

# Resettlement and Ethnic Minority Development Plan (REMDP)

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**VIE: Basic Infrastructure for Inclusive Growth in the  
Northeastern Provinces Sector Project-Upgrading  
and Improvement of Boc Bo – Bang Thanh – Son Lo  
Road, Pac Nam District, Bac Kan Province**

## CURRENCY EQUIVALENTS

(as of 27 April 2017)

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

## ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	Affected Household
AP	-	Affected Person
CARB	-	Compensation, Assistance and Resettlement Board
CPC	-	Commune Peoples, Committee
DARD	-	Department of Agriculture and Rural Development
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DPC	-	District Peoples, Committee
DPI	-	Department of Planning and Investment
DRC		District Resttlemet 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
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MPI	-	Ministry of Planning and Investment
NTP	-	Notice to Proceed
PIB	-	Project Information Booklet
PMU	-	Project Management Unit
PPC	-	Provincial People Committee
RCS	-	Replacement Cost Study
REMDP	-	Resettlement and Ethnic Minorities Development Plan
SIA	-	Social Impact Assessment

VND	-	Viet Nam dong
VWU	-	Viet Nam Women's Union

### WEIGHTS AND MEASURES

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

### GLOSSARY

Affected person (AP) / Affected household (AH)	-	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, HHs under preferential treatment policy.

**Note:**

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

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## EXECUTIVE SUMMARY

- 1. Introduction:** The Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector Project (Project) funded by the ADB is implemented in four provinces of Bac Kan, Cao Bang, Ha Giang, and Lang Son. This report concerns the output one representative subproject in Bac Kan province: “Upgrading and improvement of the road from the central of Pac Nam district, Bac Kan province to Son Lo commune, Bao Lac district, Cao Bang province”. The road passes two communes of Bang Thanh and Boc Bo, Pac Nam district, Bac Kan province with the length of 23.1 km. After being upgraded and improved, the road will enhance connection of rural transport network linkage between Pac Nam district, Bac Kan province and Bao Lac district, Cao Bang province and contribute to socio-economic development of Pac Nam district in particular and Bac Kan province in general.
- 2. Scope of impacts:** Out of 157 affected households, there are 153 households under vulnerable groups, in which: 151 affected households are ethnic minority households, including 26 poor ethnic minority affected households (127 households under Tay ethnic minority group, 10 households under San Chi ethnic minority group, (08) eight households under Nung ethnic minority group, (05) five households under Dao ethnic minority group and (01) one household under Mong ethnic minority group);; two affected households are under preferential treatment policy (one household may be under many vulnerable groups); six households are severely affected (four relocating households; two households losing 10% of their total production land); two organizations/agencies affected by the subproject are Bang Thanh CPC and Pac Nam district’s power company.
- 3.** The subproject will permanent acquire total 67,089m<sup>2</sup> of land, including 3,180m<sup>2</sup> of residential land, 8,043m<sup>2</sup> of annual crop land, 1,018m<sup>2</sup> of perennial crop land and 54,563m<sup>2</sup> of production forest land, 285 m<sup>2</sup> of public land. In addition, the subproject will affect 301m<sup>2</sup> of house and 131m<sup>2</sup> of structure of households, 11 0.4kV power towers and 550m of 0.4 kV electric wires under management of PMU of Pac Nam Power Company. Four HHs with affected house will relocate on their remaining land area or to other place of the HHs. 11,396 trees and 6,875 m<sup>2</sup> of rice and crop will be affected during the subproject implementation process.
- 4.** The subproject may cause temporary impacts on 2,727 m<sup>2</sup> of production forest land of HHs living along the road.
- 5. 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 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.
- 6. Grievance Redress Mechanism (GRM):** To ensure that all APs’ grievances and complaints on aspects of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner and APs can send their complaints in the most satisfactory and convenient way, a well-defined grievance redress mechanism is established in this REMDP. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Furthermore, APs will not be ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through 3 stages before they could be elevated to a court of law as a last solution.
- 7. Information disclosure, Community consultation and participation:** Community consultation, information disclosure, discussion meetings at village level with APs and local officials have been carried out during the REMDP preparation. Full consultations with the



ethnic minority groups have also been carried out during subproject preparation and REMDP preparation.<sup>1</sup> Project policies, options for compensation, resettlement, and ethnic minority development plan and income restoration were discussed during the meetings. Concerns and proposals raised by the affected persons were elicited and incorporated into the REMDP. The grievance mechanism is designed and disclosed to people to ensure that APs' concerns and grievances are addressed and resolved in a timely, culturally appropriate and satisfactory manner. APs will be made fully aware of their rights verbally and in writing during consultation, survey, and at the time of compensation.

8. **Issues on Gender and EMs:** Most people living in the subproject area are ethnic minority people (accounting for 62%). The ethnic minority people include Tay, Nung, Dao, H'Mong and San Chi in which ethnic minority households directly affected by the subproject account for 95%. Impacts. Including dust, noise and traffic jam during subproject implementation have been identified but these negative impacts shall be mitigated by applying mitigation measures. There are remaining issues related to gender in the subproject's area such as women's role in their family and their limited participation in decision making process. The rate of illiterate women is higher than men. A gender action plan has been prepared for the sub-projects to address women's issues and to enhance their social status in the subproject area.
9. **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. A Project Management Unit (PMU) will be established under each 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.
10. **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.
11. **Monitoring and evaluation:** The subproject is category B in resettlement and ethnic minorities. 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).
12. **Total resettlement cost:** The total cost for implementation of the REMDP, including management and contingency cost, is estimated to be VND **9,350,657,650** equivalent to USD **418,373.94**.<sup>2</sup> The financing will be from Bac Kan provincial budget funds.

## I. SUBPROJECT DESCRIPTION

### A. Background

13. The Asian Development Bank (ADB) is planning to fund the Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector Project (Project). The Project will improve the economic competitiveness of the four north-eastern provinces (FNEP) of Bac Kan, Cao Bang, Ha Giang, and Lang Son. The Project will: (i) enhance FNEP connectivity by developing critical transport infrastructure; (ii) improve rural water supply; (iii) improve agricultural and rural infrastructure for value chains such as irrigation with small scale and

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<sup>1</sup> Details of the Community Consultations meetings with two communes are presented in paragraphs 77-79 of the main report and the minutes of the Community Consultations meetings are included in Annex 1.

