

Resettlement and Ethnic Minority Development Plan (REMDP)

Stage of the document: Final
Project number: 49026-002
April 2017

VIE: Basic Infrastructure for Inclusive Growth in the
Northeastern Provinces Sector Project-Construction
and Widening of Domestic Water Supply System for
Vinh Quang Town, Tu Nhan and Ban Nhung
Communes, Hoang Su Phi District, Ha Giang
Province

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
CPC	-	Commune Peoples, Committee
DARD	-	Department of Agriculture and Rural Development
DMS	-	Detailed Measurement Survey
DONRE	-	Department of Natural Resources and Environment
DPC	-	District Peoples Committee
DPI	-	Department of Planning and Investment
DRC	-	District Resttlement 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
LFDC	-	Land Fund Development Center
LURC	-	Land Use Rights Certificate
MOF	-	Ministry of Finance
MPI	-	Ministry of Planning and Investment
NTP	-	Notice to Proceed
PIB	-	Project Information Booklet
PPC	-	Provincial People Committee
PMU	-	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 ² (square meter)	–	a measure of area
m ³ (cubic meter)	–	A measure of volume
kg (kilogram)	–	A measure of weight

GLOSSARY

Affected person (AP) / Affected household (AH)	-	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. 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.
Compensation	-	Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off date	-	Means the date of land acquisition announcement made by local authorities. The APs will be informed of the cut-off date for each subproject component, and any people or assets that settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
Ethnic minority	-	People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	-	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Host community	-	Means communities receiving physically displaced persons of a project as resettlers.
Income restoration	-	Re-establishing productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement.
Income restoration program	-	A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socioeconomic

survey and consultations.

Inventory of Losses (IOL)	- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project area are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Households under preferential treatment policy	- The households: provided the meritorious services to the revolution, martyrs and wounded soldiers, Mothers of the Vietnamese Heroes, Families of the Heroes of the Public Armed Forces were awarded by the State of Vietnam as stipulated by the Ministry of Labor, War Invalids and Society
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 the Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector Project in 04 provinces namely Lang Son, Bac Kan, Cao Bang and Ha Giang. The representative subproject in Ha Giang province is “ Construction and extending of Domestic Water Supply System for Vinh Quang Town, Tu Nhan and Ban Nhung Communes, Hoang Su Phi District, Ha Giang Province”. With the design capacity of 2.200m³/day, upon completion, the subproject will provide domestic water for approximately 2,045 households with 8,038 persons and 97 locally based organizations to 2030.

2. **Scope of impact:** The subproject will cause impact to one household with four people in Phin Ho village, Ta Su Choong, Hoang Su Phi district, Ha Giang province. The affected household belongs to ethnic minority group of Nung. The subproject will acquire total 1,550 m² of land, including 50m² of residential land and 1,500m² of annual crop land, 50m² of house, 15m² of animal shed and 42 trees of types. Due to being entirely affected house, the household has to relocate.

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 Ha Giang 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.¹ 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 are ethnic minority people (95.7% in Hoang Su Phi district). There are 17 ethnic minority groups living in the district in which four ethnic minority groups of Tay, Nung, Dao and H’Mong account for vast majority of population. The only subproject affected HH is under Nung ethnic minority group. Both positive and negative impacts caused by the subproject have been identified such as land acquisition during construction phase, 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 limited participation in decision-making process. The illiteracy rate is higher among women than men. A gender action plan has been

¹ Details of the Community Consultations meetings are presented in Section B: Public Consultation and Participations and in paragraph 70 of the main report and the minutes of the Community Consultations meetings are included in Annex 1.

prepared to address the issues related to women and to enhance their social position in the subproject area.

6. **Institutional Arrangements:** Ha Giang 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 Ha Giang DPI as Implementing Agency to manage and implement the subproject and will ensure that compensation and assistance are administered according to the provisions of this REMDP. A District Resettlement Committee/ Land Fund Development Center (LFDC) with representatives from affected persons (AP), will implement the REMDP.

9. **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.

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

13. **Total resettlement cost:** Total estimated cost, including management cost and contingency, is estimated at VND 309,982,490 (equivalent to \$ 13,869.46).² This cost will be paid from Ha Giang provincial budget.

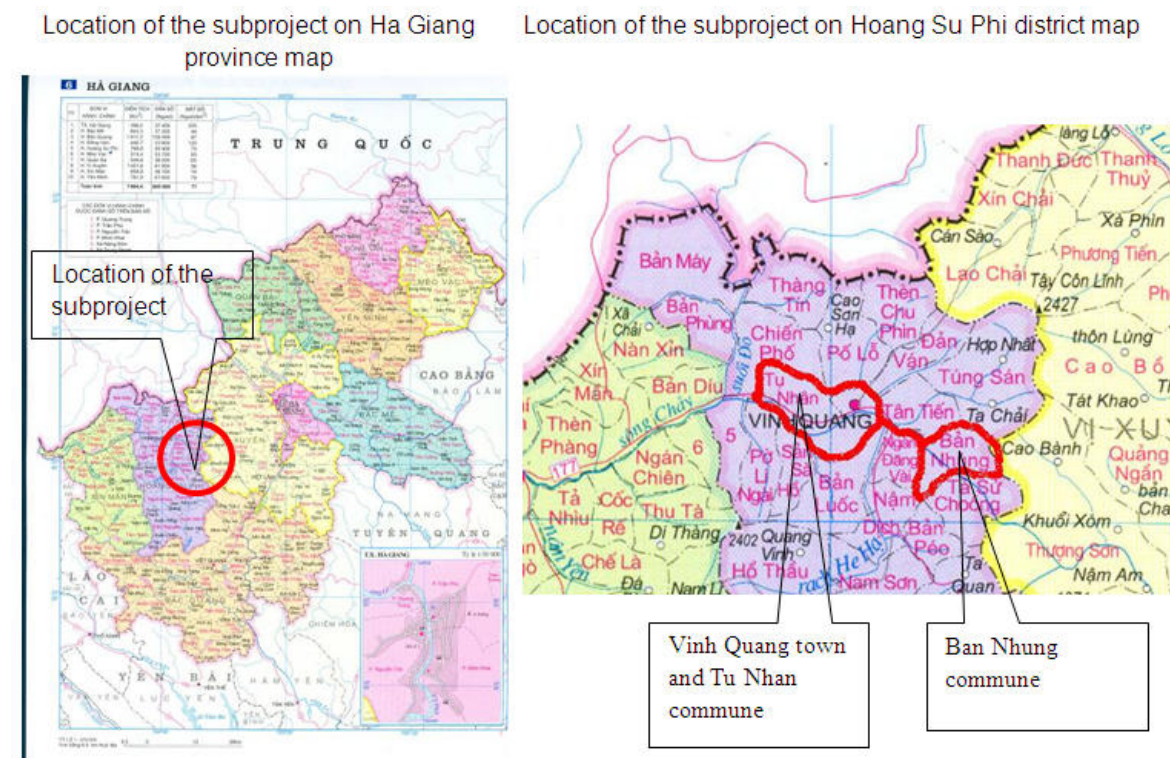
² USD 1 = VND 22,350.

