

Resettlement and Ethnic Minority Development Plan (REMDP)

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VIE: Basic Infrastructure for Inclusive Growth in the
Northeastern Provinces Sector Project-Construction
of Water Supply System in Boc Bo Commune, Pac
Nam District, Bac Kan Province

Prepared by Planning and Investment Department of Bac Kan province for the Asian
Development Bank.

CURRENCY EQUIVALENTS

(as of 27 April 2017)

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

ABBREVIATIONS

| | | |
|-------|---|---|
| ADB | - | Asian Development Bank |
| AH | - | Affected Household |
| AP | - | Affected Person |
| CARB | - | Compensation, Assistance and Resettlement Board |
| CPC | - | Commune Peoples, Committee |
| DARD | - | Department of Agriculture and Rural Development |
| 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 |
| LFDC | | Land Fund Development Center |
| LIC | - | Loan Implementation Consultants |
| 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 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 Bac Kan province is “Construction of water supply system in Boc Bo commune, Pac Nam district, Bac Kan province”. With the design capacity of 1,400m³/day, upon completion, the subproject will provide domestic water for approximately 600 households with 2,000 people and 100 locally based organizations.
2. The proposed subproject design locates the water offtake, the pump station, and proposed water treatment tank in Nam May village. The pump station will be located on the Nang river bank, Nam May village, which will take water to the water treatment plant on an adjacent hill. During field work two options for the siting were being considered and both sites were assessed. Confirmation of the site and the impacts during the public consultation with affected households and provincial officials.
3. **Scope of impact:** The subproject will cause impact to 04 households in Nam May village, Boc Bo commune, Pac Nam district, Bac Kan province. All affected households belong to ethnic minority group of Tay. The subproject will acquire total 4,780m² of types of land in which there is 4,580m² of production forest land and 200m² of annual crop land. Moreover, the subproject also affects 109 trees of various types, including 17 meliaceaes, 15 bombax ceibas, (09) nine magnolia coniferas, 18 castanea sativas, and 50 timber trees.
4. **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 Bac Kan 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. The terms and principles in this REMDP are in accordance with the current regulations of Vietnam. However, in case of any discrepancy, Asian Development Bank’s (ADB’s) Policy will be followed.
5. **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 RP 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.

¹ Details of the Community Consultations meetings are presented in Section B: Public Consultation and Participations and in paragraph 69 of the main report and the minutes of the Community Consultations meetings are included in Annex 1.

6. **Gender and Ethnic minority issues:** Most population in the subproject area are ethnic minority people (91.9% in Boc Bo commune and 98.7% in Pac Nam district) who belong to groups of Tay, Nung, Dao, H'Mong, San Chi etc. All 04 AHs are ethnic minority people. 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. A gender action plan has been prepared to address the issues related to women and to enhance their social position in the subproject area.
7. **Institutional Arrangements:** Bac Kan 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. Provincial Project Management Unit (PMU) will be established under 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 (DRC) with representatives from affected persons (APs), will be established to implement the REMDP.
8. **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.
9. **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, Bac Kan PMU will conduct internal monitoring and evaluation to ensure the implementation of the REMDP in compliance with ADB safeguard policy (SPS 2009).
10. **Total resettlement cost:** Total estimated cost, including management cost and contingency, is estimated at VND 178,643,325 (equivalent to US\$.7,992.98).² This cost will be paid from Bac Kan provincial budget.

² USD 1 = VND 22,350.

I. SUBPROJECT DESCRIPTION

A. Background

11. The Asian Development Bank (ADB) is planning to fund the Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector Project (BIIG1). The objective of the project is 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) strengthen the FNEP institutional capacity for subregional investment planning and development management. 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. Bac Kan is one of four Northeast provinces under FNEP and the sample project here is "Construction of water supply system in Boc Bo commune, Pac Nam district, Bac Kan province".

Figure1: Geographical map of Bac Kan province

Position on the map project in Bac Kan



Location of Pac Nam district's map



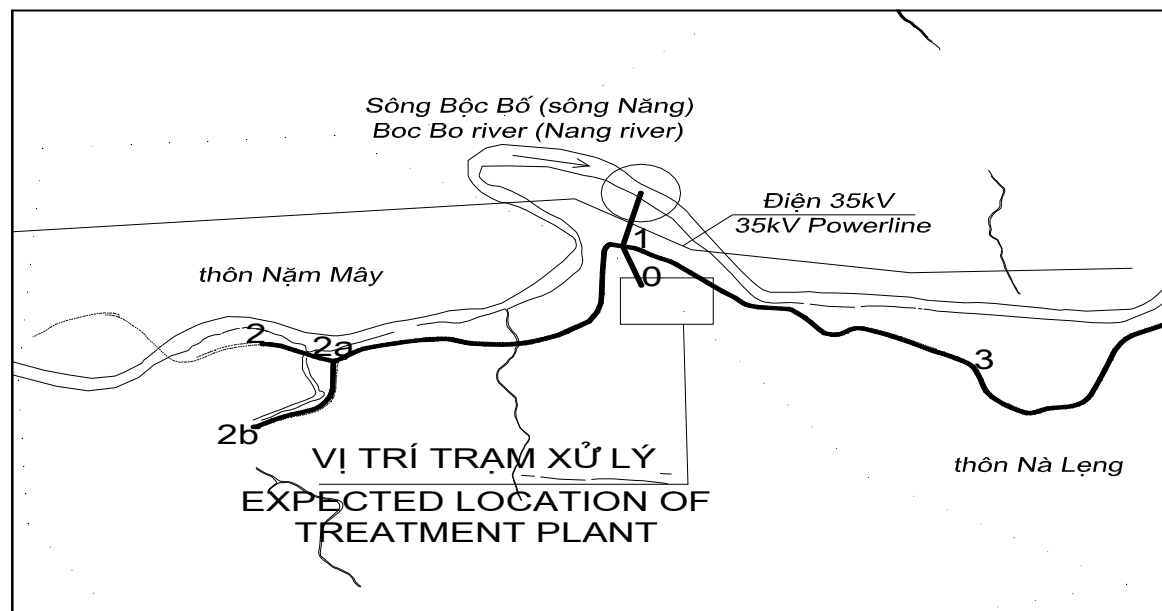
B. Civil work items to be commenced

12. 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.
13. Locations of subproject items are presented in the Figures below.

Figure 2: Locations of subproject items



Figure 3: Schema of Facility Location



14. Upon completion, the Subproject will supply clean water for domestic use and production for 600 households with 2,000 people and 100 locally based organization, administrative units, medical station, education agencies etc. to 2030.

15. 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.

C. Subproject’s objectives:

16. The subproject seeks to:

- (i) 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.
- (ii) Protect people’s health, reduce the rate of diseases originated from polluted domestic water source.
- (iii) Raise awareness of public healthcare and environmental sanitation and protection.
- (iv) Help to improve socio-economic condition and living standards of local people by supplying water that meets standards.

D. Mitigation measures

17. 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.