<sup>2</sup> USD 1= VND 22,350.

rural infrastructure in the four provinces; and (iv) Decentralised Public Asset Management Processes Implemented. The Project will help to integrate the FNEP into national and subregional frameworks including the Greater Mekong Subregion (GMS), and the ASEAN Economic Community (AEC). It is consistent with ADB's Country Partnership Strategy (CPS) 2012–2015.

14. Bac Kan is one of four Northeast Provinces under the FNEP project. The representative subproject in Bac Kan province is: "Upgrading and improvement of the road from the central of Pac Nam district, Bac Kan province to Son Lo commune, Bao Lac district, Cao Bang province". The road passes two communes of Bang Thanh and Boc Bo, Pac Nam district, Bac Kan province with the length of 23.1 km. After being upgraded and improved, the road will enhance connection of rural transport network linkage between Pac Nam district, Bac Kan province and Bao Lac district, Cao Bang province and contribute to socio-economic development of Pac Nam district in particular and Bac Kan province in general.

Figure 1: The Road Subproject Map



Figure 2: Locations of the Subproject Map



## B. Civil works to be undertaken

15. According to the primary design, the subproject has the following characteristics: Construction and upgrading of the road from the central of Pac Nam district, Bac Kan province to Son Lo, Bao Lac district, Cao Bang province. The proposed road for Bac Kan province is to construct and upgrade the road from Boc Bo, Pac Nam district, Bac Kan province – Bang Thanh – Son Lo, Bao Lac district, Cao Bang province with total length of 23.1 km.
16. The road shall be upgraded to the rural road V<sub>M</sub>N – category A with some seriously downgraded route sections. The road will be upgraded on the existing roadbed however; some sections are supplemented to connect to Nguyen Binh at Km 8 + 400 with distance of 150m to connect to the subproject's road in Cao Bang province.
17. The subproject will provide the unique approach to Bang Thanh commune in the east of Pac Nam district. Currently, people are facing the lack of linkage due to the lack of bridge over river in rainy season.

## C. Mitigation measures

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

## D. Objective of Resettlement and Ethnic Minority Development Plan

19. This REMDP ensures that the subproject will where ever possible (i) avoid involuntary resettlement; (ii) minimize involuntary resettlement by design solutions; (iii) improve or, at least, restore living conditions of people to their pre-project condition, and (iv) improve living condition of the poor and vulnerable groups.
20. Further, this document develops a roadmap for affected EMs. The objective is to design and implement subproject in a way that fosters full respect for EMs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the EMs themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

21. This REMDP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB's SPS (2009) on Involuntary Resettlement and Indigenous Peoples Policies with National and Provincial Government Policies. Concerns of people for involuntary resettlement and ethnic minorities have been 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.
22. The REMDP is based on the subproject's basic design. The basic design is required to prepare FS of the subproject 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, result of DMS, results of consultation meeting with AHs and replacement cost survey.

## II. PROJECT IMPACTS

### A. Survey process

23. The social impact assessment (SIA) was conducted in the communes affected by the subproject. The SIA comprised of census and inventory of loss (IOL) for all AHs and socioeconomic survey (SES) of stakeholders within the subproject area. Additionally, a rapid replacement cost study (RCS) was also carried out.
24. 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.
25. *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.
26. *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.

### B. Permanent impacts

27. The subproject is expected to affect 157 households in which 151 households are insignificantly affected and six households are severely AHs (four households having affected houses and relocating, two households losing 10% of their productive land). There are 153 households under vulnerable groups, in which: 151 affected households are ethnic minority households, including 26 poor ethnic minority AHs (127 households under Tay ethnic

minority group, 10 households under San Chi ethnic minority group, (08) eight households under Nung ethnic minority group, (05) five households under Dao ethnic minority group and (01) one household under Mong ethnic minority group); two affected households are under preferential treatment policy.

28. Beside impacts on households, the subproject also causes impact on two organizations, including: Bang Thanh CPC and Pac Nam Power Company.
29. Impacts caused by the subproject on households and organizations are presented in Table 1 below:

**Table 1: Impacts on households and organizations**

No.	Communes	Number of affected HHs	Number of insignificantly affected HHs <sup>3</sup>	Number of severely affected HHs	Number of affected HHs under vulnerable groups	Number of affected ethnic minority HHs	Number of affected agency	Number of affected organization
1	Boc Bo	59	58	1	55	51	-	-
2	Bang Thanh	98	93	5	98	98	1	1
<b>Total</b>		<b>157</b>	<b>151</b>	<b>6</b>	<b>153</b>	<b>149</b>	<b>1</b>	<b>1</b>

*Source: Result of SES and IOL, October 2016*

30. **Impacts on land:** According to the IOL results in October 2016, the subproject will permanently acquire totally 67,089m<sup>2</sup> of various kinds of land including 3,180m<sup>2</sup> of residential land; 8,043m<sup>2</sup> of agricultural land for annual crops; 1,018m<sup>2</sup> of land for perennial trees; 54,563m<sup>2</sup> of productive forest; 285 m<sup>2</sup> of public land. The IOL results are presented in Table 2.

**Table 2: Impacts on land of HHs and organizations**

No.	Commune	Total affected land area (m <sup>2</sup> )	Residential land (m <sup>2</sup> )	Annual crops land (m <sup>2</sup> )	Perennial land (m <sup>2</sup> )	Productive forest land (m <sup>2</sup> )	Public land (m <sup>2</sup> )
1	Boc Bo	14,504	1,041	539	182	12,742	0
2	Bang Thanh	52,585	2,139	7,504	836	41,821	285
<b>Total</b>		<b>67,089</b>	<b>3,180</b>	<b>8,043</b>	<b>1,018</b>	<b>54,563</b>	<b>285</b>

*Source: Result of SES and IOL, October 2016*

31. **Impacts on houses, structures:** The subproject will affect 301m<sup>2</sup> of houses and 131m<sup>2</sup> structure of 28 HHs in which four HHs with affected house have to relocate to new place (three HHs have house and one HH has shop affected). All of the HHs are the ethnic minority HHs. Subproject affected structures include covering roof, animal shed, fence, yard and water tank.
32. **Impacts on public assets:** The subproject will affect 285 m<sup>2</sup> of land and 20 trees of types managed by Bang Thanh CPC. In addition, the subproject will affect 11 power towers and

<sup>3</sup> Insignificantly affected AHs loose under 10% of total productive land, one part of residential area without relocation or rebuilding of their houses on the remained land areas

550m of 0.4 Kv electric wires under Pac Nam Power Company. Result of primary IOL for house and structure is presented in Table 3.