I. SUBPROJECT DESCRIPTION

A. Background

14. 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) improved agricultural and rural infrastructure for 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. Ha Giang is one of four Northeast provinces. The sample subproject in Ha Giang province is "Construction and Widening of Domestic Water Supply System for Vinh Quang Town, Tu Nhan and Ban Nhung Communes, Hoang Su Phi District, Ha Giang Province". With the design capacity of 2.200m³/day, upon completion, the subproject will provide domestic water for approximately 2,045 households with 8,038 persons and 97 locally based organizations to 2030.

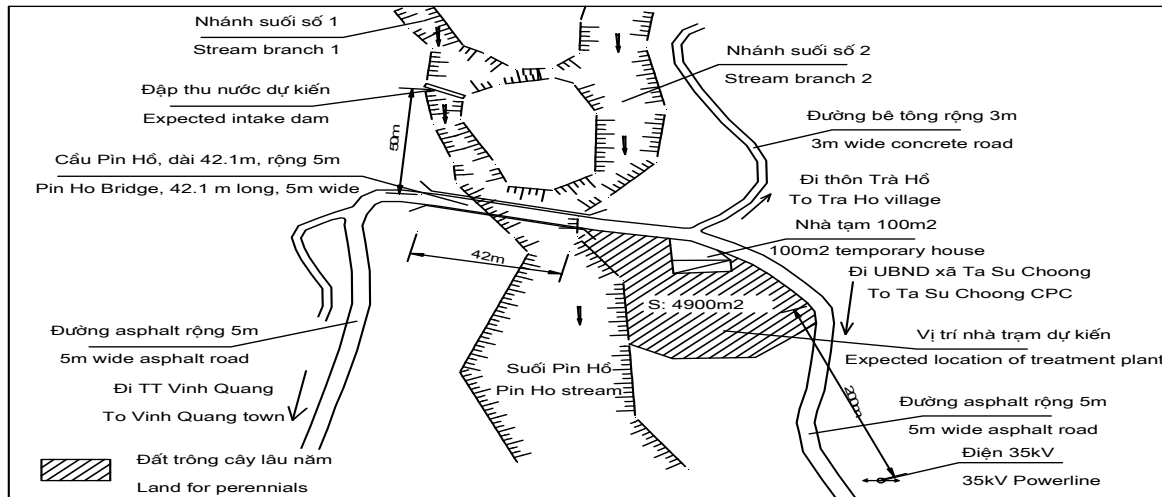
Figure 1: Map of subproject area



B. Civil work items to be commenced

15. According to the preliminary design, the Subproject will have the following items:
- (i) Construction of pumping station and pipeline carrying water to treatment plant.
 - (ii) Construction of water treatment plant
 - (iii) Construction of pipeline carrying water from treatment plant to households.
16. Locations of subproject items are presented in the Figure below.

Figure 2: Locations of subproject items



17. Upon completion, the Subproject will supply clean water for domestic use and production for 2,045 households with 8,038 people and 97 locally based organization, administrative units to 2030.

18. The subproject will help local people access sanitary and hygienic water source that meets standards of Ministry of Health, which contributes to fulfillment of National Targets on clean water usage rate.

19. Subproject's objectives:

- Improve environmental condition and living quality to the community in Boc Bo commune by providing water for domestic use, production on daily basis to households. The clean water supply system will replace the current water source that did not meet standards of Ministry of Health.
- Protect people's health, reduce the rate of diseases originated from polluted domestic water source.
- Raise awareness of public healthcare and environmental sanitation and protection.
- Help to improve socio-economic condition and living standards of local people by supplying water that meets standards.

C. Mitigation measures

20. To minimize land acquisition and resettlement impacts caused to local people, the following mitigation measures will be applied: Construct treatment plant and pumping station at reasonable location to minimize impacts on house and structures of households. Water pipeline will be installed underground along transport routes, on public land to avoid impacts on households' land.

21. Mitigation measures include:

- Pumping station and treatment plan are located on vacant land with no house or structure of households.
-
- Pipelines are placed along transport routes on public land.
- Water distribution pipeline network will be installed underground and placement locations will be quickly recovered.
- Modern construction method is applied to minimize impact to households in the region during construction phase.

- Local people will be recruited as workers during construction phase to create job opportunities, generate income and minimize potential social impacts.
- 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

22. The subproject will have both positive and negative impacts on local people. However, the latter are just minor when there is only one HH affected by the subproject (affected by upstream water storing tank). Although the AH is severely affected as relocated, policy of the province and policy in Resettlement and Ethnic Minority Development Plan will ensure that the affected HH will be stabilized his living soon and the production as well as livelihood of the AH will be improved or at least restored prior to the project

23. 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.

24. 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.

25. 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 Ha Giang 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.

II. PROJECT IMPACTS

A. Survey process

26. 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.

27. 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.

28. 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.

29. 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 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.

30. 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 minorities people and women have also been organized.

B. Permanent impacts

31. Impacts caused to household: The subproject will affect household of Mr. Hoang Van Kim under Tay ethnic minority group in Phin Ho village, Ta Su Choong commune, Hoang Su Phi district, Ha Giang province. The household, who has to relocate, has house and residential land entirely affected. Through survey and interview, the household hopes to receive compensation in cash and will self-relocate to new place.

32. Impacts on land: The subproject will permanently acquire 1.550m² of land, including 50 m² of residential land and 1,500 m² of perennial crop land.

33. Impacts on house and structure: 50m² of house and 15m² of animal shed will be permanently affected by the subproject.

34. Impacts on trees and crops: The subproject will permanently affect 12 chinaberries and 30 bananas of Mr. Hoang Van Kim's household.

C. Temporary impacts

35. The subproject will possibly cause temporary impact on 62,000 m² of land. Most temporarily affected area is land for transport and public land. Items causing temporary land loss include: temporary access road to pumping station, water treatment plan, pipeline, material storage, dump site and workers' camp. However, to ensure that these temporary impacts are minimized, the following articles will be included in the contract of contractor: (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 household

36. Verification of land use right certificate (LURC) conducted in affected commune reveals that at the time of land preliminary inventory, HH affected by the subproject has LURC.