18. Mitigation measures include:

- (i) Pumping station and treatment plan are located on vacant land with no house or structure of households.
- (ii) Pipelines are placed along transport routes on public land.
- (iii) Water distribution pipeline network will be installed underground and placement locations will be quickly recovered.
- (iv) Modern construction method is applied to minimize impact to households in the region during construction phase.
- (v) Local people will be recruited as workers during construction phase to create job opportunities, generate income and minimize potential social impacts.
- (vi) 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.

E. Objectives of Resettlement and Ethnic Minorities Development Plan

19. Impacts caused by the subproject are presented in the Table below:

Table 1. Summary of Subproject’s impacts

| No. | Impacts | Unit | Quantity |
|-----|---------------------|-----------|----------|
| 1 | Total number of AHs | household | 4 |

| No. | Impacts | Unit | Quantity |
|-----|------------------------------------|----------------------|--------------|
| 2 | Vulnerable HHs (Ethnic Minorities) | household | 4 |
| 3 | Land and structures on land | | |
| 3.1 | <i>Production forest land</i> | <i>m²</i> | <i>4,580</i> |
| 3.2 | <i>Annual crop land</i> | <i>m²</i> | <i>200</i> |
| 3.3 | <i>Timber tree</i> | <i>tree</i> | <i>109</i> |
| 3.4 | <i>Crop land</i> | <i>m²</i> | <i>200</i> |

Source: SES & IOL survey results, March 2017

20. The subproject will have both positive and negative impacts on local people. However, the latter are just minor when there are only 04 households affected by the subproject (pump station and water treatment plant), who are all ethnic minorities people. There is neither household severely affected nor house and structure impacted by the subproject. REMDP guarantees that subprojects shall (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement with design and implementation measures; (iii) improve or at least restore livelihood of all APs to the rate prior to the project and (iv) improve living standards of the poor and vulnerable groups.
21. Further, this document develops a roadmap for affected EMs in the subproject's area. The objective is to design and implement subproject in a way that fosters full respect for EMs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the EMs themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.
22. This REMDP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB's SPS (2009) on Involuntary Resettlement and Indigenous Peoples Policies with National and Provincial Government Policies. Concerns of people for involuntary resettlement and ethnic minorities have been incorporated into the REMDP that governs future subproject design, implementation, and monitoring. This REMDP includes key issues as follows: (i) Policy and procedural guidelines for asset acquisition, compensation, resettlement, and strategies that will help ensure full restoration of the AH's livelihood and standard of living; (ii) Identification of HHs and communities to be adversely affected by the subproject, what asset will be compensated and poverty reduction measures; (iii) A plan on how AHs will be involved in the various stages of the Project, including resolution of grievances; (iv) An estimate budget for REMDP implementation; and (v) A monitoring mechanism on resettlement implementation for the subproject.
23. The REMDP is based on the subproject's basic design. The basic design is required to prepare feasibility study of the subproject, which will be approved by Bac Kan 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

24. The social impact assessment (SIA) was conducted in the communes affected by the subproject. The SIA comprised of census and inventory of loss (IOL) for all AHs and socioeconomic survey (SES) of stakeholders within the subproject area. Additionally, a rapid replacement cost study (RCS) was also carried out.
25. **An Inventory of losses** was prepared for all affected households based on the preliminary design. Agricultural land to be acquired has been identified through referencing of commune cadastral records. Affected trees and crops have been determined by actual measurement and counting. The amounts indicated for area of land loss and affected trees/crops will be validated during the DMS that will be done when detailed technical design approved.
26. **Socioeconomic survey:** The SES was conducted by collecting socioeconomic information of affected households (including demographic characteristics of AHs, their income and livelihood, ethnic composition, education levels and on their concerns) through face to face interviews. The survey also collected statistical data from the Province, District and Communes and from the Provincial and District publications including the annual socioeconomic reports of communes.
27. **Replacement cost study:** The purpose of the RCS was to collect information on the market prices of land and non-land assets in the subproject area, in order to establish the required budget for compensation of APs at current market values. In future, during the detailed measurement survey, a replacement cost study will be carried out by an independently qualified and experienced appraiser to determine the unit prices for individual types of asset affected by subproject and submitted to PPC for approval. Such unit prices will be the basis for calculating compensation packages for AHs.
28. **Group discussion and consultation:** In addition to surveys, community consultation 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

29. **Impacts caused to households:** The subproject will cause impacts to 04 households with 23 people as follows:
 - (i) No household is severely affected (losing 10% or more of production land)
 - (ii) Affected people are all ethnic minorities people in Boc Boc commune
 - (iii) Subproject will not cause impacts on house, ancillary works and structures.
 - (iv) Subproject only affect production land and trees on land.
30. **Impacts on land:** The subproject will acquire 4,780m² of various types of land in which there is 4,580 m² of production forest land of two households (affected by construction of water treatment water tank and road to the water tank); 200m² of annual crop land of two

households. The four affected households are in Nam May village, Boc Bo commune, Pac Nam district.

31. **Impacts on trees and crops:** The subproject will cause impacts on 109 timber trees of 02 households and 200m² of crop (maize) of two households. The impacts on trees and crop are presented in the table below:

Table 2. Details of trees and crop affected by the Subproject

| No | Tree | Unit | Quantity |
|-----|--------------------------|----------------|----------|
| 1 | Crop (maize) | m ² | 200 |
| 2 | Timber tree | Tree | 109 |
| 2.1 | <i>Meliaceae</i> | Tree | 17 |
| 2.2 | <i>Bombax ceiba</i> | Tree | 15 |
| 2.3 | <i>Magnolia conifera</i> | Tree | 9 |
| 2.4 | <i>Castanea sativa</i> | Tree | 18 |
| 2.5 | Other timber trees | Tree | 50 |

Source: SES and IOL results, March 2017

C. Temporary impacts

32. The subproject will possibly cause temporary impact on 50,000 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 plant, pipeline, material storage, dump site and workers' camp. However, to guarantee the mitigation of temporary impact, if it is impossible to completely avoid, the following articles will be included in the contract: (i) the contractor has to pay rent for land acquired for construction purpose based on negotiation and consensus of households; (ii) To the largest extent as possible, only acquire land unused for construction site; (iii) Temporarily used land will be restored or improved compared with before project. Given such above mentioned mitigation measures, the other temporary impacts will be insignificant.

A. Ownership status of households

33. Verification of land use right certificate (LURC) conducted in affected commune reveals that at the time of IOL, 04 HHs affected by the subproject have LURC issued.

B. Vulnerable households and ethnic minorities households

34. Four households affected by the subproject all belong to ethnic minorities group (Tay group). and all of them are preferential policy family.