Table 3: Impacts on house and structures of HHs and organizations

No.	Commune	House (m <sup>2</sup> )	Covering roof (m <sup>2</sup> )	Fence (m)	Water tank (tank)	Animal shed (m <sup>2</sup> )	Yard (m <sup>2</sup> )	0.4 kV power tower (tower)	0.4kV electric wire (m)
1	Boc Bo	18	-	35	-	10	32	-	-
2	Bang Thanh	283	10	8	1	35	-	11	550
<b>Total</b>		<b>301</b>	<b>10</b>	<b>43</b>	<b>1</b>	<b>45</b>	<b>32</b>	<b>11</b>	<b>550</b>

Source: Result of SES and IOL, October 2016

33. **Impacts on trees and crop:** The subproject will affect 11,396 trees of types, 6,875 m<sup>2</sup> of rice and crop of HHs and organizations in which there are 697 fruit trees such as longan, banana, grapefruit and kaki, 10,699 timber trees such as meliaceae, bamboo, magnolia conifera and acacia, including trees planted on permanently affected land managed by CPC (20 trees). Affected crop area is mainly maize and sweet potato.
34. **Impacts on income and livelihood:** 102 HHs have production land affected by the subproject in which two HHs are adversely affected (losing from 10% to 30% of their production landholding). 55 HHs have their residential land permanently affected and 28 HHs have house and structure affected in which three HHs with house affected and one HH with separate shop affected have to relocate. Necessary support and assistance will be provided to severely affected households to restore their livelihood as pre-project.
35. **Impact on natural environment and culture of ethnic minority groups:** The subproject will not affect to the natural environment, livelihood system, cultural practice and ancestral domains, temples and pagodas, spiritual belief areas of people living in the project area.
36. Table 4 below is the summary of permanent impacts of subproject

Table 4: Summary of permanent impacts of subproject

No.	Type of impacts	Unit	Quantity
1	<b>Land</b>		
	<i>Residential land</i>	m <sup>2</sup>	3,180
	<i>Annual crop land</i>	m <sup>2</sup>	8,043
	<i>Perennial crop land</i>	m <sup>2</sup>	1,018
	<i>Production forest land</i>	m <sup>2</sup>	54,563
	<i>Public land</i>	m <sup>2</sup>	285
2	<b>House and structure</b>		
	<i>House</i>	m <sup>2</sup>	301
	<i>Covering roof</i>	m <sup>2</sup>	10
	<i>Animal shed</i>	m <sup>2</sup>	45
	<i>Fence</i>	m <sup>2</sup>	43
	<i>Yard</i>	m <sup>2</sup>	32
	<i>Water tank</i>	tank	1
	<i>Power tower</i>	m <sup>2</sup>	11
	<i>Electric wire</i>	m <sup>2</sup>	550
3	<b>Tree, rice and crop</b>		
	<i>Fruit tree</i>		
	<i>Shaddock</i>	Tree	535
	<i>Paulownia fortunei</i>	Tree	33
	<i>Tamarindus indica</i>	Tree	49
	<i>Longan</i>	Tree	11

No.	Type of impacts	Unit	Quantity
	<i>Litchi</i>	Tree	11
	<i>Mango</i>	Tree	8
	<i>Star fruit</i>	Tree	14
	<i>Chrysophyllum cainito</i>	Tree	16
	<i>Banana</i>	Tree	8
	<i>Other fruits</i>	Tree	12
	<i>Timber tree</i>		
	<i>Meliaceae</i>	Tree	398
	<i>Vachellia</i>	Tree	4,577
	<i>Chukrasia tabularis</i>	Tree	1,761
	<i>Magnolia conifera</i>	Tree	3,800
	<i>Bamboo</i>	Tree	70
	<i>Eucalyptus</i>	Tree	26
	<i>Dalbergia Tonkinensis Prain</i>	Tree	5
	<i>Apricot blossom</i>	Tree	62
	<i>Rice and crop</i>		
	<i>Rice</i>	m <sup>2</sup>	6,551
	<i>Maize</i>	m <sup>2</sup>	80
	<i>Sweet potato</i>	m <sup>2</sup>	244

Source: Result of SES and IOL, October 2016

#### C. Temporary impacts

37. The subproject may cause temporary impacts on 2,727 m<sup>2</sup> of production forest land of HHs living along the road. During the construction process, affected land will be used for the contractor's temporary yard or temporary roads. However, to ensure that the temporary impacts are minimized, if not avoided entirely, the civil works contract will include the following provisions, (i) contractor to pay rent for any land required for construction work based on negotiation with and concurrence of AHs; (ii) to the extent possible, only unused land will be used as construction work space; and (iii) temporarily used land will be restored or improved to its pre-project condition. With these mitigation measures, the remaining temporary impact is assessed to be insignificant.

#### D. Tenure status

38. Determination of land use right certificate status conducted in two affected communes shows that: by the time of IOL, 100% of agriculture land area of AHs has been issued land use right certificate. However, only 23 out of 72 HHs with affected residential land have been issued land use right certificate and the remaining 49 HHs have been not issued land use right certificate. The 49 AHs lived there for along time.

#### E. Vulnerable households and ethnic minority households

39. There are 153 households under vulnerable groups, in which: 151 affected households are ethnic minority households; including 26 poor ethnic minority affected households; two affected households are under preferential treatment policy (one household belongs to two types of vulnerable groups).

### III. GENERAL SOCIOECONOMIC PROFILE

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

##### A1. Pac Nam district

##### *Population and geographical features*

40. Pac Nam, which is 100km far from the provincial center, is a mountainous district and located in the North of Bac Kan province. The district has a total area of 47,539 ha with a majority of

forestry land of 35,214 ha (74%), and the agricultural of only 3,848 ha (8%). The district has 10 communes and Boc Bo commune is the district's administrative center.

41. **Geographical location and climate:** Pac Nam is a northern mountainous district that has elevation of 700-1000m to the sea level and slope of 30-38°. Though forest land accounts for 74% of its area, it is one of the districts with lowest forest coverage (34.2%) in the province. The local climate regime is tropical monsoon with two seasons: wet season from May to October when precipitation accounts for 88-90% of annual precipitation, and dry season from November to April next year, which causes shortage of water for domestic use and agriculture production in dry season.
42. **Population and ethnicity:** As of January 2016, the district population is 32,142 people. Pac Nam district is home to about 10 ethnic groups including: Kinh (1.3%), Tay (34.2%), Nung (3.8%), H'Mong (31.8%), Dao (25.3%), San Chi (3.5%) and other small ethnic groups (0.1%).
43. **Poverty:** Pac Nam is one of 64 poor districts according to Resolution 30a/2008/NQ-CP approving fast and sustainable poverty reduction for the poorest districts. Thus, all the communes in the district are included in Program 135. According to statistics in 2016, following multidimensional poverty line, Pac Nam has 50.84% of its population suffering poverty and 11% is ranked at threshold line.