E. Vulnerable household and ethnic minority household

37. The affected HH under Nung ethnic minority group is vulnerable AH by the subproject.

III. SOCIO-ECONOMIC OVERVIEW

A. Socio-economic conditions in the subproject area

38. Hoang Su Phi, which is a mountainous district and located in the West of Ha Giang province, is 100km far from the administrative center of the province. The district has average altitude of 1,300 – 1,700 m with hollow terrain and the lowest location is Vinh Quang town. The district has 17,707 ha of agriculture land and 33,285 ha of forestry land. With 24 administrative units, including communes and one town, the district has a total population of 64,991 people with 17 ethnic minority groups in which there are four main ethnic minority groups of Nung (38%), Dao (24.4%), Tay (14.2%) and H'Mong (12.5%).

39. Population and ethnicity: Urban population percentage in Hoang Su Phi is very low, accounting for 6.08% of total population of district. Percentage of women is lower than men. Nung ethnic minority community accounts for vast majority of the district's population. Detailed population and ethnicity is presented in Table below:

Table 1: Population and ethnicity in Hoang Su Phi district

	Percentage (%)
<i>Total population</i>	100
Urban	6.08
Rural	93.92
<i>Gender</i>	
Male	50.87
Female	49.13
<i>Ethnicity</i>	
Kinh	4.63
Nung	38.22
Tay	14.18
H'mong	12.46
Dao	21.41
Other	9.1

Source: Results of SES and IOL, October 2016

B. Socio-economic condition in subproject commune/town

40. After being completed, the subproject will supply clean water for one town and two communes of Hoang Su Phi district in which Quang Vinh town is the administrative and socio-economic center of the district and two communes of Tu Nhan and Ban Nung are neighboring communes of Quang Vinh town.

41. Population and ethnicity: Population and ethnicity of the subproject communes/town are presented in the Table below.

Table 2: Population and ethnicity of subproject benefited communes/town

	Population of communes/town			Beneficiaries			
	Vinh Quang	Ban Nhung	Tu Nhan	Vinh Quang	Ban Nhung	Tu Nhan	Total
Villages	8	8	5	8	3	2	13
Population (person)	3,644	2,458	3,578	3,644	1,017	1,377	6,038

	Population of communes/town			Beneficiaries			
	Vinh Quang	Ban Nhung	Tu Nhan	Vinh Quang	Ban Nhung	Tu Nhan	Total
Gender							
Female	1,786	1,345	1,672	1,786	480	659	2925
Male	1,858	1,113	1,906	1,858	537	718	3,113
Number of households	952	499	778	952	206	315	1,473
Ethnicity							
Kinh	217	4	3	217	4	2	223
Tay	216	49	120	216	38	82	336
Nung	198	446	524	198	164	100	462
Dao	187	0	1	187	0	1	188
Hoa	59	0	113	59	0	113	172
H'mong	15	0	2	15	0	2	17
Others	60	0	15	60	0	15	75
Women headed household	342	30	60	342	9	38	389

Source: Results of SES and IOL, October 2016

42. Poverty: Quang Vinh town has the lowest poverty rate out of the subproject benefited communes/town with 134 poor household (14.08%) and Ban Nhung commune has the highest poverty rate with 337 households (68.08%) and Tu Nhan commune has 515 poor households (66.2%).

C. Socio-economic features of affected households

43. Demographic characteristics: The subproject will affect one household with four persons. The household is under Tay ethnic minority group and has two persons under working age.

44. Education: household head is male who has graduated from secondary school. Two persons under the working age, children of household head, are attending secondary school and the remaining child only graduates from primary school.

45. Occupation and income: The affected household has main occupation and income from agriculture, growing rice and cultivation which create stable income for them annually. Average annual income of the household is VND 28,000,000.

46. Vulnerable household: The affected household is adversely affected ethnic minority household and under vulnerable group. It needs to issue assistance policy for the household to stabilize living and production.

D. Gender issues

47. Gender issue: According to socio-economic survey in October 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.

48. Safe water source is very important for the improvement of health and sanitation for women and children. It means that women and children will need more water for domestic use and personal hygiene practices. Providing enough clean water will mitigate risk of disease caused by water source.

49. Gender analysis: The immediate benefit of the subproject is to address the urgent and pressing need of women and children on safe and adequate water supply. The subproject will also help enhance the health, sanitation and environmental conditions for women and children for the purpose of poverty reduction and sustainable development. During the design and

implementation process of the subproject, it needs to have assistance policy for women and children.

50. Along with the construction of the potable water supply facility, women and children should have opportunities to raise their awareness/knowledge on health and sanitation and disease.

51. 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.

E. Social impact assessment

52. Potential negative project impacts. A social impact assessment (SIA) has been conducted through socio-economic survey and Inventory of loss (IOL) and 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 during the construction process, workers coming from other regions may cause risks of disease transmission to ethnic minority people, especially women such as sexually transmitted infections like HIV and also social evils like drugs.

53. The construction of the subproject may cause negative impacts on ethnic minority people in general and ethnic minority women in particular. Moreover, mitigation measures will be carried out through technical design, compensation and resettlement. In addition, during the construction process, environmental pollution such as dust, construction waste and noise may affect people and the impacts can be mitigated through mitigation measures proposed through EMP.

54. 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) To provide clean water for women and children; to improve health, sanitary and hygienic conditions for women and children with purpose of sustainable poverty reduction.
- (ii) Create new job opportunities for local people to increase their income, especially poor ethnic minority women and/or vulnerable people in subprojects;
- (iii) To provide opportunities to improve the status of women, especially ethnic minority women and enhance their participation in community activities through gender action plan.
- (iv) To contribute to poverty reduction in the subproject's communes.

F. Measures taken to minimize the negative impacts

55. 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 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.

56. 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:

- (v) 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);
- (vi) Local contractors may not under any circumstances use child labor;
- (vii) Ethnic minority communities are consulted about design of all work items of the project;
- (viii) Training on prevention of HIV/AIDS for ethnic minority communities as part of the gender action plan implementation;
- (ix) Provide training courses on cultivation and livestock and poultry rearing techniques which will be combined and implemented in accordance with the gender action plan;
- (x) Training courses on policy of ADB on ethnic minority people for executing agencies at provincial level and local agencies (PMU and the stakeholders) will be carried out by the LIC;
- (xi) At least, one member of the communal supervision board will be the preventative of ethnic minority people.

IV. INFORMATION DISSEMINATION AND PUBLIC CONSULTATION

A. Information dissemination

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

58. 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.

59. This REMDP will be uploaded on ADB website 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. Organized consultation meetings with the stakeholders are presented in Table 6 below.