III. SOCIO-ECONOMIC OVERVIEW

A. Socio-economic conditions in the subproject area

35. Bac Kan is a mountainous province located in the center of Northeast region of Vietnam. It borders with Cao Bang province in the North, Lang Son province in the East, Thai Nguyen province in the South and Tuyen Quang province in the West. Given the existence of high mountains in the province, it has difficulties in trading and conducting business with economic hubs. Geographical location, topographical condition and poor transport facilities have significant impact on the provincial socio-economic development.

| | | | | | | | | | |
|-----|-------|-------|-------|----|-----|----|-----|------|-----|
| | | | | | | | | Mong | Chi |
| 943 | 3,746 | 1,820 | 1,926 | 76 | 430 | 32 | 104 | 110 | 191 |

Source: Results of SES and IOL, March 2017

44. **Ethnic minority groups in the subproject's area:** Boc Bo is the central commune of Pac Nam district with natural area of 5,336.5 ha, including 15 villages and 3,746 persons under 943 HHs. There are six ethnic minority groups living in Boc Bo commune, in which Tay ethnic minority group accounts for the highest proportion with 430 HHs (45.5%) and the remaining groups include San Chi with 191 HHs, H's Mong with 110 HHs, Dao with 104 HHs, Kinh with 76 HHs and Nung with 32 HHs.

45. **Poverty:** There are 943 HHs living in Boc Bo commune in which there are 180 poor HHs, accounting for 19.1%. And Boc Bo is the poorest commune of Pac Nam district.

C. Socio-economic features of affected HHs

46. **Demographic characteristics:** The subproject will affect three HHs with 23 persons. All of the HHs are under Tay ethnic minority group. Detailed statistic of demographic characteristics of affected HHs is presented in the Table below:

Table 4. Demographic characteristics of affected HHs

| Commune | Number of HHs | Total number of persons | By gender | | By age | | Ethnicity |
|---------|---------------|-------------------------|-----------|--------|--------------------|-------------------|-----------|
| | | | Male | Female | Below 15 years old | Over 15 years old | Tay |
| Boc Bo | 4 | 23 | 10 | 13 | 6 | 17 | 23 |

47. Source: Results of SES and IOL, March 2017

48. Out of 23 subproject affected persons, female (56.5%) accounts for higher proportion than male (43.5%) although four household heads are men. There are six subproject affected persons not under working age (26.1%) and 17 subproject affected persons are under the working age (73.9).

49. **Education:** three out of four household heads with subproject affected land and asset graduate from secondary school (accounting for 75%) and one household head graduates from high school (accounting for 25%). Number of subproject affected persons graduating from secondary school is 10, accounting for 43.5%; graduating from primary school is eight, accounting for 34.8%; and graduating from high school is three, accounting for 21.7%. Detailed statistic on education level of subproject affected persons is presented in the Table below.

Table 5. Education level of affected household

| Education level | Household head | Percentage (%) | Affected persons | Percentage (%) |
|----------------------------------|----------------|----------------|------------------|----------------|
| Illiterate | - | - | - | - |
| Graduating from primary school | - | - | 8 | 34.8 |
| Graduating from secondary school | 3 | 75 | 10 | 43.5 |
| Graduating from high school | 1 | 25 | 5 | 21.7 |

| | | | | |
|-----------------------------|---|-----|----|-----|
| Vocational school/college | - | - | - | - |
| University and postgraduate | - | - | - | - |
| Total | 4 | 100 | 23 | 100 |

Source: SES and IOL, March 2017

50. **Occupation and income:** Affected HHs all have main occupation and income from agriculture, growing rice and cultivation which create stable income for them annually. Average annual income of each household is VND 41,000,000/household/year.
51. **Vulnerable households:** All of the 4 households are ethnic minority households and preferential policy family .
52. Social and cultural characteristic of ethnic minority people: village head is the elderly person with high prestige and important role in overall activities. Each village has its own community house or house of village head will be used as a community house for general activities. Community house is often the stilt house structured by wooden walls with a total area of over 100m². Now, modern community house is not made of wood as before, on the contrary, it is constructed by sand and cement (grade 4 house). Each ethnic minority community has its own characteristics, such as costumes, customs and distinct habit. Unlike before, ethnic minority people only wear their traditional costumes on the holidays and the traditional festivals. Festivals and customs of ethnic minority community are now more and more simple with smaller scale than before. In addition, man has a higher role in his family than women in production and decision making.
53. **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.
54. 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.
55. **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.
56. 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.
57. 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.

D. Social Impact Assessment

58. **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 land acquisition is insignificant so that it does not much impact on incomes and livelihoods of APs including EMs. Because education level and skill of ethnic minority labor in the subproject's area are limited, workers from other regions, not local people will grasp new job opportunities in the area during implementation. Moreover, 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.

59. The construction of the subproject, especially land acquisition may cause negative impacts on ethnic minority people in general and ethnic minority women in particular. However, according to preliminary survey, land acquisition is insignificant and will not affect people's living. 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.

60. **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.

E. Measures taken to minimize the negative impacts

61. 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.

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

- (i) Local contractors are encouraged to use local labor (both male and female), especially ethnic minority people, for construction/improvement. Job opportunities should be prioritized for members of affected ethnic minority HHs (if any);
- (ii) Local contractors may not under any circumstances use child labor;

- (iii) Ethnic minority communities are consulted about design of all work items of the project;
- (iv) Training on prevention of HIV/AIDS for ethnic minority communities as part of the gender action plan implementation;
- (v) Provide training courses on cultivation and livestock and poultry rearing techniques which will be combined and implemented in accordance with the gender action plan;
- (vi) Training courses on policy of ADB on ethnic minority people for executing agencies at provincial level and local agencies (PMU and the stakeholders) will be carried out by the LIC;
- (vii) 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

- 63. In compliance with the ADB requirements, the PMU will assist the DRC 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).
- 64. 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.
- 65. This REMDP will be uploaded in ADB websites in both English and Vietnamese and disclosed to the EMs through commune and village meetings. The staff of CPC and mass organizations will translate into EM language (if needed) and disseminate the information to the EMs through loud speakers and other oral communication means in traditional market days as well as in public meetings. Organized consultation meetings with the stakeholders are presented in Table 6 below.

B. Public Consultation and Participation

- 66. 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.
- 67. 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.

68. Consultation and participation during the REMDP preparation. One community consultation was conducted with local authorities, mass organizations, APs and non-APs in March 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

69. 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;

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

- (iv) during the detailed design phase, it is necessary to consult with communal authority and local people;
- (v) it was noted that the environmental impacts of the subproject during construction are inevitable, but these can be minimized with the proposed mitigation measures in the EMP;
- (vi) It is necessary to have proper construction method especially for the road section running through residential area. During the construction period, the traffic should be controlled so that the disturbances to transportation, production and business of local people as well as enterprises will be avoided.
- (vii) it was proposed that meaningful consultation with and participation of women and EMs in the process of REMDP implementation, management and monitoring will be continuously undertaken in next steps;
- (viii) 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;
- (ix) Complaints of APs should be resolved timely and successfully.

Table 6: Participants in community consultation

| No. | Commune | Location | Participants | Number of participants | Number of participating ethnic minority persons | Number of participating women |
|-----|---------|----------|---|------------------------|---|-------------------------------|
| 1 | Boc Bo | CPC | Representatives of CPC, Unions and affected HHs | 12 | 12 | 2 |

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

70. Consultation and participation during REMDP implementation. During the implementation phase, the PMU coordinates with DRC/ LFDC 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.

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

V. GRIEVANCE REDRESS MECHANISM

72. 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.

