. Legal framework of the Government of Vietnam: Law, decrees, and regulations of the Government of Vietnam on land acquisition, compensation, resettlement and ethnic minority include:

<b>Reference</b>	<b>Date</b>	<b>Title</b>	<b>Description</b>
45/2013/QH13	29/11/2013	Land Law	Comprehensive land administration law
47/2014/NĐ-CP	15/5/2014	Decree: Regulations on Compensation, Support and Resettlement upon Land Expropriation by the State	Specifies provisions for compensation and resettlement assistance
37/2014/TT-BTNMT	30/06/2014	Circular on detailed regulations on compensation, support, and resettlement upon land expropriation by the State	Guides Decree 47
44/2014/NĐ-CP	15/5/2014	Decree: Regulations on Land Prices	Specifies methods for land pricing and land price frameworks
43/2014/NĐ-CP	15/5/2014	Decree Detailing a Number of Articles of the Land Law	Provides guidelines on the implementation of the Land Law
23/2014/TT-BTNMT	19/05/2014	Circular regulating Land Use Right Certificate (LURC)	Clarifies ownership rights of land and assets
36/2014/TT-BTNMT	30/06/2014	Circular on land pricing	Guides Decree 44
494/NQ-UBTVQH13	18/05/2012	Resolution	Resolution of the National Assembly Standing Committee implementation of policies and legislation on people with

			meritorious service records
22/2013/QĐ-TTg		Decision	Decision of the Prime Minister on supporting people with meritorious services records in housing
02/2011/QH13	11/11/2011	Complaints Law	Regulates handling of complaints against administrative decisions or acts of state administrative agencies
75/2012/NĐ-CP	03/10/2012	Decree detailing a number of articles of the Law on complaints	Guides Complaint Law 02

85. Lang Son PPC's relevant laws and policies on land acquisition, compensation, resettlement and ethnic minority include:

- (i) Decision No, 29/2014/QĐ-UBND dated 20 December, 2015 by Lang Son PPC on land unit price in Lang Son province;
- (ii) (Decision No, 12/2015/QĐ-UBND dated 14 February, 2015 by Lang Son PPC on regulating in details of some articles of land law and Decree No, 47/2014 dated 15 May, 2014 by the Government on compensation, assistance and resettlement when land is acquired by the State in Lang Son province;
- (iii) Decision No, 16/2015/QĐ-UBND dated 21 April, 2015 by Lang Son PPC on promulgating unit price for new construction of house, structures and works which is applied for compensation and assistance activity when land is acquired by the State in Lang Son province;
- (iv) Decision No, 03/2013/QĐ-UBND dated 05 March, 2013 by Lang Son PPC on adjusting and supplementing some articles of regulation on unit price of crops and livestock applied for compensation, assistance and resettlement when land is acquired in Lang Son province

86. **Ethnic Minorities:** With regard to ethnic minorities, Viet Nam's constitution (1992) and revised Constitution (2013) mandates the State to "Implement a policy on equality, unity and support for all ethnic groups in the development of a civilized society, and respect benefits, traditional cultures, languages and religions of ethnic minority groups. Related to this, a ministerial-level government body, Committee for Ethnic Minority and Mountainous Areas Affairs (CEMA) is tasked for developing and overseeing policies and programs to promote the welfare of EMs.

87. Programs that target EMs are numerous and diverse and cover a wide range of issues including poverty reduction, resettlement and sedentarization, forest land allocation, education, health and communication, cash subsidies on land reclamation, improvement of commune and village infrastructure, etc. The following are key regulations involving EMs in Viet Nam.

2016	Decision No.1722/QĐ-TTg approving the national target program on sustainable poverty reduction for the 2016-2020 period. Specifies targets for reduction in incidence of poverty, and refers to districts inhabited by national minorities
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2015	Decision No. 1557/QĐ-TTg approving certain criteria on implementation of MDGs for ethnic minorities in association with national post-2015 sustainable development goals
2015	Decision No. 59/2015/QĐ-TTg on the issuance of the criteria and the poverty line according to the multidimensional approach applies to the period from 2016 to 2020;
2014	Resolution 76/2014/QH13 of the NA on sustainable poverty reduction until 2020;
2014	Decision 2324/2014/QĐ-TTg dated 19/12/2014 on approval of the action plan to implement Resolution 76/2014/QH13;
2014	Decision No. 311/QĐ-MOLISA dated 20/03/2014 on approving the plan to transform from uni-dimensional to multi-dimensional poverty for the period 2016-2020;
2013	Decision No. 2356/QĐ-TTg, dated 12/04/2013 issued action program to implement the Master plan on the human resource development ethnic minorities and mountainous areas toward 2020;
2012	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.
2011	Decree No. 80/2011/NQ-CP on sustainable poverty reduction, period of 2011-2020
2011	Decree No. 05/2011/NĐ-CP on the work of ethnic minority.
2010	Decree No. 82/2010/ND-CP of government, dated 20 July 2010 on teaching and learning of ethnic minority languages in schools.
2008	Resolution No. 30a/2008/NQ-CP of government, dated 27 Dec. 2008 on support program for rapid and sustainable poverty reduction for 61 poorest districts
2008	Decree No. 60/2008/NĐ-CP dated 9-May-2008 of the government on the functions, tasks, authorities and structure of the Committee for Ethnic Minorities and Mountainous Areas Affairs.
2007	Decision no. 112/2007/QĐ-TTg of the Prime Minister dated 05-March-2007 on the policy of assistance for relocation and agriculture for Ethnic Minorities from 2007 to 2010.
2007	Decision no. 33/2007/QĐ-TTg of the Prime Minister dated 20-July-2007 on the policy of assistance to improve knowledge of laws as a program of 135, phase 2.
2007	Decision no. 01/2007/QĐ-UBDT dated 31-May-2007 of the Ethnic Minorities Committee on the recognition of communes, districts in the mountainous areas
2007	Decision no. 05/2007/QĐ-UBDT dated 06-September-2007 of the Ethnic Minorities Committee on its acceptance for three regions of ethnic minorities and mountainous areas based on development status
2007	Circular no. 06 dated 20-September-2007 of the Ethnic Minorities Committee guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the decision 112/2007/QĐ-TTg
2007	Decision no. 06/2007/QĐ-UBDT dated 12-January-2007 of the Ethnic Minorities Committee on the strategy of media for the program 135-phase 2
1998	Decree no. 59/1998/ND-CP dated 13-August-1998 of the government on the functions, tasks, authorities and structure of the committee for Ethnic Minorities and Mountainous Areas