B. Public consultation and Participation

60. 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.

61. 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.

62. Consultation and participation during the REMDP preparation

63. Consultation meetings and group discussion were conducted twice with local authorities, mass organizations, APs and non-APs in October 2016 and in April 2017.³ 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 the subproject and they hope that the subproject will be implemented soon;
- (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;

³ The Minutes of the Community Consultations meetings are found in Annex 1 of the REMDP report.

- (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 construction, it needs to check status of houses near road to avoid dispute and cause of cracking house;
- (viii) it was proposed that meaningful consultation with and participation of women and EMs in the process of REMDP implementation, management and monitoring will be continuously undertaken in next steps;
- (ix) APs proposed that the compensation payment 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 3: Participants in community consultation

No.	Commune /town	Location	Participants	Number of participants	Number of participating ethnic minority persons	Number of participating women
1	Ta Su Choong	CPC	Representatives of CPC, Unions and affected HHS	21	18	3

Source: the REMDP Consultant's Community Consultation Results, April 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, 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 Ha Giang Province, and policies of ADB are outlined, then if difference between these policies (of Vietnam and of ADB) exist, reconciliation is done to establish policies and principles to be applied under this subproject.

A. ADB policies

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

75. **Indigenous Peoples (IP)/ Ethnic Minorities (EMs).** The main objectives of ADB's IP safeguards policy under the SPS 20094 are to: (i) avoid adverse impacts of projects on the environment and affected persons, where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected persons when avoidance is not possible; and (iii) assist in strengthening country safeguard systems and develop the capacity to manage environmental and social risks. The policy is triggered if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of EMs or affects the territories or natural or cultural resources that EMs own, use, occupy, or claim as their ancestral domain. Should ADB projects affect EMs, a set of general policy requirements are observed to maintain, sustain, and preserve their cultural identities, practices, and habitats (SR-3 of SPS 2009). A set of special requirements are in place should projects be (i) within ancestral domains and lands and related natural resources, (ii) commercial development of cultural resources and knowledge of EMs; (iii) physical displacement from traditional or customary lands; and (iv) commercial development of natural resources within customary lands under use that would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of EMs.

B. National law on Involuntary Resettlement and Ethnic Minority

76. **Compensation, Assistance and Resettlement.** The Constitution of the Socialist Republic of Viet Nam (2013) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement.

Reference	Date	Title	Description
No. 45/2013/QH13	29/11/2013	Land Law	Comprehensive land administration law
No. 47/2014/ND-CP	15/5/2014	Decree: Regulations on Compensation, Support and Resettlement upon Land Expropriation by the State	Specifies provisions for compensation and resettlement assistance
No. 37/2014/TT-BTNMT	30/06/2014	Circular on detailed regulations on	Guides Decree 47

⁴Safeguard Policy Statement, 2009

Reference	Date	Title	Description
		compensation, support, and resettlement upon land expropriation by the State	
No. 44/2014/ND-CP	15/5/2014	Decree: Regulations on Land Prices	Specifies methods for land pricing and land price frameworks
No. 43/2014/ND-CP	15/5/2014	Decree Detailing a Number of Articles of the Land Law	Provides guidelines on the implementation of the Land Law
No. 23/2014/TT-BTNMT	19/05/2014	Circular regulating Land Use Right Certificate (LURC)	Clarifies ownership rights of land and assets
No. 36/2014/TT-BTNMT	30/06/2014	Circular on land pricing	Guides Decree 44
No. 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
No. 22/2013/QD-TTg		Decision	Decision of the Prime Minister on supporting people with meritorious services records in housing
No. 75/2012/ND-CP	03/10/2012	Decree detailing a number of articles of the Law on complaints	Guides Complaint Law 02
No. 02/2011/QH13	11/11/2011	Complaints Law	Regulates handling of complaints against administrative decisions or acts of state administrative agencies
No.22/2014/QD-UBND	22/12/2014	Decision of Ha Giang People's Committee	On promulgating land unit price in Ha Giang province (in the period of 2015-2019)
No.04/2015/QD-UBND	4/2/2015	Decision of Ha Giang	On promulgating adjustment coefficient of

Reference	Date	Title	Description
		People's Committee	land unit price in Ha Giang province (in 2016)
No. 07/2015/QĐ-UBND	9/6/2015	Decision of Ha Giang People's Committee	Guides compensation, assistance and resettlement policy when the State recovers land in the province of Ha Giang.

77. Laws, decrees and decisions relevant to public disclosure of information include the Law on Land, No. 45/2013/QH13, Article 67, requiring disclosure of information to the APs prior to recovery of agricultural and non-agricultural lands.

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

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

80. A series of policies related to ethnic minorities was promulgated. Two of the most important policies is the Program 134 (or Decision No. 134/2004/QĐ-TTg of the Prime Minister) and Program 135 (or Decision No. 135/1998/QĐ-TTg of the Prime Minister). The earlier promulgates on some policies on supporting productive land, residential land, housing and domestic water for poor EM HHs. The latter promulgates on approving the program on socioeconomic development in mountainous and remote communes with special difficulties. In addition, Decree No. 60/2008/ND-CP of the Government is the very import organization policy related to nationalities issues. This decree defines the functions, tasks, powers and organizational structure of the Committee of Ethnic Minorities, a ministerial level agency under the Government, performs its functions of state management on EM affairs nationwide, and on public services within its authorities as prescribed by the law.

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

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
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;
2013	Decision No.551/QĐ-TTg of Prime Minister dated 04/04/2013 on approval to 135 Program for providing the assistance to develop infrastructure, production for especially difficult communes, border communes, communes in ATK zone, especially difficult villages in periods 2012-2015 and 2016-2020.
2012	Joint Circular No. 01/2012/TTLT-BTP-UBND of the Ministry of Justice and the Committee of Ethnic Minorities, on guiding implementation of legal assistance for EMs.
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-UBND 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-UBND 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-UBND 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
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C. Reconciliation of Government and ADB policies on Resettlement and ethnic minority

82. 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.

83. 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.

84. 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.

85. A point of difference though is that ADB Policy does not consider the absence of legal rights of APs 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.

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

Table 4: Gap Analysis between Viet Nam Regulations and ADB SPS (2009) and project policy: Involuntary Resettlement and ethnic minority

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	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: https://www.adb.org/site/safeguards/safeguard-categories	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	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	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>
Transparency, consistency and equitability in negotiated settlements	<p>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.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 6</i></p>	<p>No regulation</p>	<p>Rents and conditions for temporary use of land or assets will be negotiated with land users. Restoration will be to equal or better condition.</p>

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
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
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	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Ethnic Minorities			
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

87. 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) Displaced 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 Ha Giang PMU 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. ENTITLEMENTS, ASSISTANCE AND BENEFIT

A. Eligibilities

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

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

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

B. Entitlement Matrix

91. Entitlement Matrix to be applied for this Sub-Project is presented in the Table 5 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.