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

VI. LEGAL AND POLICY FRAMEWORK

78. The legal and policy framework for dealing with the resettlement impacts of the subproject is given based on relevant policies and laws of Viet Nam and the ADB's Involuntary

Resettlement Policy (SPS 2009). In this section, the relevant policies and laws of Vietnam, including policies of Bac Kan 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. ABD Policies

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

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

81. The subproject will affect 04 ethnic minority households. However, basically land acquisition level is insignificant and the subproject only affect production land of few HHs. The subproject also does not cause effect on the identity, culture and life of ethnic minorities. Ethnic minority development plan combined with resettlement plan of the subproject into a document is termed as Resettlement and Ethnic minority Development Plan.

B. National Laws on Involuntary Resettlement and Ethnic Minority

82. **Compensation, Assistance and Resettlement.** The Constitution of the Socialist Republic of Viet Nam (2013) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws,

⁴Safeguard Policy Statement, 2009

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 compensation, support, and resettlement upon land expropriation by the State | Guides Decree 47 |
| 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/QĐ-TTg | | Decision | Decision of the Prime Minister on supporting people with meritorious services records in housing |
| No. 02/2011/QH13 | 11/11/2011 | Complaints Law | Regulates handling of complaints against administrative decisions or acts of state administrative agencies |
| No. 75/2012/ND-CP | 03/10/2012 | Decree detailing a number of articles of the Law on complaints | Guides Complaint Law 02 |
| No. 27/2014/QĐ-UBND | 22/12/2014 | Decision of Bac Kan People's Committee | Promulgating unit price for land in the period of five years (2015-2019) in Bac Kan province |
| No. 18/2016/QĐ-UBND | 1/7/2016 | Decision of Bac Kan People's Committee | Regulation land adjustment coefficient applied in Bac Kan province (in 2016) |

| Reference | Date | Title | Description |
|-----------------------|------------|--|---|
| No. 22/2014/QD-UBND | 11/10/2014 | Decision of Bac Kan People's Committee | Regulation Some contents of compensation, assistance and resettlement when land is acquired by the State in Bac Kan province |
| No. 2488/2013/QD-UBND | 31/12/2013 | Decision of Bac Kan People's Committee | Promulgating compensation unit price for house and structures serving living of HHs, individual when land is acquired by the State in Bac Kan province; |
| No. 01/2016/QD-UBND | 25/1/2016 | Decision of Bac Kan People's Committee | Compensation and site clearance unit price for tree and livestock when land is acquired by the State in Bac Kan province. |

83. **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.

84. 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.

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

86. 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 Decree no. 551/QĐ-TTg of Prime Minister dated 04/04/2013 on approval of Program 135 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-UBDT of the Ministry of Justice and the Committee of Ethnic Minorities, on guiding implementation of legal assistance for EMs.
 - 2011 Decree No. 80/2011/NQ-CP on sustainable poverty reduction, period of 2011-2020
 - 2011 Decree No. 05/2011/NĐ-CP on the work of ethnic minority.
 - 2011 Decree No. 70/2001/ND-CP of the Government, on detailing the execution of the marriage and family law. This stipulates that all documents registering family assets and land use rights must be in the names of both husband and wife
 - 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/QD-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/QD-UBDT dated 31-May-2007 of the Ethnic Minorities Committee on the recognition of communes, districts in the mountainous areas
- 2007 Decision no. 05/2007/QD-UBDT dated 06-September-2007 of the Ethnic Minorities Committee on its acceptance for three regions of ethnic minorities and mountainous areas based on development status
- 2007 Circular no. 06 dated 20-September-2007 of the Ethnic Minorities Committee guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the decision 112/2007/QD-TTg
- 2007 Decision no. 06/2007/QD-UBDT dated 12-January-2007 of the Ethnic Minorities Committee on the strategy of media for the program 135-phase 2

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

87. 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.
88. 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.
89. 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.
90. A point of difference though is that ADB Policy does not consider the absence of legal rights of AHs 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

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

Table 7: 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/ND-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

92. 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.
- (i) 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.
- (ii) Compensation and assistance will be based on the principle of replacement cost at the time of acquisition.
- (iii) 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.
- (iv) Displaced persons (AHs) without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost.
- (v) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to AHs.
- (vi) Meaningful consultation will be carried out with the AHs and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the AHs and communities will be taken into account.
- (vii) The RP/REMDP will be disclosed to AHs in a form and language(s) understandable to affected persons prior to submission to ADB. RPs/REMAHs will be disclosed on the ADB website.
- (viii) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- (ix) 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.
- (x) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- (xi) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- (xii) Resettlement transition stage should be minimized. Restoration measures will be provided to AHs before the expected starting date of construction in the specific location.
- (xiii) 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.
- (xiv) 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.
- (xv) The PMUs will not issue notice of possession to contractors until they have official advice in writing that (i) payment has been fully disbursed to the AHs and rehabilitation measures are in place (ii) already-compensated, assisted AHs have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.

- (xvi) 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.
- (xvii) 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.
- (xviii) Local patriarchs 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

- 93. Legal rights to the land concerned determine eligibility for compensation with regard to land. There are three types of APs: i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially, ii) persons who lose land they occupy, do not currently possess a LURC but have a claim that is recognized or recognizable under national laws, or, iii) persons who lose land they occupy in its entirety or partially who do not have any recognizable claim to that land. APs included under i) and ii) above shall be compensated for the affected land and assets upon land. APs included under iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they have to relocate.
- 94. All APs who satisfy the cut-off date for eligibility are entitled to compensation for their affected assets (land, structures, trees and crops), and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.
- 95. Non-eligible APs including those making claims based on subsequent occupation after the cut-off date. The cut-off date for eligibility will coincide with the day of announcement of the land acquisition within subproject areas as declared and published broadly by the District People Committee.

B. Compensation and assistance

- 96. The compensation unit price for land, trees and crops applied of this REMDP is based on the compensation unit price for land (land prices for the period 2015 - 2019), trees and crops issued by Bac Kan provincial People's Committee in recent years. A rapid replacement cost assessment has been undertaken via consultation with local authorities and local people to verify the current unit prices of the PPC for land and other assets. Results of the assessment indicate that the current prices for land, crops and trees issued by Bac Kan 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.
- 97. **Compensation for land:** The compensation unit prices for land at the time of preparing the REMDP follow the unit prices for lands stipulated in Decision 27/2014/QĐ-UBND dated 22/12/2014 by Bac Kan PPC on promulgating periodical land unit price in the period of 2015 – 2019 in Bac Kan province and Decision No. 18/2016/QĐ-UBND dated 1/7/2016 by Bac Kan PPC On promulgating adjustment coefficient of land unit price in Bac Kan province (in 2016).

98. **Compensation for trees and crop** is stipulated in Decision No. 01/2016/QD-UBND dated 25/01/2016 by Bac Kan PPC on promulgating regulation on compensation unit price for affected tree and livestock when land is acquired by the State in Bac Kan province.

99. **Assistance for job changing/creation:** For the households losing their agricultural land holding: According to the provincial policy, assistance in cash equivalent to five times of the value of their affected rice land, three times of value of affected annual crop land and two times of value of affected production forest land but not exceed agriculture land quota will be provided to the affected households as the assistance for job training and creation.