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

88. 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.

89. With regard to policy on indigenous peoples, a key difference is in the definition of Indigenous Peoples. In Viet Nam, the term "ethnic minorities" is used rather than "indigenous people" to refer to all the 53 ethnic groups other than the majority Kinh (Viet) ethnic group. In the case of development projects, there is no specific requirement under Viet Nam legislation concerning ethnic minorities particularly for: preparation of an indigenous peoples' plan (IPP) to address adverse impacts on ethnic minorities and maximize positive impacts.

90. There is agreement between Viet Nam's laws and ADB's Resettlement Policy especially with regard to the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation, assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) Assistance to livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

91. A point of difference though is that ADB Policy does not consider the absence of legal rights of DPs on the acquired land as an impediment to receiving compensation for non-land assets and for resettlement assistance. An analysis of gaps between the policy principles set out in the ADB SPS for Resettlement and Viet Nam's resettlement legislation, including measures to address the differences, are outlined in the table below. Importantly however, the Land Law specifically provides for adherence to the frameworks and policies of international funding organizations supporting the projects. Article 87 of the land law states that, for projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply.

92. Projects financed and/or administered by ADB are expected to observe the following policy principles:

**Table 8: Gap Analysis between Viet Nam Regulations and ADB SPS (2009) and project policy: Involuntary Resettlement and ethnic minority**

Issue	ADB SPS requirement	Viet Nam's policies	Project Policy
Identification of severely impacted APs who lose productive land	Involuntary resettlement impacts deemed significant if 200 or more persons will be physically displaced from home or lose 10% or more of their productive or income-generating assets ADB Safeguard category definitions: <a href="https://www.adb.org/site/safeguards/safeguard-categories">https://www.adb.org/site/safeguards/safeguard-categories</a>	APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures. <i>Decree 47/2014/ND-CP, Article 19, Item 3:</i>	HHS to be deemed severely affected if they are to experience loss of 10% or more of productive assets and/or physical displacement
Meaningful consultations in planning and implementing resettlement programs	Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase. <i>SPS Involuntary Resettlement Safeguards Policy Principle 2</i>	Public consultation is required for the preparation of district land use plans (Land Law article 43).  Notification of between 90-180 to be given to affected land users (Land Law Article 67)  On approval of compensation arrangements, detailed information on arrangements to be provided to affected persons, and provision for involvement of the Fatherland Association to mediate in case of disagreements/grievances. (Land Law Article 69)	Conducting meaningful consultations with affected persons, mass organizations and civic organizations as part of REMDP preparation throughout project cycle.



Issue	ADB SPS requirement	Viet Nam's policies	Project Policy
Compensation (general)	<p>Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 3</i></p>	<p>Provision for cash at or replacement land of the same land use purpose (Land Law Article 74).</p> <p>Provision for valuation by licensed valuers (Land Law Articles 114 to 116 and Decree 44/2014/ND-CP).</p> <p>Provision with compensation for cost moving (Land Law Article 91).</p> <p>Provision of interest for compensation in case of late payment (Land Law Article 93).</p>	<p>Land and non-land assets will be compensated at replacement costs. APs are to be consulted in determining arrangements whereby they receive relocation assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.</p>
Determination of compensation rates for houses and structures	<p>The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs with no deduction of salvageable materials. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments</p> <p><i>SPS Appendix 2: Safeguard Requirements for Involuntary Resettlement</i></p>	<p>Houses/structures used for living purpose will be compensated at replacement cost. (Land Law 2013, Article 89, item 1)</p> <p>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. (Decree 47, article 9)</p>	<p>Full compensation at replacement cost to be paid for all structures. No deductions for salvageable materials or depreciation to be made.</p>