92. 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 5: Entitlement matrix

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
A. Permanently affected agricultural land				
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Losing less than 10 percent of total productive landholding	<p>Cash compensation at replacement cost for affected portion; if the remaining land is not viable for cultivation cash compensation at replacement cost for entire affected land plot; and</p> <p>Compensation for standing crops and trees at market price (if any); and</p> <p>job training/creation assistance equivalent to 1.5 to 2 times the value of acquired land value as regulated by the PPC but not exceed quota of agricultural land allocation in locality.</p>	<p>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.</p> <p>Level of assistance for job training/creation, decided by PPC.</p> <p>Implemented by DRCs</p>	1500 m2
B. Permanently Affected Residential land				
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	<p>AP will be entitled to one of the following options:</p> <p>(i) Stay and rebuild their houses/structures on the remaining land if viable, and cash compensation at replacement cost for the affected land area and the affected house/structures and other assests on land without depreciation and deduction of salvageable materials, plus package of rehabilitation and relocation allowances (see E); OR</p> <p>(ii) Relocation in resettlement site with cash compensation at replacement cost for the affected house/structures and other assests on land without depreciation and deduction</p>	<p>The resettlement sites are all close to the affected area and with completed infrastructures.</p> <p>PCC decides level of support for leveling for self-relocation</p> <p>If affected landholding is under dispute: Compensation is put in escrow account until land dispute is resolved.</p>	50 m2

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
		<p>of salvageable materials, plus package of rehabilitation allowances (See E). If amount of compensation and assistance is lower than value of a standard land plot, the difference payment is not required; If compensation amount for affected land is higher than the value of replacement land plot, the difference will be paid for AH OR</p> <p>(iii) Self-relocation with cash compensation at replacement cost for affected land and house/structures without depreciation and deduction of salvageable materials, plus package of rehabilitation and relocation allowances (see E); and relocation household is entitled to support by cash for preparation of housing foundation equal to the average investment value in infrastructure of a standard plot in resettlement site as regulated by PPC (50,000,000 VND per household).</p>		
C. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE				
C.1 Main Structures (Houses and/or Shops)				
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used	<p>a/ Cash compensation at replacement cost for affected portion without deduction and depreciation of salvageable materials; and</p> <p>b/ Cost for Repair (see E, below).</p>		50m2
C.2 Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.				
Owners of structures	Partially or totally affected structures or other property	<p>Cash compensation at full replacement cost without deduction and depreciation of salvageable materials; OR</p> <p>In-kind assistance to relocate affected</p>	Owners of structures are entitled to compensation regardless of legal status of land use, if structures constructed before cut-off date.	15 m2

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
		structures or property if possible; OR Cash assistance to repair of property to original or better condition.	Costs for repairing the remaining house/structure should be negotiate with DP.	
D. COMPENSATION FOR AFFECTED CROPS AND TREES				
Owners of crops and/or trees	Loss of annual crops	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years. No compensation for crops if 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.	1500 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. Calculation of compensation for trees is based on the age and diameter of the tree. APs have the right to use salvageable trees.	42 trees
E. PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE				
<i>E. 1 Economic Rehabilitation Assistance</i>				
AHs loss their productive, income generating asset irrespective of tenure status	Job training/Creation allowance	Allowance for job training, job creation for APs who directly engaged in agricultural production provided in cash equivalent to 1.5 to 2.5 times of the value of agricultural land affected as regulated by the PPC. The maximum area to be calculated for this assistance is not larger than	Eligibility will be confirmed during DMS. Level of assistance for job training/creation decided by PPC	1500 m2

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
		<p>agricultural land quota in locality, specifically: AHs losing annual crop land and perennial crop land will be assisted in cash equivalent to 2.5 times of value of their affected land but not exceed the agriculture land quota. For affected aquaculture land will be assisted in cash equivalent to 2,0 times of value of the same type of land and affected production forest land will be assisted in cash equivalent to 1.5 times of value of the same type of land.</p> <p>If DP requests for training, he/she will be entitled to a free training course</p>		
E 2. Relocation assistance				
All AHs that relocate	Relocation of household and/or business effects and salvaged and new building materials.	<p>a/ Relocation allowance of VND 3,000,000 cash assistance if AH is relocating within the same province ; and VND 5,000,000 cash assistance if AH is relocating to another province or based on regulation per province, whichever is higher.</p> <p>b/ Housing rent allowance for 6 months for temporary relocation during rebuilding new house,</p> <p>Relocated households in communes of Hoang Su Phi district will be assisted in cash for renting house equivalent to VND 800,000/household/month within six months.</p> <p>NB. Not applicable for AHs rebuilding on the same plot.</p>	<p>Eligible AHs include owners of residential structures that are totally or partially affected and remaining portion is not viable; non- titled AHs allocated alternative residential land or housing; tenants; and, businesses and eligible land use/management organizations that relocate.</p> <p>At the time of compensation, the level of allowance will be re- evaluated to ensure the DPs have enough assistance to relocate.</p> <p>If allocation of land for relocation household is delayed, an additional allowance equal to duration of delay multiplying with monthly renting rate</p>	

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
			<p>need to be provided.</p> <p>The resettlement sites are all close to the affected area and with completed infrastructure</p>	
<i>E. 3 Special allowance for social and economically vulnerable households</i>				
<p>Vulnerable households: (i) headed by women with dependents, (ii) headed by persons with disability, (iii) falling under the national poverty standard, (iv) with children and elderly who have no other means of support, (v) landless, and (vi) ethnic minorities.</p>	<p>Assistance to poor and vulnerable households to improve their social and economic conditions.</p>	<p>a) Poor households: will be assisted in cash equivalent to VND 200,000/person/month with the specific period as follows:</p> <ul style="list-style-type: none"> - Poor households to be relocated having land acquired will be assisted within 48 months; - Poor households lossing less than 30% of their total agriculture land holding will be assisted within six months; - Poor households lossing from 30% to 50% of their total agriculture land holding will be assisted within 12 months; - Poor households lossing from 50% to 70% will be assisted within 24 months and - Poor households lossing more than 70% of their total agriculture land will be assisted within 36 months. <p>b) Other vulnerable households: assistance of minimum VND 2,000,000 per household to improve their social and economic</p>	<p>Eligible households are those who are classed as vulnerable under relevant definitions of MOLISA and this document.</p>	

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
		conditions or based on regulation per Note: If AHs fall in multi vulnerable groups, only highest assistance will be provided.		