C. Entitlement Matrix

100. Entitlement Matrix to be applied for this Sub-Project is presented in the Table 8 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

101. 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 8: Entitlement matrix

| Entitled Persons | Type & Level Of Impact | Compensation Policy | Implementation Issues | Expected impacts |
|--|---|--|--|----------------------|
| A. 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 | Cash compensation at replacement cost for affected portion; and standing crops and trees at market price; and job training/creation assistance equivalent to equivalent to five times of the value of their affected rice land, three times of value of affected annual crop land and two times of value of affected production forest land but not exceed agriculture land quota will be provided to the affected households as the assistance for job training and creation. | AHs will be noticed about land acquisition at least 90 days before and fully receive the compensation at replacement cost before site clearing at least 01 (one) month. Level of assistance for job training/creation, decided by PPC. Implemented by DRCs | 02 AHs with 4,580 m2 |
| B. 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 it can be harvested | A minimum of 3 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years. | 200 m2 of maize |
| | Loss of timber tree | 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 timber trees is based on the age and diameter of the tree. | 109 timber trees |

| Entitled Persons | Type & Level Of Impact | Compensation Policy | Implementation Issues | Expected impacts |
|---|---|--|--|---|
| | | | APs have the right to use salvageable trees. | |
| C. PACKAGE OF ECONOMIC REHABILITATION | | | | |
| AHs losing their productive, income generating asset irrespective of tenure status | Job training/Creation allowance | <p>Allowance for job training, job creation for APs who directly engaged in agricultural production provided in cash equivalent to five times of value for households losing rice land, three times of value for households losing perennial crop land and two times of value for households losing production forest land as regulated by the PPC. The maximum area to be calculated for this assistance is not larger than agricultural land quota in locality, specifically.</p> <p>If APs requests for training, he/she will be entitled to a free training course</p> | <p>Eligibility will be confirmed during DMS.</p> <p>Level of assistance and calculation for job training/creation as per regulation of the PPC</p> | 4 AHs with 4,580 m2 |
| 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, | Assistance to poor and vulnerable households to improve their social and economic conditions. | <p>a) Poor households: the proposed allowance for the subproject is VND 2,000,000 for insignificantly affected household and VND 5,000,000 for severely affected households.</p> <p>b) Other vulnerable households: assistance of minimum VND 2,000,000 per household to improve their social and economic conditions or based on regulation per province, whichever is higher</p> <p>Note: If AHs fall in multi vulnerable groups,</p> | Eligible households are those who are classed as vulnerable under relevant definitions of MOLISA and this document. | 4 affected households are vulnerable households |

| Entitled Persons | Type & Level Of Impact | Compensation Policy | Implementation Issues | Expected impacts |
|--|------------------------|--|-----------------------|------------------|
| (v) landless, and (vi) severely ethnic minorities. | | only highest assistance will be provided | | |

VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

102. **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 Bac Kan 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 9. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation process.

Table 9: Replacement cost for land, structure, rice, crop and tree

| No. | Items | Commune | Unit | Unit price regulated by PPC (VND) | Proposed replacement cost (VND) |
|-----|------------------------|---------|--------------------|-----------------------------------|---------------------------------|
| 1 | Production forest land | Boc Bo | VND/m ² | 5,500 | 5,500 |
| 2 | Annual crop land | Boc Bo | VND/m ² | 45,000 | 45,000 |
| 3 | Meliaceae | Boc Bo | VND/tree | 86,000 | 86,000 |
| 4 | Bombax ceiba | Boc Bo | VND/tree | 35,000 | 35,000 |
| 5 | Magnolia conifera | Boc Bo | VND/tree | 100,000 | 100,000 |
| 6 | Castanea sativa | Boc Bo | VND/tree | 108,000 | 108,000 |
| 7 | Other timber trees | Boc Bo | VND/tree | 50,000 | 50,000 |
| 8 | Maize | Boc Bo | m ² | 7,000 | 7,000 |

Remarks: adjustment coefficient for land with $k=1$.

103. **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 178,643,325 equivalent to USD 7,992.98 (see Table 10).

104. The resettlement budget is funded by Bac Kan PPC, using the provincial budget and will be allocated sufficiently and on time based on the subproject resettlement implementation schedule.

Table 10: Compensation and assistance budget

| No. | Items | Unit | Quantity | Unit price (average) | In cash (VND) |
|-----------|---------------------------------------|--------------------|----------|----------------------|-------------------|
| A | Compensation | | | | |
| I | Compensation for land | | | | 34,190,000 |
| 1 | Production forest land | VND/m ² | 4,580 | 5,500 | 25,190,000 |
| 2 | Annual crop land | VND/m ² | 200 | 45,000 | 9,000,000 |
| II | Compensation for tree and crop | | | | 9,881,000 |

| No. | Items | Unit | Quantity | Unit price (average) | In cash (VND) |
|----------|---|--------------------|-----------|----------------------|--------------------|
| 1 | Trees | VND/tree | 109 | 64,963 | 8,481,000 |
| 2 | Crop | VND/m ² | 200 | 7,000 | 1,400,000 |
| B | Assistance | | | | 94,380,000 |
| 1 | Assistance for training, occupational transition and job creation | VND/m ² | | | 86,380,000 |
| 1.2 | <i>Annual crop land</i> | VND/m ² | 200 | 180.000 | 36,000,000 |
| 1.2 | <i>Production forest land</i> | VND/m ² | 4,580 | 11.000 | 50,380,000 |
| 1.3 | <i>Assistance for vulnerable groups</i> | VND/HH | 4 | 2,000,000 | 8,000,000 |
| D | Total (A+B) | | | | 138,451,000 |
| E | 2% cost for implementation of compensation – assistance – resettlement | % | 2 | | 2,769,020 |
| F | Total (D+E) | | | | 141,220,020 |
| G | Contingency (15% of F) | % | | | 21,183,003 |
| H | Total (F+G) | | | | 162,403,023 |
| I | VAT | % | 10 | | 16,240,302 |
| K | Total (VND) | | | | 178,643,325 |
| M | Total (USD) | | | | 7,992.98 |

| No. | Items | Unit | Quantity | Unit price (average) | In cash |
|-----------|---|--------------------|----------|----------------------|--------------------|
| | | | | | (VND) |
| A | Compensation | | | | 44,071,000 |
| I | Compensation for land | | | | 34,190,000 |
| 1 | Production forest land | VND/m ² | 4,580 | 5,500 | 25,190,000 |
| 2 | Annual crop land | VND/m ² | 200 | 45,000 | 9,000,000 |
| II | Compensation for tree and crop | | | | 9,881,000 |
| 1 | Trees | VND/tree | 109 | 64,963 | 8,481,000 |
| 2 | Crop | VND/m ² | 200 | 7,000 | 1,400,000 |
| B | Assistance | | | | 86,380,000 |
| 1 | Assistance for training, occupational transition and job creation | VND/m ² | | | 86,380,000 |
| 1.2 | <i>Annual crop land</i> | VND/m ² | 200 | 180 | 36,000,000 |
| 1.2 | <i>Production forest land</i> | VND/m ² | 4,580 | 11 | 50,380,000 |
| C | Total (A+B) | | | | 130,451,000 |

| | | | | |
|-----------|---|----------|-----------|--------------------|
| D | 2% cost for implementation of compensation – assistance – resettlement | % | 2 | 2,609,020 |
| E | Total (C+D) | | | 133,060,020 |
| F | Contingency (15% of E) | % | | 19,959,003 |
| G | Total (E+F) | | | 153,019,023 |
| H | VAT | % | 10 | 15,301,902 |
| II | Total (VND) | | | 168,320,925 |
| K | Total (USD) | | | 7,531.14 |

IX. INSTITUTIONAL ARRANGEMENT

A. Provincial level;

105. The Bac Kan 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 Bac Kan Provincial Department of Planning and Investment (DPI) authorized by Bac Kan PPC as Project Owner, is responsible:

- (i) To manage the project loan allocated for subprojects in Bac Kan 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 Bac Kan Provincial Project Management Unit (PMU), on behalf of the project owner is responsible for comprehensive REMDP implementation and internal monitoring. The main tasks of PMU are.