Issue	ADB SPS requirement	Viet Nam's policies	Project Policy
Transparency, consistency and equitability in negotiated settlements	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status. <i>SPS Involuntary Resettlement Safeguards Policy Principle 6</i>	No regulation	Rents and conditions for temporary use of land or assets will be negotiated with land users. Restoration will be to equal or better condition.
Provisions for APs who do not have LURCs	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets. <i>SPS Involuntary Resettlement Safeguards Policy Principle 7</i>	For displaced households who are not eligible for compensation with residential land, but have no other place to live in project commune, provision is made for the State to sell, lease, provide rent-to-own houses or to allocate land with levy collection (Land Law Article 79).  The Land Law (Article 92) permits recovery of land without compensation for lost assets in some cases.	All affected persons to be entitled to compensation in line with ADB policy and government policy depending whichever is higher.
Prepare Resettlement Plan	Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. <i>SPS Involuntary Resettlement Safeguards Policy Principle 8</i>	Requirement for preparation of plans for compensation, support and resettlement. (Land Law Article 67) according to prescribed procedures (Article 69). Contents of plans provided in Decree No. 47/2014/NĐ-CP, Article 28.	REMDPs to be prepared for each subproject

Issue	ADB SPS requirement	Viet Nam's policies	Project Policy
Disclosure of draft resettlement plan	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders. <i>SPS Involuntary Resettlement Safeguards Policy Principle 9</i>	Full disclosure of detailed arrangements and compensation plans to affected persons. (Land Law Article 69)	Disclose draft REMDPs for each subproject, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected persons, and other stakeholders.

Issue	ADB SPS requirement	Viet Nam's policies	Project Policy
<b>Ethnic Minorities</b>			
Action planning	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.	No provision of the government on preparation of EMDP	The EMDP shall be prepared and updated, implemented and monitored.
Recognition of customary rights	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.	The issues of customary rights or ancestral domains have not been fully recognized through LURC.	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	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.	Not required.	In case of land donations involving marginal portions of land, the third party consultant will witness 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	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	No monitoring indicators indicated	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.

#### **D. Project policies**

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

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
- (ii) All subprojects will be screened in terms of impacts related to involuntary resettlement. Safeguards due diligence for existing facilities and previous resettlement activities conducted in anticipation of the Project will also be conducted and corrective action will be prepared in case of non-compliance.
- (iii) Compensation and assistance will be based on the principle of replacement cost at the time of acquisition.
- (iv) Severely affected household (SAH) status applies when they are losing 10% or more of the household's productive land or other assets (generating income) or are physically displaced from housing.
- (v) Affected persons (APs) without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost.
- (vi) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to APs.
- (vii) Meaningful consultation will be carried out with the DPs and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the APs and communities will be taken into account.
- (viii) The REMDP will be disclosed to APs in a form and language(s) understandable to affected persons prior to submission to ADB. REMDP will be disclosed on the ADB website.
- (ix) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- (x) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- (xi) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- (xii) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- (xiii) Resettlement transition stage should be minimized. Restoration measures will be provided to APs before the expected starting date of construction in the specific location.
- (xiv) Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the project provinces.
- (xv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of resettlement and ethnic minority development plan should be carried out by the PMUs. Monitoring reports will be disclosed on the ADB website.
- (xvi) The PMUs will not issue notice of possession to contractors until they have official advice in writing that (i) payment has been fully disbursed to the APs and rehabilitation measures are in place (ii) already-compensated, assisted

APs have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.

(xvii) The Cut-off date is the date of notification on land recovery for the subproject by the competent State agency. The notification is sent to every land user whose land is recovered, publicized in meetings with APs and posted at the offices of the commune-level PCs and common public places. .

(xviii) All subprojects will be screened for presence of ethnic minorities in the subproject area and impacts on ethnic minorities (EMs). Subprojects with significant adverse impacts on EMs will be excluded.

(xix) Local patriarchs (zia lang) will be engaged in the conduct of consultations for the preparation of the subproject. In case there are potential adverse impacts (including minor land acquisition), an REMDP will be prepared. For subproject with only positive impacts on ethnic minorities, the subproject preparation and implementation will include measures for ensuring their participation and inclusion in subproject benefits as elaborated in the Project Administration Manual.

## **VII. ENTITLEMENT, ASSISTANCE AND BENEFIT**

### **A. Eligibilities**

94. 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, 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.

95. 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.

96. 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**

81. Compensation unit price for land, structure, tree and crop applied to estimate resettlement cost of this REMDP is based on compensation unit price for land (land price in the period of 2015-2019) and compensation unit price for tree and crop issued by Lang Son PPC in the recent years. Replacement cost survey has been conducted through consultation with local authority and people to verify current unit price of the PPC for land and other assets. The results show that compensation unit price for land, house, structure, tree and crop issued by Lang Son PPC is acceptable. Compensation unit price for land and assets will be updated at the time of implementing resettlement basing on the result of replacement cost survey, which is conducted by external valuer.

82. Compensation and assistance for subproject affected households based in entitlement matrix are presented below.

83. **Compensation for land:** Compensation unit price for rice land is VND 48,000/m<sup>2</sup>, and for production forest land is VND 7,000/m<sup>2</sup>. Total compensation amount for affected land is VND 5,354,000.

84. **Compensation for tree and crop:** Tree and crop on affected land will be compensated in accordance with each type of tree/crop, productivity of each type of tree, and age and diameter of trunk. Total compensation amount for trees and crops is VND 84,645,000.

85. **Assistance for land with usable limitation:** the assistance is VND 2,100/m<sup>2</sup> for affected land. Total assistance amount is VND 8,778,000.

86. **Assistance for job changing/creation:** The assistance will be based on each type of land and each position of land. Total assistance amount for job changing/creation for affected households are VND 13,385,000.