### ***Economic development***

44. Agriculture and forestry development always account for a large proportion of the district's economic development. Crop cultivation and animal husbandry contribute a majority proportion in the district's agricultural sector and generate income for households. Residential and cultivation land is limited in this district due to the mountainous terrain. The existing agricultural area for growing annual crops and perennial trees only accounts for 8%. Despite the large forestry area (74%), the revenue from forestry production is still limited.

### **A2. Subproject communes**

45. The subproject will be implemented in Boc Bo and Bang Thanh communes, Pac Nam district. In which, Boc Bo is the central commune of Pac Nam district with a total area of 5,336.5 ha. The commune consists of 15 villages with a total population of 3,746 people in 943 HHs. There are about 6 ethnic groups living together in this commune with the majority of Tay ethnic minority groups with 430 HHs (45.5%), other groups including San Chi group with 191 HHs, H'Mong group with 110 HHs, Dao group with 104 HHs, Kinh group with 76 HHs and Nung group with 32 HHs. There are about 30 administrative units, organizations, enterprises of Pac Nam district located in this commune.
46. Bang Thanh is one of two communes affected by the subproject. It is located in the East and 15km far from the Pac Nam district center. The commune consists of 16 villages with a total population of 3,783 people in 732 HHs. The commune has a total natural area of 8,609.8 and is the place for 7 ethnic groups living together, with the majority of 3 groups including Dao group (35.65%), Tay group (32.8%), H'Mong group (24.5%), San Chi and Nung groups accounting for 7% and the remained Kinh group.
47. **Land use status:** Although the agricultural land accounts for a small portion in the total natural area of 2 communes of Boc Bo and Bang Thanh with 406.84 ha (7.6%) and 873.47 ha (10.1%) respectively, agriculture is still the main income in these communes. Main crops include rice, maize, cassava, soybeans. Animal husbandry is one of the main incomes of local HHs. Forestry land accounts for high percentage in the total natural area of 2 communes but economic benefits from forestry production are still limited because the majority of forestry land is protective forest and there are difficulties in exploitation and transportation of forest products in some forest production areas due to the inconvenient road conditions.



48. According to statistics in 2 affected communes, 100% of HHs possess land-use right certificates (LURC) for agricultural land. 44% of HHs living in Bang Thanh commune and 63% of HHs living in Boc Bo commune has LURCs for residential land. The IOL results show that 100% of surveyed HHs have LURCs for productive land. Only 23/72 HHs with residential land affected possess LURCs (31.9%). However, through in-depth interviews with the HHs who don't have LURCs, it is reported that they have been living on their land for a long time without any disputes.

Table 5: **Status of surveyed HHs' possession of LURCs**

No	Types of land	With LURCs		Without LURCs	
		Number of AHs <sup>4</sup>	Percentage (%)	Number of AHs	Percentage (%)
1	Productive land	110	100	0	0
2	Residential land	23	31.9	49	68.1

Source: socio-economic survey and IOL, Oct 2016

49. The progress of granting LURCs to local HHs is very slow. HHs in the area of well-managed land planning have been granted with LURCs. The reasons for such slow progress in granting LURCs explained by the local authorities are obstacles in the change of land use purposes as most of existing residential land areas used to be productive land. The shortage of LURCs causes many difficulties for local people. For example, it is difficult for local people to determine the boundaries of their land and scope of land clearance corridor, etc. Local people have to borrow money with much higher interest rates from loan sharks than from government banks with preferential lower interest rates for poor households.
50. **Education:** There are primary schools, secondary schools and kindergartens in the subproject communes. Only Boc Bo commune has a high school. In Bang Thanh commune, due to the difficult topographic conditions, kindergartens, primary schools, secondary schools are not located remotely. They are divided into small points which are located in villages, with combined multi-grade classes. Particularly, the kindergarten is divided into 6 points, the primary is divided into 3 points and the secondary is divided into 2 points. As the district center, Boc Bo commune have better school facilities than Bang Thanh commune. There are still 5 temporary classes with insufficient teaching equipment. The annual primary and secondary school enrollment rate in 2 communes is more than 90%, however, the rate of dropping out of school is still high. In Bang Thanh commune, the rate of HHs' access to kindergarten education services is too low (58%) due to the distance, difficulties in terrain and road condition.
51. **Poverty:** There is a big difference in socio-economic features, especially in the poverty rate between 2 communes. The poverty rate in Boc Bo commune accounts for 19.1% which is the lowest rate in the district meanwhile the poverty rate of Bang Thanh commune is 57.76% which is higher than the average poverty rate of the district. Boc Bo is the central commune of the district with higher living standard and better facilities than Bang Thanh commune which is a border commune. However, there is one common feature between 2 communes i.e. most of poor HHs belong to ethnic minority groups.

Table 6: **The poverty rate in subproject communes**

District/commune	Poverty rate (%)		
	Poverty rate	Kinh people/ poverty rate	EM people/ poverty rate
Pac Nam district	<b>50.84</b>	<b>7.82</b>	<b>92.18</b>
Boc Bo	19.1	0.1	99.9

<sup>4</sup> One HH may have different types of land affected

Bang Thanh	57.65	0.0	100.0
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Source: socio-economic survey and IOL, Oct 2016

## B. Affected Household Profile

52. A sample socio-economic survey has been carried out in Oct 2016 covering 100% of total AHs in two subproject communes. Consultations with local authority, mass organizations, AHs were carried out in all affected communes. Secondary data were also collected in all communes. Results of the socio-economic survey are summarized as follows.

53. **Demographic characteristics:** there are 157 subproject affected HHs with 739 people, including 384 men (52%) and 355 women (48%) and each household has an average of 4.7 person. Number of people below 15 years old is 165 and number of people over 15 years old is 574. Proportion of people in working age accounts for 77.7% (see Table 7).