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

109. Members of the DRC include the chairman/deputy chairman of the DPC (to be the head of the DRC), representative of Environmental and Natural Resource Division, Division of Finance, Division of Agriculture and Rural Development, chairman of CPC, affected households, members of farmer union and women union. The main role of the CARB 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 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 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 in the updating of the REMDP and implementation of resettlement activities;
- (iv) To identify replacement land for Ahs;
- (v) To sign the Agreement Compensation Forms along with the AHs;
- (vi) To assist in redressing grievances; and,
- (vii) To actively participate in all resettlement activities.

X. IMPLEMENTATION SCHEDULE

111. The implementation schedule for resettlement activities for the subproject is presented in Table 11, including (i) activities that have been completed to prepare the REMDP; (ii) resettlement implementation activities and, (iii) internal monitoring activities.

Table 11: 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 IOL and prepare compensation plan (replacement cost survey if required) | Quarter III/2017 |
| Consult APs on the compensation plan | Quarter IV/2017 |
| Update the REMDP based on results of DMS (if required) | Quarter IV/2017 |
| Submit compensation plan to DPC for review and approval | Quarter IV/2017 |
| Disclose approved compensation plan to Aps | Quarter I/2018 |
| Conduct payment of compensation and allowance | Quarter I/2018 |
| Conduct site clearance | Quarter I/2018 |
| Carry out construction | Quarter II/2018 |
| 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 |

A. 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.

B. Community monitoring

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.

C. 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 I: COMMUNITY CONSULTATION MINUTES

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

Bắc Kạn....., ngày 11 tháng 03 năm 2017

DỰ ÁN HẠ TẦNG CƠ BẢN CHO PHÁT TRIỂN TOÀN DIỆN

CÁC TỈNH ĐÔNG BẮC (FNFP)

BIÊN BẢN THAM VẤN CỘNG ĐỒNG

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

I. Thời gian và địa điểm tham vấn:

1. Địa phương: Xã Bắc Bô - Pác Nặm - Bắc Kạn.....
2. Địa điểm tham vấn: Tại nhà Trưởng thôn Nặm Mây.....
3. Thời gian tham vấn: 8^h 30' ngày 11/3/2017 (TDA cấp nước Sạch Bô Bô)

II. Thành phần tham dự:

1. Đại diện chủ đầu tư:

- Ông/Bà Vi Thanh Chuyên..... Chức vụ Cán bộ Sĩ KVĐT Bắc Kạn.....
- Ông/Bà..... Chức vụ.....

2. Đại diện UBND xã:

- Ông/Bà Cã Ngọc Pao..... Chức vụ Phó chủ tịch xã.....
- Ông/Bà Nông Thị Tuyết..... Chức vụ Trưởng thôn Nặm Mây.....
- Ông/Bà Lý Học Cường..... Chức vụ Địa chính xã.....
- Ông/Bà Trương Văn Khon..... Chức vụ Chủ tịch mặt trận tổ quốc.....
- Ông/Bà Nguyễn Thị Yên..... Chức vụ Đại diện hội phụ nữ.....

3. Đại diện nhóm Tư vấn:

- Ông/Bà Ngô Đức Quân..... Chức vụ Đại diện tư vấn tái định cư.....
- Ông/Bà Nguyễn Phú Tâm..... Chức vụ Tái định cư.....

4. Đại diện những hộ bị ảnh hưởng (BAH)

- Tổng số người tham dự họp 12 người
- Trong đó: Nam 10 Nữ 2 Dân tộc thiểu số 10

(Danh sách đại biểu tham dự đính kèm)

III. Nội dung

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. 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, các biện pháp giảm thiểu tối đa các tác động tiêu cực đến người bị ảnh hưởng;
- Thu thập các ý kiến khác liên quan đến công tác bồi thường Tái định cư và Phát triển dân tộc thiểu số.

VI. Ý kiến thảo luận

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

- Ông Cao Ngọc Pao Phó chủ tịch UBND xã giới thiệu thông tin đại biểu và nội dung cuộc họp
- Ông Ngô Đức Xuân đại diện nhóm tư vấn giới thiệu về dự án và khung chính sách của dự án về Tiêu chí an cư nước sạch Bô Bô
- + Thông báo rút sớ thông tin về kiểm tra sơ bộ và dự kiến các hệ quả tác động khi dự án thực hiện bao gồm:
 - + Di dời sớ nhà B.A.H, hình thức bồi thường, hỗ trợ
 - + Sớ hệ quả tác động như, ảnh hưởng nghiêm trọng
 - + Các loại đất, tài sản trên đất dự kiến sẽ B.A.H
 - + Xác định quyền hợp pháp trên đất sớ các hộ dân
 - + Xin các ý kiến đóng góp, thắc mắc các hộ dân để giải quyết
- Ông Mã Văn Trang (thợ Nhà Nghề): Trong các dự án trước chúng tôi chưa làm được cầu qua suối giao thông đi lại rất khó khăn, nhất là mùa mưa nước dâng ngập qua

chúng chúng tôi bị chi cắt với Trung tâm xã, huyện rất
chúng tôi rất đồng tình và ủng hộ việc thực hiện dự án
mang lại an sinh thực hiện.

- Ông Trương Văn Khoa (thôn nhà Cóp): Việc bồi thường giá đất
của dự án như giá chung nhất hay theo từng vị trí. Nếu đồng
nhất giá thì nhà BPH giải trung tâm thiết tha giá

+ Ông: Ngô Đức Quyền đại diện bị vón trả lời: Trong quá trình thực
hiện công tác dân cư Ban bồi thường của tỉnh, huyện sẽ có một
đơn vị khai sát giá đất tại địa bàn và tham khảo bằng giá
đất của tỉnh để đề xuất giá thay thế phù hợp nhất.

- Bà: Nguyễn Thị Yên (thôn nhà Nghi): Tôi rất ủng hộ việc thực
hiện dự án. Tuy nhiên đất nhà tôi chưa có sổ đỏ vậy việc bồi
thường như thế nào?

+ Ông: Ngô Đức Quyền: Nếu gia đình đã sinh sống tại mảnh đất
đó lâu dài, ổn định và không có tranh chấp việc bồi thường
điều đó như các mảnh đất có sổ đỏ.