87. **Assistance for vulnerable groups:** There are 23 households under vulnerable groups having land acquired by the subproject. According to the REMDF of the project, these households will be assisted with amount of VND 2,000,000/HH. Total assistance cost of VND 46,000,000.

88. Entitlement Matrix to be applied for this Sub-Project is presented in the Table 9 below. The Entitlement Matrix is based on the original Entitlement Matrix in approved Resettlement Framework for BIIG project. It will be updated during the DMS however no entitlement of affected people shall be downgraded comparing to the original Entitlement Matrix in the RF and REMDP. The updated Entitlement Matrix shall cover all types of eligibility identified by DMS.

89. **Unforeseen impacts:** If any person or household is affected during the subproject implementation process, a social impact assessment will be conducted and then necessary compensation and assistance will be applied for the household.

Table 9: Entitlement matrix

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
<b>A. AGRICULTURAL LAND</b>				
<b>A.1: Temporarily Affected Agricultural Land</b>				
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC; and organizations</p>	<p>Loss of use of the land for a period less than 1 year</p>	<p>No compensation for temporary affected land; however, the Project will:                      a/ Pay cash compensation for loss of standing crops and trees at market prices (if any) (see D, below) and the rent in cash for the duration of temporary use, which will be no less than the net income that would have been derived from the affected property during disruption ,                      b/ Restore of land before returning to the affected household to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month before returning land.</p>	<p>Project is responsible to restore the borrowed land or negotiates with DPs to restore and pay restoration costs for them.                      Lang Son PMU is in charge of monitoring on restoration of the affected land.                      Calculation of income lost is based on the highest productivity of one crop of the last 3 years multiplied with current market price of the crop and duration of land use.                      The land must be restored at the pre-subproject conditions before returning to the AHs</p>	<p>5000 m2</p>
	<p>Loss of use of land exceeds 1 year.</p>	<p>No compensation for temporary affected land; however, the Project will:                      a/ Pay the rent in cash for the continued duration of temporary use, which will be no less than the net income that would have been derived from the affected property during disruption.                      b/ Restore of land before returning to the affected household to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month before returning land.                      Or                      AP can ask the Project to acquire permanently entire land affected and</p>		



ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
		compensate at replacement cost.		
<b>A.2 Permanently affected agricultural land</b>				
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Losing less than 10 percent of total productive landholding	Cash compensation at replacement cost at current market prices for affected portion; if the remaining land is not viable for cultivation cash compensation at replacement cost for entire affected land parcel; and Compensation for standing crops and trees at market price (if any); and job training/creation assistance equivalent to 3 times the value of their affected agricultural land price if Agricultural acquired land in Region I; 2.5 times the value of their affected agricultural land price if acquired land in region II; 2 times of the value of their affected agricultural land price if acquired land in region III but not exceed quota of agricultural land allocation in locality.	AHs will be noticed about land acquisition at least 90 days before and fully receive the compensation at replacement cost before site clearing at least 01 (one) month.  Level of assistance for job training/creation, decided by PPC. Implemented by DRCs	144 m2
<b>B. COMPENSATION FOR AFFECTED CROPS AND TREES</b>				
Owners of crops and/or trees	Loss of annual crops	If standing crops are ripening and cannot be harvested, cash compensation of unharvested crops at market values based on the average production over past 3 years. No compensation for crops if it can be harvested	A minimum of 3 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years.	106 m2
	Loss of perennial crops, fruit and timber trees and tree fences	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Compensation must equal in value to crops that would be harvested had acquisition not occurred.	111 trees

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
			Calculation of compensation for trees is based on the age and diameter of the tree. APs have the right to use salvageable trees.	
<b>C. PACKAGE OF ECONOMIC REHABILITATION</b>				
Agriculture land loss	Job training/Creation allowance	job training/creation assistance equivalent to 3 times the value of their affected agricultural land price if Agricultural acquired land in Region I; 2.5 times the value of their affected agricultural land price if acquired land in region II; 2 times of the value of their affected agricultural land price if acquired land in region III but not exceed quota of agricultural land allocation in locality  If AP requests for training, he/she will be entitled to a free training course	Eligibility will be confirmed during DMS. Level of assistance for job training/creation decided by PPC	144 m2

## VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

C. **Replacement cost.** A rapid replacement cost assessment has been undertaken via consultation with local authorities and local people to determine compensation unit price issued by the PPC and the results indicate that the current prices for houses and structures and crops and trees issued by Lang Son 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 evaluator. For this REMDP, the selected price for compensation will be calculated in accordance with the issued unit price. The market price of land and crops are presented in Table 10. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation process.

Table 10: Replacement cost for land, crop and tree

No.	Items	Unit	Unit price regulated by PPC (VND)	Proposed replacement cost (VND)
A	Land			
I	Rice land			
1	Tu Xuyen commune	VND/m <sup>2</sup>	48,000	48,000
2	Yen Phuc commune	VND/m <sup>2</sup>	48,000	48,000
3	Binh Phuc commune	VND/m <sup>2</sup>	48,000	48,000
II	Production forest land			
1	Yen Phuc commune	VND/m <sup>2</sup>	7,000	7,000
2	Binh Phuc commune	VND/m <sup>2</sup>	7,000	7,000
B	Tree, crop			
I	Rice	VND/m <sup>2</sup>	7,500	7,500
II	Tree			
1	Illicium verum with diameter of 3-5 cm	VND/tree	500,000	500,000
2	Illicium verum with diameter of 6-16 cm	VND/tree	850,000	850,000

D. **Budget for resettlement: The estimated** cost in accordance with the unit prices above, including compensation for land and asset on land, allowance, cost for maintenance and contingency is VND **204,076,428**, equivalent to USD **9,130.93** (see Table 11).