C. Compensation and assistance

93. Compensation and assistance for subproject affected HHs are based on entitlement matrix.

94. **Compensation for land:** Compensation unit price for permanently affected residential land is VND 54,600/m², VND 16,800/m² for perennial crop land. Total compensation cost for affected land is VND 27,930,000.

95. **Compensation for house and structure.** Compensation unit price for 1m² of wooden and fibro-cement house is VND 2,454,078. Compensation unit price for 1 m² of animal shed is VND 966,449. Total compensation cost for affected house and structure is VND 137,200,635.

96. **Compensation for affected tree:** Compensation unit price for chinaberry is VND 100,000/tree, and VND 37,000/tree for banana. Total compensation cost for affected trees is VND 2,310,000.

97. **Assistance for training and job changing/creation:** For perennial crop land, assistance is equivalent to 2.5 times of value of acquired land (VND 42,000/m²). Total compensation cost for training and job changing/creation is VND 63,000,000.

98. **Assistance for removing house: is VND 3,000,000/household.** The total assistance is VND 3,000,000

99. **Assistance for renting house: is VND 800,000/household/month** within six months. The total assistance for renting house is VND 4,800,000.

100. **Assistance for vulnerable HH:** assistance for vulnerable HH with affected land is VND 2,000,000/HH. Total assistance amount for vulnerable HH is VND 2,000,000.

101. **Bonus for handing over the site:** Bonus for handing over the site on the schedule for households having land acquired is VND 2,000/m², and for households having house entirely dismantled is VND 5,000,000/household. Total bonus cost for handing over the site is VND 8,100,000.

VIII. RESETTLEMENT

102. Subproject will affect 01 household and he have to relocate. Relocation options of this household will be consulted in detailed and resettlement site will be arranged if required. This section will be prepared in detail during the DMS and updating REMDP.

IX. INCOME RESTORATION

103. Subproject will acquire the agricultural land of 01 household, and he is also severely affected with livelihood will be impacted. During the DMS and updating the REMDP, impacts on land shall be updated. Detailed study on the occupation, education and demography of this severely affected household will be carried out. Need assessment for income restoration shall be conducted, based on it an income restoration strategy shall be developed (if needed), acceptably by ADB and available before the civil work commencement.

X. RESETTLEMENT BUDGET AND FINANCING PLAN

104. **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 Ha Giang 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 6. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation process.

Table 6: Replacement cost for land, structure, rice, crop and tree

No.	Items	Unit	Area	Position	Unit price regulated by PPC ⁵ (VND)	Adjustment coefficient (k)	Unit price multiplied with coefficient (VND)	Proposed replacement cost (VND)
1	Land							
1.1	Residential land	VND/m ²	2	3	39,000	1,4	54,600	54,600
1.2	Perennial crop land	VND/m ²	III	3	14.000	1,2	16,800	16,800
2	House and structure							
2.1	Wooden house covered with fibro-cement roof	VND/m ²	2	3	2,166,000	1,133	2,454,078	2,454,078
2.2	Animal shed	VND/m ²	2	3	853,000	1,133	966,449	966,449
3	Tree and crop							
3.1	Chinaberry	VND/tree	III	3	100,000	1	100,000	100,000
3.2	Banana	VND/tree	III	3	37,000	1	37,000	37,000

Remarks: adjustment coefficient for land with k=1.

2. **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 309,982,490 equivalent to USD 13,869.46 (see Table 7).

3. The resettlement budget is funded by Ha Giang PPC, using the provincial budget and will be allocated sufficiently and on time based on the subproject resettlement implementation schedule.

Table 7: Compensation and assistance budget

No.	Items	Unit	Quantity	Unit price (average)	In cash (VND)
A	Compensation				
I	Compensation for land				27,930,000
1	Residential land	VND/m ²	50	54,600	2,730,000
2	Perennial crop land	VND/m ²	1,500	16,800	25,200,000
II	Compensation for house and structure				137,200,635
1	Wooden house covered with fibro-	VND/m ²	50	2,454,078	122,703,900

⁵ Decision No.: 22/2014 /QD-UBND dated December 22, 2014 by Ha Giang PPC and Decision No.: 04/2015/QD-UBND dated February 4, 2015 by Ha Giang PPC

No.	Items	Unit	Quantity	Unit price (average)	In cash (VND)
	cement roof				
2	Animal shed	VND/m ²	15	966,449	14,496,735
III	Compensation for tree				2,310,000
1	Banana	VND/tree			1,110,000
2	Chinaberry	VND/tree			1,200,000
B	Assistance				72,800,000
1	Assistance for training, occupational transition and job creation	VND/m ²	1,500	42,000	63,000,000
3	Assistance for relocation	VND/HH			3,000,000
4	Assistance for renting house	VND/HH	1	4,800,000	4,800,000
5	Assistance for vulnerable group	VND/HH			2,000,000
D	Total (A+B)				240.240.635
E	2% cost for implementation of compensation – assistance – resettlement	%	2		4,804,812
F	Total (D+E)				245,045,447
G	Contingency (15% of F)	%			36,756,817
H	Total (F+G)				281,802,264
I	VAT	%	10		28,180,226
K	Total (VND)				309,982,490
M	Total (USD)				13,869.46

XI. INSTITUTIONAL ARRANGEMENT

A. Provincial level

105. The Ha Giang 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.

106. The Ha Giang Provincial Department of Planning and Investment (DPI) authorized by Ha Giang PPC as Project Owner, is responsible:

- (i) To manage the project loan allocated for subprojects in Ha Giang 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.

107. The Ha Giang 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 DRC/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 DRC/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 Ha Giang PPC, DPI and ADB;
- (vi) To implement prompt corrective actions in response to internal monitoring.

B. District level

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

- (i) To approve the schedule and monitoring the progress of land acquisition and resettlement implementation in compliance with REMDP;
- (ii) Use existing DRC/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 Resettlement Committee/ Land Fund Development Center (DRC/LFDC)

109. Members of the DRC/LFDC include the chairman/deputy chairman of the DPC (to be the head of the DRC/LFDC), representative of Environmental and Natural Resource Division, Division of Finance, Division of Agriculture and Rural Development, chairman of CPC, affected

households (including affected women headed household), members of farmer union and women union. The main role of the DRC/LFDC 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

110. The CPC will assist the DRC/LFDC 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/LFDC 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 DRC/LFDC 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.