Table 7: Demographic characteristics of affected households

No.	Communes	Affected HHs	Person	Male		Female		>15 years old		15 ≤ years old	
				Person	%	Person	%	Person	%	Person	%
1	Boc Bo	59	269	138	51.3	131	48.7	60	22.3	209	77.7
2	Bang Thanh	98	470	246	52.3	224	47.7	105	22.3	365	77.7
Total		157	739	384	52.0	355	48.0	165	22.3	574	77.7

Source: Result of SES and IOL, October 2016

54. Out of the 157 affected households heads, there are 127 Tay household heads, 10 San Chi household heads, eight Nung household heads, six Kinh household heads, five Dao household heads and one H'Mong household head (see Table 8).

Table 8: Ethnicity of affected HHs

Ethnicity/commune, town		Boc Bo	Bang Thanh	Total
Tay	Household head	42	85	127
	Person	184	396	580
San Chi	Household head	10	-	10
	Person	59	-	59
Nung	Household head	-	8	8
	Person	-	31	31
Kinh	Household head	6	-	6
	Person	21	-	21
Dao	Household head	-	5	5
	Person	-	34	34
H'Mong	Household head	1	-	1
	Person	5	-	5

Source: Result of SES and IOL, October 2016

55. **Educational background:** five out of 157 affected household heads are illiterate. Most of the household heads graduate primary and secondary school. Household heads graduating vocational school and university account for a small proportion (only five household heads). See Table 9 for more details of education level of household heads.

Table 9: Education level of household heads

Education	Boc Bo commune		Bang Thanh commune		Total	
	Household head	%	Household head	%	Household head	%
Illiterate	5	8.5	-	-	5	3.2
Not graduate from primary school	3	5.1	19	19.4	22	14.0
Graduate from primary school	9	15.3	35	35.7	44	28.0
Not graduate from secondary school	18	30.5	12	12.2	30	19.1
Graduate from secondary school	9	15.3	16	16.3	25	15.9
Graduate from high school	12	20.3	14	14.3	26	16.6
Vocational school/college	1	1.7	1	1.0	2	1.3
University and post-graduate	2	3.4	1	1.0	3	1.9
<b>Total</b>	<b>59</b>	<b>100</b>	<b>98</b>	<b>100</b>	<b>157</b>	<b>100</b>

Source: Result of SES and IOL, October 2016

56. **Educational background:** According to the socio-economic results, the education level of household heads is quite low. Out of total number of 157 surveyed households, only five household heads graduate from vocational school/college/university, 26 household heads graduate from secondary school, 30 household heads do not graduate from secondary school, 44 household heads graduate from primary school, 22 household heads do not graduate from primary school and five household heads are illiterate.
57. **Livelihood, occupation and production condition:** Main occupation of the surveyed household heads is from agriculture and some other households have main income from business and salary. According to the socio-economic survey, 116 interviewed household (73.9%) heads stated that their main occupation is agriculture, 20 household heads (12.7%) are the State's officials, 13 household heads (8.3%) are doing business, four household heads (2.55%) are the employees and four household heads (2.55%) do housework.

Table 10: Main occupation of affected household heads

Main occupation	Boc Bo commune		Bang Thanh commune		Total	
	Headed AHs	%	Headed AHs	%	Headed AHs	%
Agriculture	41	69.5	75	76.5	116	73.90
Business/service	8	13.5	5	5.1	13	8.30
The State's official	7	11.9	13	13.3	20	12.70
Employee	-	-	4	4.1	4	2.55
Housework	3	5.1	1	1	4	2.55
<b>Total</b>	<b>59</b>	<b>100</b>	<b>98</b>	<b>100</b>	<b>157</b>	<b>100</b>

Source: Result of SES and IOL, October 2016

58. **Income, expense and debt:** The socio-economic survey results showed that most of respondents (84.7%) reported that agriculture is their main income source, in which, animal husbandry plays an important role in supplying foods as well as generating income for HHs.

The animals of the households mainly include cattle, pigs, goats, chickens, ducks... 24 respondents (15.3%) reported their main incomes are from salary and trading activities. 95/157 HHs are borrowing loan from social policy banks with the loan amount of 5-10 mil VND for economic development.

59. **Housing condition:** There are 5 typical types of houses being used by AHs in the subproject area, in which, 73 HHs (46,5%) are using the wooden stilt houses, 55HHs (35%) are using the one-story concrete houses, 4 poor ethnic minority AHs in Bang Thanh commune are now living in the temporary houses. The housing condition in the subproject area is presented in the table 11.

Table 11: Housing conditions

No	Types of houses	Boc Bo	Bang Thanh	Total	Rate (%)
1	2-storey building or more	5	4	9	5.7
2	1 story building with reinforced concrete roof	7	9	16	10.2
3	1 story brick house with tiled roof	21	34	55	35.0
4	Wooden stilt house	26	47	73	46.5
5	Temporary house	-	4	4	2.6
	<b>Total</b>	<b>59</b>	<b>98</b>	<b>157</b>	<b>100</b>

Source: socio-economic survey and IOL, Oct 2016

60. According to the socio-economic survey, only one HH in Boc Bo have a car, most of HHs have motorbikes and televisions and few of them have gas cookers, electric cookers and refrigerators. AHs' assets are presented in the following table:

Table 12: AHs' Assets

No	Assets	Boc Bo (HHs)	Bang Thanh (HHs)	Total (HHs)	Rate (%)
1	Car	1	-	1	0,6
2	Motorbike	58	93	151	96,2
3	Bicycle	42	53	95	60,5
4	Television	55	94	149	94,9
5	Refrigerator	25	39	64	40,8
6	Electric cooker	23	39	62	39,5
7	Pump	31	38	69	43,9
8	Gas cooker	10	16	26	16,6

Source: socio-economic survey and IOL, Oct 2016

61. **Health:** subproject communes have health commune stations. There is one district's general hospital in Boc Bo commune. Health commune stations are facing with the insufficiency of medical equipment and staff. There is no doctor in these health stations. Bang Thanh and Boc Bo commune health stations have 4 and 6 medical staff including nurses and mid-wives respectively. According to the heads of commune health stations, the doctors from the district's general hospital come to commune health stations to instruct and support examination and treatment twice a week. In the 2015 report, the number of women giving birth in Boc Bo and Bang Thang commune health stations is 18% and 46% respectively. In 2015, the rate of children under the age of 1 vaccinated in Bang Thanh commune is 99.1% and in Boc Boc commune is 100%.
62. **Domestic water supply and sanitation:** 100% of surveyed HHs use the water from streams for daily activities. Only 10 HHs use water filters for cooking. There are 6 types of toilets

being used by local people. In which, 42 HHs (26.8%) have septic tanks, the remained HHs have unhygienic toilets, especially in 4 HHs in Bang Thanh commune don't have toilets. The most popular type of toilet being used by 60 HHs (38.2%) is the waterless toilets. Details of HHs' use of toilets are presented in the following table.