E. The resettlement budget is funded by Lang Son PPC, using the provincial budget and will be allocated sufficiently and on time based on the subproject resettlement implementation schedule.

Table 11: Budget for compensation and assistance

No.	Items	Unit	Quantity	Unit price (average)	In cash (VND)
<b>A</b>	<b>Compensation</b>				<b>89,999,000</b>
<b>I</b>	<b>Compensation for land</b>				<b>5,354,000</b>

No.	Items	Unit	Quantity	Unit price (average)	In cash (VND)
1	Rice land	VND/m <sup>2</sup>	106	48,000	5,088,000
2	Production forest land	VND/m <sup>2</sup>	38	7,000	266,000
<b>II</b>	<b>Compensation for tree and crop</b>				<b>84,645,000</b>
1	Rice	VND/m <sup>2</sup>	106	7,500	795,000
2	Illicium verum with diameter of 3-5 cm	VND/tree	30	500,000	15,000,000
3	Illicium verum with diameter of 6-16 cm	VND/tree	81	850,000	68,850,000
<b>B</b>	<b>Assistance</b>				<b>68,163,000</b>
1	Assistance for production forest land which is limited to use capacity but not acquired.	VND/m <sup>2</sup>	4,180	2,100	8,778,000
2	Assistance for training and job creation/change	VND/m <sup>2</sup>	144		13,385,000
3	Vulnerable households	VND/HH	23	2,000,000	46,000,000
<b>C</b>	<b>Total (A+B)</b>				<b>158,162,000</b>
<b>D</b>	<b>2% cost for implementation of compensation – assistance – resettlement * C</b>	<b>%</b>	<b>2</b>		<b>3,163,240</b>
<b>E</b>	<b>Total (C+D)</b>				<b>161,325,240</b>
<b>F</b>	<b>Contingency (15% of E)</b>	<b>%</b>			<b>24,198,786</b>
<b>G</b>	<b>Total (E+F)</b>				<b>185,524,026</b>
<b>H</b>	<b>VAT (10%)</b>				<b>18,552,402</b>
<b>I</b>	<b>Total (VND)</b>				<b>204,076,428</b>
<b>K</b>	<b>Total (USD)</b>				<b>9,130.93</b>

## IX. INSTITUTIONAL ARRANGEMENT

### A. Provincial level

F. The Lang Son 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) To appraise and approve REMDP;
- (ii) To issue decisions on approving land valuations applied for compensation rates, allowances and other supports to APs, especially vulnerable groups, based on principles of REMDP;
- (iii) To timely provide the budget for compensation, support and resettlement;

- (iv) To directly supervise provincial relevant departments to implement effectively the REMDP.
- (v) To authorize the district-level People's Committees to approve compensation, assistance and resettlement plans;
- (vi) To direct the relevant agencies to settle APs' complaints, grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
- (vii) To direct the relevant agencies to examine and handle the violations in the compensation, assistance and resettlement domain.

G. The Lang Son PPC has authorized Investment and Planning Department to be the owner of the project and responsible for:

- (i) To manage the project loan allocated for subprojects in Lang Son province;
- (ii) To establish Provincial Project Management Unit (PMU);
- (iii) To direct PMU to implement all project activities according to the regulations of government and ADB policies;
- (iv) To ensure budget available for implementation of land acquisition in time;
- (v) To coordinate with relevant agencies to ensure timely redress of complaints or grievances of APs;
- (vi) To supervise the project's implementation.

H. The Lang Son Provincial Project Management Unit (PMU), on behalf of the project owner is responsible for comprehensive REMDP implementation and internal monitoring. The main tasks of PMU are.

- (i) To prepare, update, and monitor REMDP implementation of subprojects;
- (ii) To guide LFDC to implement all resettlement activities in compliance with the approved REMDP; and handle with any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the REMDP are met;
- (iii) To coordinate with LFDC and CPCs, conduct information campaigns and stakeholder consultation in accordance with established project guidelines;
- (iv) To coordinate with relevant agencies to ensure timely: providing compensation, support and rehabilitation measures, and handle with complaints or grievances of APs;
- (v) To conduct internal resettlement monitoring, establish and maintain resettlement and grievance databases in accordance with procedures and requirements in approved REMDP and providing regular reports to Lang Son PPC, DPI and ADB;
- (vi) To implement prompt corrective actions in response to internal monitoring.