XII. IMPLEMENTATION SCHEDULE

111. The implementation schedule for resettlement activities for the subproject is presented in Table 8 including (i) activities that have been completed to prepare the REMDP; (ii) resettlement implementation activities and, (iii) internal monitoring activities.

Table 8: Resettlement and compensation payment plan

Activities	Time
Approval and disclosure of final draft REMDP	
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
Implementation of the approved REMDP	
Detailed engineering and demarcation of land to be acquired	Quarter II/2017
Conduct public consultation meeting with APs	Quarter II/2017
Conduct DMS and prepare compensation plan (replacement cost survey if required)	Quarter III/2017
Consult APs on the compensation plan	Quarter IV/2017

Activities	Time
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
Monitoring	
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

XIII. MONITORING AND EVALUATION

112. 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 supervision

113. Community- based monitoring will be applied to gather opinions of people 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

114. 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.

115. Monitoring is the responsibility of PMU, the project executing agency. PMU will be responsible for monitoring the establishment, function 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.

116. PMU will establish an internal monitoring schedule, indicators, sequence and requirement for report of all subprojects. Internal monitoring reports will be semi-annually submitted to ADB for review and approval and will be posted on the website of ADB. Internal monitoring indicators include but not limited following issues:

- (i) Affected person and compensation: number of affected persons by type of impact; status of compensation and assistance payment, relocation and other allowances;
- (ii) Status of income restoration activity: number of severely affected persons or partially affected persons due to (a) losing production land and/or (b) relocation; number of affected persons under vulnerable groups; relocation status of affected persons; status of income restoration assistance;
- (iii) Information dissemination and consultation: number and scope of community meetings and/or consultation with affected persons; status of affected persons; summary of the need of affected persons, their hobby and concerns recorded from the meetings/consultation;
- (iv) Complaint and grievance redress: summary of recorded complaints; conducting steps of resolving the complaint; and, any arising issue needs to be controlled by authority at district level, province level or assistance from ADB;
- (v) Financial management: compensation fund allocation and other activities; amount paid to each affected person;
- (vi) Resettlement progress: Completion of activities in accordance with the schedule; the delay and reason for the delay; 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 1: COMMUNITY CONSULTATION MINUTES

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

Hồ... Giang... ngày... 03... tháng... 04... 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: Từ... 8h... 00... phút... ngày... 03... 04... 2017.....
2. Địa điểm tham vấn: Hội... Trường... UBND... xã.....
3. Tên Tiêu dự án được tham vấn: Xây... dựng... và... cải... tạo... hệ... thống... nước... SH... Thương... Su... Phố.....

II. Thành phần tham dự:

1. Đại diện chủ đầu tư:

- Ông/Bà... Âu... Văn... Nhân..... Chức vụ... Ban... quản... lý... dự... án.....
- Ông/Bà..... Chức vụ.....

2. Đại diện UBND xã:

- Ông/Bà... Giảng... Seo... Man..... Chức vụ... Bí... Thư... Đảng... bộ... UBND... xã.....
- Ông/Bà... Mr... Seo... Văn..... Chức vụ... Chủ... tịch... UBND... xã.....
- Ông/Bà... Nguyễn... Văn... Lợi..... Chức vụ... Phòng... Tài... Chính... huyện.....
- Ông/Bà... Dương... Văn... Hải..... Chức vụ... CT... mặt... trận... TĐ.....
- Ông/Bà... Vàng... Cơ... Dâu..... Chức vụ... CT... Hội... phụ... nữ.....
- Ông/Bà... Thảo... Văn... Thương..... Chức vụ... Nông... Trại... Phân... họ.....
- Ông/Bà... Lê... Văn... Chương..... Chức vụ... Bí... thư... chi... bộ... thôn.....

3. Đại diện nhóm Tư vấn:

- Ông/Bà... Nguyễn... Văn... Phúc... Tâm..... Chức vụ... CB... Tài... chính... Cđ.....
- Ông/Bà... Hoàng... Văn... Tuấn..... Chức vụ... CB... Tài... chính... Cđ.....

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

- Tổng số người tham dự họp... 21... người
- Trong đó: Nam... 18... Nữ... 3... Dân tộc thiểu số... 18.....

(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

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

- Sau khi cuộc họp giới thiệu thông tin tham vấn đã diễn ra, các nội dung của buổi tham vấn ông chủ Nguyễn Phúc Toàn đại diện đoàn tư vấn phổ biến các thông tin đại thể tổng cơ bản cho phát triển toàn diện các tỉnh đồng bằng, tiểu vùng an toàn hiện trên địa bàn.
- + Phổ biến các vấn đề về bồi thường, nhưng chính sách của Tiểu vùng an toàn,
- + Các vấn đề về phát triển dân cư thiểu số, các chính sách cho các hộ gia đình bị ảnh hưởng.
- Trong nội dung có kế hoạch tái định cư đã được chia ra xin ý kiến chính quyền địa phương và các hệ BAN
- Chính quyền địa phương và các hệ BAN của dự án cần ủng hộ việc thực hiện Tiểu vùng an toàn.

Tuy nhiên một số vấn đề cũng như các hệ dân
và chính quyền địa phương đề xuất mong muốn
- Về hình thức bồi thường thì gia đình ông lý
Văn Bình thoạt nào nếu bồi thường bằng đất thì
hệ này sẽ được bồi thường ở vị trí nào

+ Khi được hỏi về quỹ đất của xã đang chủ
Ma Seo Văn chủ tịch UBND xã Tả Sủi choáng cha
biết là xã không còn quỹ đất công để bồi thường
vấn đề này xin đề xuất với huyện

+ Đ/c Ma Đình Huy cán bộ phòng TN.M.T huyện
Hoàng Su Phi cũng hỏi sẽ những hình thức
bồi thường hợp lý, nếu hệ muốn bồi thường bằng
đất thì học một đề nghị hướng thủ tục sẽ được
ra các phương án bồi thường hợp lý

- Đ/c Vũ Chính Sách hỏi là, phần bồi thu này
và các chính sách hỗ trợ khác hệ gia đình
chị Hiền BAH cũng mong muốn được hỗ trợ
bằng tiền mặt

- Ông chủ Giang Seo Man Bí thư đảng ủy UBND xã
cho biết xã Tả Sủi đang là một trang nhưng xã nhà
như một của huyện Hoàng Su Phi hầu hết các
hệ sinh sống tại xã là người dân từ nhiều
địa phương như Lào, phần thu vô tình đi vào
hệ thấp. Chính quyền địa phương mong muốn tăng
độ an sinh được thực hiện

+ Đ/c Vũ Chính Sách bồi thường mong địa vị sẽ bồi
thường cho các hệ bị ảnh hưởng theo đúng
trình thiết lập