Table 13: Types of toilets being used by local AHs

No	Types of toilet	Boc Bo (HHs)	Bang Thanh (HHs)	Total (HH)	Rate (%)
1	Septic	19	23	42	26.8
2	Waterless toilet	25	35	60	38.2
3	Backfilled toilet	8	19	27	17.2
4	Water toilet	6	12	18	11.5
5	Bucket latrine	1	5	6	3.8
6	Without latrine	-	4	4	2.5

Source: socio-economic survey and IOL, Oct 2016

63. **Energy:** All AHs are using electricity from the national grid. Most of AHs use wood and 26 HHs (16.6%) use gas for cooking.

### C. Ethnic minorities in the subproject area

64. There are about 6 ethnic groups living in the subproject area, including Tay group with 2,289 HHs (34.2%), H'Mong group with 2,128 HHs, Dao group with 1,693 HHs, Nung group with 254 HHs, San Chi group with 234 HHs and Kinh group with 87 HHs. EM characteristics in the subproject area are presented in the following table:

Table 14: Structure of ethnology in subproject area, year 2015

Ethnology	Boc Bo commune		Bang Thanh commune		Pac Nam district	
	HHs	Rate (%)	HHs	Rate (%)	HHs	Rate (%)
Tay	430	45.6	243	32.8	2,289	34.2
H'Mong	110	11.7	182	24.5	2,128	31.8
Dao	104	11	265	35.65	1,693	25.3
Nung	32	3.4	23	3.1	254	3.8
San Chi	191	20.2	28	3.8	234	3.5
Kinh	76	8.1	1	0.15	87	1.3
Other	-	-	-	-	7	0.1
<b>Total</b>	<b>943</b>	<b>100</b>	<b>742</b>	<b>100</b>	<b>6,692</b>	<b>100</b>

Source: socio-economic survey and IOL, Oct 2016

65. **Socio-cultural characteristics of ethnic minority groups:** Village leaders and elder people with high prestige play an important role in community's activities. Each village has their own cultural house or the cultural house is the village leader's house. The cultural house is often the wooden frame still house with the area of more than 100m<sup>2</sup>. The new cultural houses are now built with brick in accordance with the standard IV for civil work. Each EM group have their own characteristics such as costumes, customs and practices. In the past, local people here often wore their traditional clothes during the special occasions or festivals. Current festivals are held in a smaller scope and simpler manner. The men in the family play a higher role than women in production as well as making decision.
66. **Languages:** Although there are several EM groups living in Pac Nam district, almost all of them can speak Vietnamese language and Tay language. During consultation and information dissemination meetings, AHs can communicate by these two languages.

67. **Production activities:** In the past, due to difficulties in transportation and complex topography, limited access to the national power grid, almost all HHs were engaged in self-sufficiency production. Agricultural products and livestock were usually exchanged in village and commune scope for domestic use. Recently, thanks to the socio-economic development, especially after the preferential policies have been applied for poor districts, the cultivation and breeding are developed with larger scope. The agricultural production is now aiming at generating incomes. Trading activities are bustling in the district and province. The appearance of many shops creates more job opportunities for local people.

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

68. **Potential negative project impacts.** A social impact assessment (SIA) has been conducted through socio-economic survey and Inventory of loss (IOL) and meaningful consultation to identify both positive and negative impacts caused by the subproject, and measures of negative impact mitigation and enhancing subproject benefits to local people. Results of SIA show that land acquisition is insignificant so that it does not much impact on incomes and livelihoods of APs including EMs. Because the education level and qualification of ethnic minority labor in the subproject's area are limited, workers from other regions will take jobs opportunities instead of local people during the subproject implementation process. Moreover, these workers may cause risks disease transmission to ethnic minority people, especially women such as sexually transmitted infections like HIV and also social evils like drugs.
69. The construction of the subproject may cause negative impacts on ethnic minority women as a result of land acquisition. However, these impacts are not significant, so does not affect the living condition of their families. Moreover, mitigation measures will be considered through the processes of design, compensation and resettlement. In addition, during the construction process, environmental pollution such as dust, construction waste and noise may affect people. The impacts can be mitigated through mitigation measures proposed through EMP.
70. **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 Improve transportation conditions in project communes where the EM people live; improve accessibility to the markets, production locations, health centers and schools of local people especially the EM people; reduce living costs and improve potential for adding value to agricultural products;
  - (ii) To create new jobs/works for local people leading to improving income for them, particularly for poor EM women and/or vulnerable persons from the subproject;
  - (iii) To provide opportunities to improve the role of women, especially EM women and enhance their participation in community activities through gender action plan; and
  - (iv) To directly contribute to poverty alleviation in the subproject commune.

#### **E. Measures taken to minimize the negative impacts**

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

73. The subproject will affect livelihood of ethnic minority people. Thus, it is necessary to establish a livelihood restoration program. Affected ethnic minority households will benefit from resettlement activity in accordance with the resettlement policy and ethnic minority programs of the province. Thus, implementation and management costs for activities in the EMDP are included in the resettlement implementation budget.

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

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

74. In compliance with the ADB requirements, the PMU will assist the CARB in publicly disseminating the final REMDP as approved by the PPC and ADB. The subproject information booklet will be made available in the Vietnamese language and EM language (if needed).
75. 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.
76. This REMDP will be uploaded in ADB websites in both English and Vietnamese and disclosed to the EMs through commune and village meetings. The staff of CPC and mass organizations will translate into EM language (if needed) and disseminate the information to the EMs through loud speakers and other oral communication means in traditional market days as well as in public meetings. See Table 6 for more details of consultation meetings with the Stakeholders.

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

77. 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.

78. 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.

79. **Consultation and participation during the REMDP preparation.** Two community consultations have been conducted with local authorities, mass organizations and APs in March and April, 2017.<sup>5</sup> The objective of the consultation meetings was to provide information, as much as possible, on the subproject to local authorities, mass organizations, APs and non-APs, and discuss and document their comments on subproject issues. Specifically, the following subjects were presented and discussed:

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

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

- (i) Affected and non-affected people support and agree with construction of the subproject;
- (ii) During the meetings, the potential impacts of the subproject in terms of land acquisition were duly discussed with APs whose lands and assets will be affected; All agreed that

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<sup>5</sup> Minutes of the Community Consultations Meetings with two communes are found in Annex 1 of the REMDP.