## **B. District level**

I. 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 are:

- (i) To approve the schedule and monitoring the progress of land acquisition and resettlement implementation in compliance with REMDP;
- (ii) To establish a District Resettlement Committee (DRC) or District LFDC and direct them and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;

- (iii) To approve and take responsibility on the legal basis, and accuracy of the detailed compensation, assistance and resettlement plans in the local area; To approve cost estimates on implementation of compensation, assistance and resettlement work;
- (iv) To take responsibility for issuing LURC, certificate on land owning right of HHs and individuals who have land, house entirely recovered; to adjust LURC for HHs and individuals who have land, house partially recovered, in accordance with authorization;
- (v) To direct Communal People's Committees and relevant organizations on implementation of various resettlement activities;
- (vi) To review and confirm the REMDP approved by PPC and ADB;
- (vii) To resolve complaints and grievances of APs

**C. District Compensation, Assistance and Resettlement Board (CARB)**

J. Members of the DRC/DLFDC include the chairman/deputy chairman of the DPC (to be the head of the DRC/DLFDC), representative of Environmental and Natural Resource Division, Division of Finance, Division of Agriculture and Rural Development, chairman of CPC, affected households, members of farmer union and women union. The main role of the DRC/DLFDC includes:

- (i) To organize, plan and carry out compensation, assistance and resettlement activities;
- (ii) To conduct DMS, consultation and information dissemination activities, design and implement income restoration program, coordinate with various stakeholders;
- (iii) To prepare compensation plan and submit to DPC for approval. Implement compensation, assistance and resettlement alternative; to take responsibility for legal basis applied in compensation, assistance and resettlement policy following approved REMDP;
- (iv) To assist in the identification and allocation of land for relocated HHs;
- (v) To lead and coordinate with the CPC in the timely delivery of compensation payment and other entitlements to AHs; and
- (vi) To assist in the resolution of grievances.

**D. Commune level**

K. The CPC will assist the DRC/DLFDC in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- (i) To cooperate with District level and with local mass organizations at commune level to mobilize people who will be acquired to implement the compensation, assistance and settlement policy according to approved REMDP;
- (ii) To cooperate with DRC/DLFDC to present reason of compensation for people with acquired land area; disseminate and disclosure compensation plan to people;
- (iii) To assign Commune officials to assist the CARB in the updating of the REMDP and implementation of resettlement activities;
- (iv) To identify replacement land for Ahs;
- (v) To sign the Agreement Compensation Forms along with the AHs;
- (vi) To assist in redressing grievances; and,
- (vii) To actively participate in all resettlement activities.

## X. IMPLEMENTATION SCHEDULE

L. The implementation schedule for resettlement activities for the subproject is presented in Table 12 including (i) activities that have been completed to prepare the REMDP; (ii) resettlement implementation activities and, (iii) internal monitoring activities.

Table 12: **Resettlement and compensation payment plan**

Activities	Time
<b>Approval and disclosure of final draft REMDP</b>	
Endorse final draft REMDP by PPC and ADB	4/2017
Disclose the endorsed REMDP in ADB website and disclose locally to APs and communes	4/2017
<b>Implementation of the approved REMDP</b>	
Detailed engineering and demarcation of land to be acquired	Quarter II/2017
Conduct public consultation meeting with APs	Quarter II/2017
Conduct IOL and prepare compensation plan (replacement cost survey if required)	Quarter III/2017
Consult APs on the compensation plan	Quarter IV/2017
Update the REMDP based on results of DMS (if required)	Quarter IV/2017
Submit compensation plan to DPC for review and approval	Quarter IV/2017
Disclose approved compensation plan to Aps	Quarter I/2018
Conduct payment of compensation and allowance	Quarter I/2018
Conduct site clearance	Quarter I/2018
Carry out construction	Quarter II/2018
<b>Monitoring</b>	
Conducting monthly monitoring on the implementation of REMDP with LIC's support	Quarter I/2018
LIC support for preparation of semi-annual monitoring report to submit CPMU and ADB	Quarter I/2018

## XI. MONITORING AND EVALUATION

M. 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

N. Community-based monitoring (CBM) will be applied to gather overall opinion of community on the implementation of REMDP of subproject. People in the subproject's area are encouraged to participate in monitoring the REMDP implementation, especially affected people in terms of what they receive as compensation compared what is stated in the REMDP.

### B. Internal monitoring

O. The objectives of internal monitoring is to assess:

- (i) The compliance with the approved REMDP;
- (ii) The availability of resources and the effective use of these resources to implement land acquisition and resettlement activities;
- (iii) If resettlement agencies are well-functioning during the project implementation process;

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

P. Internal monitoring is the responsibility of PMU, the project executing agency. PMU will be responsible for pre-determining the establishment, implementation and activities of each agency in charge of resettlement in province and district. PMU will ensure that information on the resettlement process will be disclosure by compensation, assistance and resettlement board of district. The compensation, assistance and resettlement board of district will submit monthly progress report to PMU. PMU will consolidate all reports from the province into the project implementation monitoring system to be the base for preparing periodical report to submit to ADB. All of the reports include gender and ethnic minority issues.

Q. PMU will establish an internal monitoring schedule, indicators, sequence and requirement for report of all subprojects. Internal monitoring report will be semi-annually submitted to ADB for review and posted in the website of ADB. Internal monitoring indicators will include but not limited as follows:

- (i) Affected persons and compensation: number of affected persons by type of impact: status of compensation payment, relocation and other allowance;
- (ii) Status of income restoration activity: number of severely affected persons or partially affected due to a) losing production land and/or b) relocation; number of affected persons under vulnerable groups; status of relocation of affected; status of income restoration assistance;
- (iii) Information dissemination and consultation: number and scope of community consultation and/or consultation with affected persons; status of affected persons; summary of need of affected persons, their hobby and concern recorded in consultation meetings;
- (iv) Complaint and grievance redress: summary of recorded complaints; implementation steps of redressing the complaint; and, any arising issue should be handled by district/province level or assistance of ADB;
- (v) Financial management: compensation fund allocation and other activities; amount paid to each affected HH;
- (vi) Resettlement progress: completed in accordance with the schedule; the delay in which what is the reason; adjustment of resettlement schedule;
- (vii) Coordination of resettlement activities and award of contract for civil works: status of completing resettlement activities and date of award of contract for civil works;
- (viii) Implementation issues: arising issues, reasons and resolution.