- Ông: Vi Văn Minh (thôn nhà Cóp): Vì an sinh thực hiện chúng
tôi rất ủng hộ tuy nhiên các đơn vị thực hiện có phương pháp
giảm thiểu như thế nào?

+ Các bên liên quan trong quá trình thực hiện như sát
thiết kế sẽ chỉ ra các phương án giảm thiểu nước đi thoát
hạt nhất.

- Ông: Ngô Đức Quyền: Ý kiến của bà con về vấn đề tái định
cư sẽ tái định cư tại chỗ, hay đi đâu hoặc bị tái định
cư nếu phải tái định cư.

+ Các hệ dân cho ý kiến: nếu phải tái định cư thì đều
mang vườn tái định cư tại chỗ hơn bị tái định cư.

+ Hỏi: Thời bồi thường như thế nào?

+ Các hệ thống nhất mong muốn bồi thường bằng tiền
mặt.

+ Ông: Cô Nguyễn Pao: Chính quyền xã và các hệ dân đều nhận
tôi và ủng hộ việc thực hiện dự án. Mong các đơn vị thực hiện

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

- Ông: Ngô Đức Quyền: Bà con tại địa bàn hầu hết là dân
tộc thiểu số vậy kinh tế của các hộ so với các hộ dân
tộc Kinh có gì khác biệt không, nghề nghiệp và thu nhập
của các hộ là gì?

+ Ông: Nông Văn Thế: Thu nhập kinh tế của các hộ dân tộc

thiếu số và các hệ dân tộc kinh có sự khác biệt không đáng kể, kinh tế chủ yếu là trồng trọt và chăn nuôi.

- Các hệ dân tộc thiểu số có đề xuất hay mong muốn những hỗ trợ gì?

+ Ông Hoàng Văn Trung: chúng tôi mong muốn các chính sách hỗ trợ trồng trọt, chăn nuôi.

- Trong các hệ gia đình thì người quyết định công việc là Nam hay Nữ, ai làm nhiều hơn và công việc có được sơn sẻ cho nhau không?

+ Bà Nông Thị Tuyết: Hầu hết các gia đình người quyết định những công việc trong gia đình là Nam giới, gần đây thì bình đẳng giới.

dân đảo trên bề vai trò phụ nữ ngày càng cao hơn.

+ Bà Nguyễn Thị Yên: Nếu được hỗ trợ chúng tôi mong muốn được hỗ trợ học nghề may, thêu thùa và mua máy may.

III. Kết luận

- Tất cả các hệ đều nhất trí ủng hộ việc thực hiện dự án.

- Các hệ đều đồng thuận với việc bồi thường bằng tiền mặt đối với đất và tài sản trên đất bị ảnh hưởng nếu phải tái định cư thì chọn phương án tái tái định cư.

- Chính quyền địa phương và các hệ bị ảnh hưởng đều mong muốn được an sinh thực hiện và có các phương án giảm thiểu thiệt hại đối với người dân và có những chính sách hỗ trợ cho các hệ bị ảnh hưởng.

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

Đại diện cộng đồng

Uhe

Nông Văn Thế

BQL Tiểu dự án

Uhe
Vy Thanh Chuyên

Đại diện chính quyền địa phương



Khu Ngọc Pao

Đại diện Tư vấn

Ngô Đức Quyền

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

Xã... Bà Bò Huyện... Bác...Nam.....Tỉnh... Bắc...Kan.....

| STT | Họ và tên | Giới tính | Dân tộc | Địa chỉ | Ký tên |
|-----|-------------------|-----------|---------|------------------|--------|
| 1 | Hoàng Văn Đông | Nam | Tây | Năm Mây - Bà Bò | Đông |
| 2 | Nguyễn Đình Thành | Nam | Tây | " | Thành |
| 3 | Năng Văn Thế | Nam | Tây | " | Thế |
| 4 | Năng Văn Bình | Nam | Tây | " | Bình |
| 5 | Cà Ngọc Pao | Nam | Tây | " | Pao |
| 6 | Lý Học Cường | Nam | Tây | " | Cường |
| 7 | Năng Thị Tuyết | Nữ | Tây | " | Tuyết |
| 8 | Hoàng Văn Trung | Nam | Tây | " | Trung |
| 9 | Nguyễn Thiệp | Nam | Kinh | Ngã Nghé - Bà Bò | Thiệp |
| 10 | Trương Văn Khau | Nam | Kinh | Ngã Nghé - Bà Bò | Khau |
| 11 | Vũ Văn Minh | Nam | Tây | " | Minh |
| 12 | Mã Văn Trọng | Nam | Tây | " | Trọng |
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ANNEX II: LIST OF HOUSEHOLDS AFFECTED BY THE SUBPROJECT

| Code | Name of Head of household | Ethnic group | Commune | Vulnerable groups |
|-------------|----------------------------------|---------------------|----------------|--------------------------|
| BB001 | Hoang Van Dong | Tay | Boc Bo | Ethnic minorities |
| BB002 | Hoang Van Trung | Tay | Boc Bo | Ethnic minorities |
| BB003 | Nong Van Binh | Tay | Boc Bo | Ethnic minorities |
| BB004 | Nong Van The | Tay | Boc Bo | Ethnic minorities |

ANNEX III: SURVEY QUESTIONNAIRE FOR AFFECTED HOUSEHOLDS

SURVEY AND INVENTORY OF LOSSES QUESTIONNAIRES (IOL) Basic Infrastructure for Inclusive Growth in Northeast Provinces

Code of questionnaire (should not be recorded by surveyor): ___/___/___; Date: ___/___/2017

A-BACKGROUND INFORMATION

1. Name of householder:Age..... Gender: [] (Male=1; Female =2)
 - a) Ethnicity: [] (1=Kinh; 2= Tay; 3=Thai; 4=Dao; 5= Nung; 6=; 7= Muong; 8=H'Mong; 9= Tho; 10=other)
 - b) Education level: [] (0= Illiterate, not attend school; 1=not graduate primary school; 2= graduate primary school; 3= not graduate secondary school; 4= graduate secondary school; 5= not graduate high school; 6= graduate high school; 7= Intermediate college/college; 8=university and post graduate university; 8=other)
 - c) Main occupation: [] (1=cultivation; 2=livestock; 3=business; 4=retirement; 5=worker in factory; 6=the State's official; 7= employees; 8= handicraft; 9= unemployed;10=housekeeper; 11=other)
 - d) Subsidiary occupation:[] (1=cultivation; 2=livestock; 3=business; 4=retirement; 5=working in factory; 6=the State's official; 7= employees; 8= handicraft; 9= unemployed;10=housekeeper; 11=other)
2. Address: Village:Commune:.....District.....Province.....
3. Vulnerable groups: [] (Single women headed HH with dependent person =1; severely affected ethnic minority household =2; HH with disable person =3; Poor HH =4; HH with single elderly =5; HH under preferential policy =6).
4. Number of persons in HH sharing living condition (living and eating activities) []; Male [] Female []
5. Number of persons under the age of 15 years old []; Over the age of 15 years old []
6. Number of persons under ethnicity of: Kinh [] Tay [] Thai [] Dao [] Muong [] Others.....