- the impact of subproject is marginal however all impacts on the assets should be compensated and assisted;
- (iii) The APs agreed with the subproject's principle on compensation and resettlement assistance;
  - (iv) During the detailed design phase, it is necessary to consult with communal authority and local people;
  - (v) It was noted that the environmental impacts of the subproject during construction are inevitable, but these can be minimized with the proposed mitigation measures in the EMP;
  - (vi) It is necessary to have proper construction method especially for the road section running through residential area. During the construction period, the traffic should be controlled so that the disturbances to transportation, production and business of local people as well as enterprises will be avoided.
  - (vii) Before civil work commencement, it is necessary to check the condition of houses close to the road to avoid the dispute on the cracking of the house;
  - (viii) It was proposed that meaningful consultation with and participation of women and EMs in the process of REMDP implementation, management and monitoring will be continuously undertaken in next steps;
  - (ix) APs proposed that the compensation payment should be paid at one time and before the start of construction. The APs also mentioned that the issues on the quality of the subproject should be considered and that they are willing to be representative in the Community Monitoring Board during subproject construction;
  - (x) Complaints of APs should be resolved timely and successfully.

**Table 15: Participants in community consultation meeting**

No	Commune	Location	Participants	Number of participants	Number of ethnic minority participants	Number of participating women
1	Boc Bo	CPC	Representatives of CPC, union, affected HHs	51	41	5
2	Bang Thanh	CPC	Representatives of CPC, union, affected HHs	80	80	14

Source: the REMDP Consultant's community consultation Results, March and April 2017.

81. **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.
82. 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

83. 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.
84. **First Stage, Commune People's Committee:** If a household or individual has any complaint he/she can submit a complaint in written or verbal form to the representative of the CPC-community monitoring board (usually the Deputy Chairman of the commune/town). The CPC will work with PMU to solve complaints and a representative PMU will respond in written form to the complainant. The CPC, as a whole body will meet personally with the aggrieved affected household and will have 30 days and a maximum of 60 days after the lodging of the complaint to resolve the complaint, however, depending upon whether it is a complicated case or case comes from a remote area. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
85. **Second Stage, District People's Committee:** If after 30 days or 45 days (in remote areas) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the DPC. The DPC in turn will have 30 days or a maximum of 70 days after the lodging of the complaint to resolve the case, however, depending on whether the case is complicated or in remote area. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the District Resettlement Committee (DRC) of any decision made and the DRC is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure that the complainant is notified of the decision made.
86. **Third Stage, Provincial People's Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision made on his/her complaint, the affected household may bring the case, either in writing, to any member of the PPC. The PPC has 30 days or a maximum of 70 days to resolve the complaint to the satisfaction of all concerned. However, depending if the case is complicated or from a remote area The PPC is responsible for maintaining records of complaints received, action taken and outcomes.
87. **Final Stage, the Court of Law Arbitrates:** If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, after a period of thirty days, complainants have the right to bring the case to a Court of law for adjudication. The decision of the Court is binding on all parties.
88. 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

89. 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. ADB Policies

90. **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.
91. **Indigenous Peoples (IP)/ Ethnic Minorities (EMs).** The main objectives of ADB's IP safeguards policy under the SPS 2009<sup>6</sup> are to: (i) avoid adverse impacts of projects on the environment and affected persons, where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected persons when avoidance is not possible; and (iii) assist in strengthening country safeguard systems and develop the capacity to manage environmental and social risks. The policy is triggered if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of EMs or affects the territories or natural or cultural resources that EMs own, use, occupy, or claim as their ancestral domain. Should ADB projects affect EMs, a set of general policy requirements are observed to maintain, sustain, and preserve their cultural identities, practices, and habitats (SR-3 of SPS 2009). A set of special requirements are in place should projects be (i) within ancestral domains and lands and related natural resources, (ii) commercial development of cultural resources and knowledge of EMs; (iii) physical displacement from traditional or customary lands; and (iv) commercial development of natural resources within customary lands under use that would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of EMs.
92. The subproject will affect 149 ethnic minority households. However, basically land acquisition level and effect on asset are insignificant which only affect livelihood as well as income of some 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 Minorities (EMs)

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

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<sup>6</sup>Safeguard Policy Statement, 2009

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. 06/2015/QĐ-UBND	13/05/2015	Decision of Bac Kan People's Committee	Regulation land adjustment coefficient applied in Bac Kan province
No. 22/2014/QĐ-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

Reference	Date	Title	Description
			Kan province
No. 2488/2013/QĐ-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/QĐ-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.
No. 18/2016/QĐ-UBND	1/7/2016	Decision of Bac Kan People's Committee	On promulgating adjustment coefficient of land unit price in Bac Kan province ( in 2016)

94. **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.

95. 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.

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

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

2016	Decision No.1722/QĐ-TTg approving the national target program on sustainable poverty reduction for the 2016-2020 period. Specifies targets for reduction in incidence of poverty, and refers to districts inhabited by national minorities
2015	Decision No. 1557/QĐ-TTg approving certain criteria on implementation of MDGs for ethnic minorities in association with national post-2015 sustainable development goals
2015	Decision No. 59/2015/QĐ-TTg on the issuance of the criteria and the poverty line according to the multidimensional approach applies to the period from 2016 to 2020;