ANNEX: SAMPLE COMMUNITY CONSULTATION MINUTES

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

Từ Xuyên, ngày 31 tháng 3 năm 2017

BIÊN BẢN THAM VẤN CỘNG ĐỒNG

Về Chính sách an toàn Tái định cư và Dân tộc thiểu số  
DỰ ÁN HẠ TẦNG CƠ BẢN CHO PHÁT TRIỂN TOÀN DIỆN CÁC TỈNH ĐÔNG BẮC (FNFP)

I. Thời gian, địa điểm và tiêu dự án được tham vấn:

- 1. Thời gian tham vấn: 8h30, ngày 31/3/2017
- 2. Địa điểm tham vấn: Hồ Lương UBND xã Từ Xuyên
- 3. Tên Tiêu dự án được tham vấn: Dự án mở hình chuỗi cửa tự năng nghiệp (ARVC)

II. Thành phần tham dự:

1. Đại diện chủ đầu tư:

- Ông/Bà..... Chức vụ.....
- Ông/Bà..... Chức vụ.....

2. Đại diện UBND xã:

- Ông/Bà Nông Văn Hoàng..... Chức vụ Chủ tịch UBND xã
- Ông/Bà La Văn Văn..... Chức vụ Chủ tịch Hội CCB
- Ông/Bà Hồng Thu Liễu..... Chức vụ Bí thư Đoàn xã
- Ông/Bà Hoàng Thị Phươn..... Chức vụ Chủ tịch HPN
- Ông/Bà Chu Văn Thương..... Chức vụ Công chức Địa chính xã
- Ông/Bà La Anh Thái..... Chức vụ Bí thư Đoàn xã
- Ông/Bà Kỳ Thị Bích Thu..... Chức vụ Chủ tịch Hội Phụ nữ

3. Đại diện nhóm Tư vấn:

- Ông/Bà Nguyễn Cường..... Chức vụ Tư vấn TDC
- Ông/Bà Phạm Văn Thiệu..... Chức vụ kt

4. Đại diện những hộ bị ảnh hưởng bởi TDA:

- Tổng số người tham dự họp 19 người
- Trong đó: Nam 15 Nữ 4 Dân tộc thiểu số 19

(Danh sách đại biểu tham dự đính kèm)



### III. Nội dung tham vấn

#### III.1 Các nội dung phổ biến thông tin:

- Giới thiệu chung về dự án, cung cấp các thông tin về dự án như mục tiêu, địa điểm, quy mô, các thông số kỹ thuật cơ bản của các hạng mục được đầu tư, chủ đầu tư và nhà tài trợ nguồn vốn;
- Phổ biến thông tin về phạm vi ảnh hưởng và Khung Tái định cư và phát triển DTTS và các quyền lợi được hưởng;
- Phổ biến quy trình khiếu nại và giải quyết khiếu nại về bồi thường Tái định cư cho các hộ bị ảnh hưởng;

#### III.2. Các nội dung tham vấn cộng đồng:

- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án;
- Tham vấn về Chính sách bồi thường và quyền lợi của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và khả năng tiến hành các biện pháp phục hồi cuộc sống; Đặc biệt chú trọng các hộ ảnh hưởng nặng, hộ phải di dời Tái định cư;
- Tham vấn các vấn đề về tái định cư, các tác động dự kiến, quyền lợi của người bị ảnh hưởng,
- Tham vấn về các tác động tích cực, các biện pháp giảm thiểu tối đa các tác động tiêu cực, đến người/cộng đồng bị ảnh hưởng;
- Thu thập các ý kiến khác liên quan đến công tác bồi thường Tái định cư và Phát triển dân tộc thiểu số...

### VI. Ý kiến thảo luận

#### IV.1. Các vấn đề về bồi thường, tái định cư

1. Ông Nguyễn Văn Hoàng - Chủ tịch UBND xã Tân Xuân khai mạc buổi họp giới thiệu tái định cư, giới thiệu chung về tái định cư trên địa bàn xã

2. Ông Nguyễn Đức Cường - Tư vấn ĐC giới thiệu về dự án tái định cư và nêu các mục tiêu hợp tác theo yêu cầu của Ngân hàng ADB, hiện nay nhân sự vẫn tiếp tục làm thay đổi với người dân về thông tin của địa phương và phê duyệt các chính sách trong khuôn khổ dự án như: bồi thường theo hình thức và những chương trình hỗ trợ người dân cho việc tái định cư như: giới thiệu người dân (ARVC) - Giới thiệu về điều kiện tái định cư tại xã Tân Xuân: Mô hình trồng rau sạch tại xã Tân Xuân, với diện tích khoảng 3 ha (diện tích 30.000 m<sup>2</sup>).