B. INVENTORY OF LOSSES

7. Acquired land area and legal status of the acquired land area

| Type of land | Total land area being used by HH (m ²) | Affected land area | | Status of Land use right | Legal status of the land plot |
|---|--|---|--|------------------------------|--|
| | | Total permanentl y affected land area (m ²) | Total temporarily affected land area (m ²) | | |
| 1=Residential land 2=Garden land 3=Annual crop land 4=Perennial crop land 5=Aquaculture land 6=Non – agriculture land for business 7=Production forest land 8=Protection forest land 9=Other land | | | | 1=Owner of land 2= Tenant | 1=with LURC 2=without LURC 3=rent land of the State 4=rent private land |
| | | | | | |

| Type of land | Total land area being used by HH (m ²) | Affected land area | | Status of Land use right | Legal status of the land plot |
|---|--|--|--|------------------------------|--|
| | | Total permanently affected land area (m ²) | Total temporarily affected land area (m ²) | | |
| 1=Residential land 2=Garden land 3=Annual crop land 4=Perennial crop land 5=Aquaculture land 6=Non – agriculture land for business 7=Production forest land 8=Protection forest land 9=Other land | | | | 1=Owner of land 2= Tenant | 1=with LURC 2=without LURC 3=rent land of the State 4=rent private land |
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| Total | | | | | |

8. Affected house

| Type of houses | Total floor area (m ²) | Impact level | | Legal status |
|---|------------------------------------|---------------------------------------|--|---|
| | | Affected floor area (m ²) | (partially affected =1; entirely affected=2) | |
| 1. Villa 2. One floor house, constructed by brick, tile roof and metal sheet roof covering 3. One floor house with reinforced concrete structure, flat roof 4. Two floors house or more 5. Stilts house with wooden wall and floor 6. Temporary house 7. House combining with business shop 8. Business shop outside house | | | | 1=with LURC 2=without LURC 3= constructed on agriculture land 4= renting house |
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| Total | | | | |

Remarks: HHs may have more than one house affected by the project so it needs to fully fill information on the affected houses.

9. Does your household own other land/house located in the project commune/ward?

1. Yes, area:.....m²; 2. No

10. Works, structures and tombs on affected land

| Works/structures | Type of works | Unit | Quantity | Remarks |
|--|---------------------------|----------------|----------|---------|
| 1. Separate kitchen outside main house | 1. Temporary 2. Stable | m ² | | |
| 2. Separate store outside main house | 1. Temporary | m ² | | |

| Works/structures | Type of works | Unit | Quantity | Remarks |
|---|---|----------------|----------|---------|
| house | 2. Stable | | | |
| 3. Separate toilet outside main house | 1. Temporary 2. Stable | m ² | | |
| 4. Separate bathroom outside main house | 1. Temporary 2. Stable | m ² | | |
| 5. Abat-vent, scaly roof covering | | m ² | | |
| 6. Animal shed (Cattle, pigs, goats) / poultry (chicken, duck, goose ...) | 1. Temporary 2. Stable | m ² | | |
| 7. Electric meter and estimated wire from the meter to house | Electric meter Wire | Piece m | | |
| 8. Water meter and estimated water pipe from the meter to house | Water meter Pipe | Piece m | | |
| 9. Stable telephone | | Piece | | |
| 10. Fence | 1. Brick wall, stone wall 2. Iron wall or wooden wall 3. Bush | M | | |
| 11. Wall | 1. Built wall 2. Iron 2. Wood/Bamboo | m ² | | |
| 12. Earth tomb | | Piece | | |
| 13. Sarcophagus | | Piece | | |
| 14. Well | 1. Drilling 2. Excavation | Piece | | |
| 15. Water tank | 1. Brick/concrete 2. Inox 3. Plastic | Piece | | |
| 16. Yard (concrete or brick yard is taken into account only) | | m ² | | |
| 17. Fish pond | | m ² | | |
| 18. Others (name of works and affected area) | | | | |

11. Types of affected trees and crops

| Types of tree/crop or agricultural product | Unit | Quantity | Remarks |
|--|------|----------|---------|
| a) Fruit tree (main tree) | Tree | | |

| Types of tree/crop or agricultural product | Unit | Quantity | Remarks |
|--|----------------------|----------|---------|
| 1) | | | |
| 2) | | | |
| 3) | | | |
| 4) | | | |
| 5) | | | |
| 6) | | | |
| | | | |
| | | | |
| b) Timber (main tree) | Tree | | |
| 1) | | | |
| 2) | | | |
| 3) | | | |
| 4) | | | |
| 5) | | | |
| 6) | | | |
| | | | |
| | | | |
| c) Agricultural tree () | tree | | |
| 1) | | | |
| 2) | | | |
| 3) | | | |
| 4) | | | |
| 5) | | | |
| 6) | | | |
| | | | |
| | | | |
| d) Crop (main crop) | m² | | |
| 1) | | | |
| 2) | | | |
| 3) | | | |
| 4) | | | |
| 5) | | | |
| 6) | | | |
| | | | |
| | | | |
| e) Aquaculture (by each main product) | m² | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Other (specify)..... | | | |

D. SELECTION OF COMPENSATION OPTION

For households lost agricultural land

- a) Option of land by land (if land fund is available in commune) with the same type of land and equivalent area/nature of land []
- b) Cash []
- c) Not yet decided []

For households lost residential land and relocated

- a) Receive compensation in cash and self-relocate to new place []
- b) Relocate to the resettlement area of the project or area arranged by locality []
- c) Build new house on the remaining land area (if the remaining land area is suitable for planning of residential land) []
- d) Not yet decided []

Option of restoring livelihood and income (for households lost 10% of their agricultural landholding or affected business and service)

- a) Continue to do the current job []
- b) Continue to do the current job combining with new job []
- c) Change into new job []

Surveyor

Representative of household

ANNEX IV: INVENTORY FORM OF PUBLIC STRUCTURES

INVENTORY FORM FOR AFFECTED PUBLIC LAND AND STRUCTURES

Basic Infrastructure for Inclusive Growth in four Northeast Provinces

Commune:.....District:.....Province:.....

Works:.....

1. Land:

| No. | Name of commune | Type of acquired land | Area (m ²) |
|-----|-----------------|-------------------------------------|------------------------|
| | | Agricultural land | |
| | | Traffic and irrigation land | |
| | | Religious land | |
| | | Pond, river and stream land | |
| | | Land for doing business and service | |
| | | Forest land | |
| | | Other land (specify) | |

2. Affected public asset and works

| No. | Name of commune | Type of acquired land | Area (m ²) |
|-----|-----------------|-----------------------|------------------------|
| | | Electric station | |
| | | Electric tower | |
| | | Electrical cable | |
| | | Gate | |
| | | Irrigation ditch | |
| | | Drainage system | |
| | | Communication cable | |
| | | Market | |
| | | Office | |
| | | School | |
| | | Health care center | |
| | | Business/service shop | |
| | | Other (specify)..... | |

Surveyor

Representative of Agency/organization