+ Đ/c Vũ Chính Sách hỏi thành cũng mong có những chính
sách ưu đãi về giá mua cho các hệ gia đình
hệ địa bàn, đặc biệt là các hệ dân từ nhiều
địa phương các hệ nghèo

- Hệ gia đình ông Hoàng Văn Kưm: gia đình có làm
quản gán như vợ thu hiện địa an trong quá trình
thu hiện địa sản nếu có ảnh hưởng mong địa
địa có chính sách bồi thường và hỗ trợ hợp lý
vì gia đình chỉ có quản đất là nguồn thu sinh
chính

- Hệ gia đình ông lý Văn Bình: TN đất bị thu hồi

đất nhiều lần thì nhưng về bãi thường là chôn
cỏ nhưng dù ăn lương mẩy mẫm thì nhưng chưa
bãi thường hết vậy tránh tình trạng như trước đó khi
dù ăn mẩy thì chỉ gieo đất thì đã được bãi thường
này không bãi thường thì sẽ không gieo đất.

III.2. Các vấn đề Dân tộc thiểu số và giới

- Trao đổi về các vấn đề về Dân tộc thiểu số ở vùng
chợ Đông Văn Thủ chủ yếu mặt trên là giao xã cho
biết trên địa bàn có nhiều công đồng dân tộc thiểu số
số, nhân thủ công để vấn học thấp, kinh tế khi không
nhiều thì giao đất nhưng rồi được tăng phí thông
cho nên công tác tuyên truyền vẫn đang, gieo dục
sách nhỏ sách nhỏ mang đi ăn ngoài vẫn để bãi thường
số có những chính sách hỗ trợ cho công đồng
phương.

+ Trao đổi về những thành phần là nông dân đi ăn
hộ trợ cho công đồng dân tộc thiểu số trên địa bàn là
những vấn đề học tập sách nhỏ rất nhiều trong
làng tại đó chưa học, tuyên truyền, vẫn đang và gieo
dục.

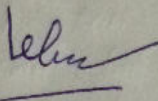
- Để trả lời về các vấn đề mà dù cũng đã gieo dục
vẫn đang, tuyên truyền đến các hộ gia đình nhưng
do nhân thủ, kinh tế thấp, kinh tế gia đình khó
nhất nên vẫn cần tập trung vào các vấn đề về bất
bình đẳng giới như bạo lực gia đình, vai trò
của nữ giới thấp, phụ nữ phải làm việc nhiều, bên
tất cả đó. Công tác hoạt động của hội phụ nữ xã
cũng như khối lượng hoạt động vì thiếu kinh phí
chưa chiếm thủ được.

III. Kết luận

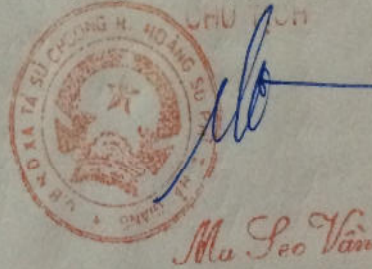
- Chính quyền và Hội gia đình BAH đều ủng hộ việc thực hiện Dự án, mong điều kiện thuận lợi thực hiện.
- Các hộ gia đình BAH cũng mong muốn được hỗ trợ bằng tiền trợ giúp, miễn thuế hỗ trợ, bồi thường trước như thu hồi đất.
- Vấn đề rẽ dân từ hẻm số 1 và giữ lại xã và xã phường cũ nhiều vấn đề khó khăn: kinh tế kém, dân trí và nhà thiếu thốn hơn tại khu vực rẽ từ xã.

Cuộc họp các bên thống nhất và kết thúc vào lúc 10h.35 ngày 03 tháng 04 năm 2017


BQL Tiểu dự án


Au Van Nam

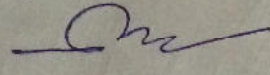
Đại diện chính quyền địa phương


Mu Seo Van

Đại diện cộng đồng


Ly Van Binh

Đại diện Tư vấn


Nguyễn Phúc Tâm

**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**

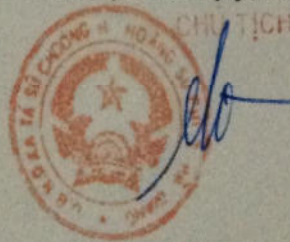
Xã...Tả Sứ...Choóng..... Huyện...Hoàng Su Phì..... Tỉnh...Hà Giang.....
 Tên tiêu dự án: Xây dựng xã mới ở xã Hoàng Su Phì cấp nước sạch.....

STT	Họ và tên	Giới tính	Dân tộc	Địa chỉ	Ký tên	Ghi chú
1)	Nguyễn Mạnh Lợi	Nam	Kinh	Phong tài chính-KH		Cán Bộ
2)	Mai Đình Huy	"	Tày	Phong TNSQT		"
3)	Àu Văn Nhân	"	Cao Lan	Ban QL DARTYD		"
4)	hũ Văn Tuấn	"	Mường	T. CA xã		
5)	hũ Văn Chiến	"	Mường	Là Thờ chi bộ		
6)	Thào Văn Hoàng	"	Tày	Tương Xuân		
7)	Hoàng Văn Phú	"	Tày	Xã Tân		
8)	hũ Văn Phú	"	Mường	Nông Tân		
9)	Văn gia Dân	Nữ	Mường	Phu Xuân		
10)	Nguyễn Văn Thuận	"	Kinh	Phụ Xuân		
11)	Như Văn Minh	"	Mường	C. B. B. B.		
12)	Đương Văn Huệ	"	Mường	Một Thôn		
13)	Như Văn Sinh	"	Mường	Đoàn xã		
14)	hũ Văn Hưng	"	Mường	CA xã		
15)	Nguyễn Thị Đại	Nữ	Kinh	Cán phòng		
16)	Nguyễn Văn Sơn	"	Tày	Tin Phong		
17)	Hoàng Văn Bình	"	Tày	P. C. T. H. B. N. A.		
18)	Văn Văn Khương	"	Mường	CA Xuân		
19)	Hoàng Thị Mai	Nữ	Tày	CB TBXH		
20)	Hoàng Văn Kim	Nam	Tày	Ban Phó xã		
21)	Vũ Văn Bình	Nam	Mường	Ban Phó xã		

Đại diện cộng đồng

Hoàng Cầu Kiên

Đại diện chính quyền địa phương



Mã Lạc Văn

ANNEX II: LIST OF HOUSEHOLDS AFFECTED BY THE SUBPROJECT

Code	Name of Head of household	Ethnic group	Commune	Vulnerable groups
001	Hoang Van Kim	Tay	Ta Su Choong	Ethnic minorities