- Bà An sẽ phải thuê một số chiếc ghế đặt dài sau  
tờ sẽ tiến hành tiến phân lý thuật  
- Tham vấn với người dân về các chính sách lợi ích  
chính sách và các chính sách phát triển dân tộc thiểu  
số, những quyền lợi mà người dân được hưởng khi  
mất đất đai hoặc khai hoang trên đất

- Tham vấn một số vấn đề liên quan tới mức độ  
ảnh hưởng của dự án trên địa bàn và ảnh hưởng tới kết  
quả khai thác và kiến tạo xã hội

- Tham vấn với người dân về các vấn đề về bồi  
hường P.M.B.; đơn giản hơn thì dự theo giá trị thay  
thế (giá trị tại chỗ bao nhiêu thì bồi thường chi  
trả chính sách lợi ích người dân UBND xã và chính sách  
hỗ trợ của ngân hàng đầu tư)

- Tham vấn người dân về việc hỗ trợ tạo tạo việc  
và chuyển đổi việc làm

- Tham vấn với các hộ bị ảnh hưởng về chính sách  
hỗ trợ riêng cho nhóm dân tộc thiểu số (thực hiện chính sách ưu  
tiên của UBND xã và UBND tỉnh)  
Chấp thuận

- Tham vấn về các chính sách phúc lợi thu nhập ...  
S) ý kiến của các đại diện tham dự:

- Bà Hoàng Thị Dung (thôn thôn Công): Bà con  
chúng tôi đã nghe và hiểu qua về dự án nhưng chưa  
đến cơ một các hộ vẫn chưa hiểu rõ về nội dung hình  
thức các chính sách này. Khi tiến hành thì ai sẽ là  
đầu ra cho chúng tôi? Tiến hành thì hàng loạt  
thực hoạch sẽ phải báo cáo được các ra chăng?

- Ông Nông Văn Hoay (CT UBND xã): Về vấn đề đầu  
ra, đây là chủ trương của UBND tỉnh nên UBND xã  
cố gắng nắm bắt đầu ra của sản phẩm, Bà con  
yên tâm

- Ông Viên Văn Tán (thôn thôn Công): Như câu hỏi  
bà con các nhà này là dự án mà dự vay vốn của  
ngân hàng ADB thì đầu tư và phải trả lãi vay  
người dân tham gia vào dự án sẽ được hưởng lợi  
những phần trăm và số nợ này người dân có phải  
trả không?



III. Kết luận

BQL Huyện và nhân dân xã Tu Xuyên đều đồng tình ủng hộ việc thực hiện dự án, mong chi an sớm được khởi công xây dựng các hạng mục và nâng cao mức độ chuyên môn này, tiếp tục áp dụng KTKT, hi vọng này Cao cấp, xây dựng nhân dân lại phương an hơn, thường hầu hết ý kiến đều đồng tình ủng hộ các phương án nhân dân đến bãi Hường.

Cuộc họp các bên thống nhất và kết thúc vào lúc 11h30 ngày 31 tháng 3 năm 2017

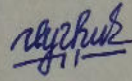
BQL Tiểu dự án

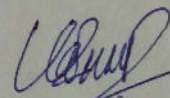
Đại diện chính quyền địa phương

  
Nông Văn Hoàng

Đại diện cộng đồng

Đại diện Tư vấn

  
Vy Thi Bich Thu

  
Nguyễn Văn Hoàng

**DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP THAM VẤN CỘNG ĐỒNG  
DỰ ÁN HẠ TẦNG CƠ BẢN CHO PHÁT TRIỂN TOÀN DIỆN CÁC TỈNH ĐÔNG BẮC**

Xã..... Từ Xuyên..... Huyện..... Vân Quang..... Tỉnh..... Lạng Sơn.....  
 Tên tiêu dự án:..... Tiêu DA mô hình chuẩn giá trị nông nghiệp (ARVC).....

STT	Họ và tên	Giới tính	Dân tộc	Địa chỉ	Ký tên	Ghi chú
1	Hoàng Văn Trường	Nam	Tày	Khóm Công Từ Xuyên		
2	Là Văn Vân	"	Nùng	Bố Công "		
3	Nông Phú Liễu	Nữ	"	"		
4	Hoàng Thủ Hoàn	"	"	Khóm Công Công		
5	Hoàng Thủ Dũng	"	Tày	"	Dũng	
6	Hoàng Minh Tân	Nam	"	"	TÂN	
7	Tiểu Văn Tân	"	"	"		
8	Châu Văn Thắng	"	Nùng	"		
9	Hoàng Văn Thắng	"	"	Hàng Cỏ	Thắng	
10	Tiểu Văn Thắng	"	Nùng	Hàng Nả	Thắng	
11	Hoàng Văn Nam	"	Tày	"	Nam	
12	Là Văn Chiến	"	"	"	Chiến	
13	Là Văn Khiêm	"	"	"		
14	Là Văn Phúc	"	"	"		
15	Là Anh Thảo	"	"	"		BTĐU xã
16	Là Văn Dũng	"	"	"		
17	Là Văn Nghĩa	"	"	"		
18	Nông Văn Hoàng	"	Nùng	Lũng Cỏ		CTUBND.
19	Ky Thị Bích Thu	Nữ	Tày	Hàng Nả		





STT	Họ và tên	Giới tính	Dân tộc	Địa chỉ	Ký tên	Ghi chú



Đại diện cộng đồng  
*(Signature)*  
 Vy Thị Bích Thu

Đại diện chính quyền địa phương  
**U. ỦY BAN NHÂN DÂN**  
**CHỦ TỊCH**  
*(Signature)*