2014	Resolution 76/2014/QH13 of the NA on sustainable poverty reduction until 2020;
2014	Decision 2324/2014/QĐ-TTg dated 19/12/2014 on approval of the action plan to implement Resolution 76/2014/QH13;
2014	Decision No. 311/QĐ-MOLISA dated 20/03/2014 on approving the plan to transform from uni-dimensional to multi-dimensional poverty for the period 2016-2020;
2013	Decision No. 2356/QĐ-TTg, dated 12/04/2013 issued action program to implement the Master plan on the human resource development ethnic minorities and mountainous areas toward 2020;
2013	Decision No.551/QĐ-TTg of Prime Minister dated 04/04/2013 on approval to 135 Program for providing the assistance to develop infrastructure, production for especially difficult communes, border communes, communes in ATK zone, especially difficult villages in periods 2012-2015 and 2016-2020.
2012	Joint Circular No. 01/2012/TTLT-BTP-UBND of the Ministry of Justice and the Committee of Ethnic Minorities, on guiding implementation of legal assistance for EMs.
2011	Decree No. 80/2011/NQ-CP on sustainable poverty reduction, period of 2011-2020
2011	Decree No. 05/2011/NĐ-CP on the work of ethnic minority.
2010	Decree No. 82/2010/ND-CP of government, dated 20 July 2010 on teaching and learning of ethnic minority languages in schools.
2008	Resolution No. 30a/2008/NQ-CP of government, dated 27 Dec. 2008 on support program for rapid and sustainable poverty reduction for 61 poorest districts
2008	Decree No. 60/2008/NĐ-CP dated 9-May-2008 of the government on the functions, tasks, authorities and structure of the Committee for Ethnic Minorities and Mountainous Areas Affairs.
2007	Decision no. 112/2007/QĐ-TTg of the Prime Minister dated 05-March-2007 on the policy of assistance for relocation and agriculture for Ethnic Minorities from 2007 to 2010.
2007	Decision no. 33/2007/QĐ-TTg of the Prime Minister dated 20-July-2007 on the policy of assistance to improve knowledge of laws as a program of 135, phase 2.
2007	Decision no. 01/2007/QĐ-UBND dated 31-May-2007 of the Ethnic Minorities Committee on the recognition of communes, districts in the mountainous areas
2007	Decision no. 05/2007/QĐ-UBND dated 06-September-2007 of the Ethnic Minorities Committee on its acceptance for three regions of ethnic minorities and mountainous areas based on development status
2007	Circular no. 06 dated 20-September-2007 of the Ethnic Minorities Committee guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the decision 112/2007/QĐ-TTg
2007	Decision no. 06/2007/QĐ-UBND dated 12-January-2007 of the Ethnic Minorities Committee on the strategy of media for the program 135-phase 2
1998	Decree no. 59/1998/ND-CP dated 13-August-1998 of the government on the functions, tasks, authorities and structure of the committee for Ethnic Minorities and Mountainous Areas

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

98. 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.
99. 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.

100. 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.
101. 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
102. 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 16: 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: <a href="https://www.adb.org/site/safeguards/safeguard-categories">https://www.adb.org/site/safeguards/safeguard-categories</a>	APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures. <i>Decree 47/2014/ND-CP, Article 19, Item 3:</i>	HHS to be deemed severely affected if they are to experience loss of 10% or more of productive assets and/or physical displacement
Meaningful consultations in planning and implementing resettlement programs	Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase. <i>SPS Involuntary Resettlement Safeguards Policy Principle 2</i>	Public consultation is required for the preparation of district land use plans (Land Law article 43).  Notification of between 90-180 to be given to affected land users (Land Law Article 67)  On approval of compensation arrangements, detailed information on arrangements to be provided to affected persons, and provision for involvement of the Fatherland Association to mediate in case of disagreements/grievances. (Land Law Article 69)	Conducting meaningful consultations with affected persons, mass organizations and civic organizations as part of REMDP preparation throughout project cycle.



Issue	ADB SPS requirement	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>

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Transparency, consistency and equitability in negotiated settlements	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status. <i>SPS Involuntary Resettlement Safeguards Policy Principle 6</i>	No regulation	Rents and conditions for temporary use of land or assets will be negotiated with land users. Restoration will be to equal or better condition.
Provisions for APs who do not have LURCs	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets. <i>SPS Involuntary Resettlement Safeguards Policy Principle 7</i>	For displaced households who are not eligible for compensation with residential land, but have no other place to live in project commune, provision is made for the State to sell, lease, provide rent-to-own houses or to allocate land with levy collection (Land Law Article 79).  The Land Law (Article 92) permits recovery of land without compensation for lost assets in some cases.	All affected persons to be entitled to compensation in line with ADB policy and government policy depending whichever is higher .
Prepare Resettlement Plan	Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. <i>SPS Involuntary Resettlement Safeguards Policy Principle 8</i>	Requirement for preparation of plans for compensation, support and resettlement. (Land Law Article 67) according to prescribed procedures (Article 69). Contents of plans provided in Decree No. 47/2014/ND-CP, Article 28.	REMDPs to be prepared for each subproject

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Disclosure of draft resettlement plan	<p>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.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 9</i></p>	<p>Full disclosure of detailed arrangements and compensation plans to affected persons. (Land Law Article 69)</p>	<p>Disclose draft REMAHs 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.</p>

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**

103. 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. ENTITLEMENT, ASSISTANCE AND BENEFIT**

### **A. Eligibilities**

- 104. 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.
- 105. 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.
- 106. 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**

- 107. The compensation unit price for land, structures and trees and crops applied in this REMDP is based on the compensation unit price for land (land prices for the period 2015 - 2019), structures and trees and crops issued by 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, 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.
- 108. **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). Total compensation cost for land is VND 832,852,500.

109. **Compensation for structures:** The compensation unit price for structures and houses is stipulated in Decision No. 2488/2013/QD-UBND dated 31/12/2013 on promulgating compensation unit price for affected house and structures when land is acquired by the State in Bac Kan province. Total compensation cost for structure is VND 1,019,514,000.
110. **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. Total compensation cost for trees and crops is VND 2,652,269,000.
111. **Assistance for life stabilization:** For the households who lost 10% and less than 30% of their agricultural land holding, an assistance in cash equivalent 30kg of rice per person per month in 3 months will be provided in accordance with the REMDF of the project. Average rice price in the subproject's area is determined by Finance Division of District by the time of preparing compensation plan. There are two HHs ( with 11 persons) being acquired from 10% to 30% of their agriculture landholding. Total assistance cost for life stabilization is VND 13,860,000.
112. **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. Assistance cost for job changing/creation is VND 2,090,776.000.
113. **Assistance for Poor households and vulnerable households:** Poor households will be assisted in cash equivalent to VND 2,000,000/household with insignificantly affected and VND 5,000,000/household for poor households with severely affected.
114. **Other vulnerable households:** will be assisted in cash equivalent to VND 2,000,000/HH to improve their socio-economic condition in accordance with REMDF (Households under two or more vulnerable criterias will only receive assistance whichever is higher). The subproject will affect 153 vulnerable AHs. Assistance cost for the vulnerable groups is VND 306,000,000.
115. **Assistance for dismantling house:** Assistance for dismantling house for stable house is VND 10,000,000 and for temporary house is VND 5,000,000. There are four resettlement households under the subproject. Total assistance for dismantling house is VND 40,000,000.
116. **Assistance for relocating and renting house:** According to REMDF of the project, relocated households will be assisted at least VND 3,000,000 in case of relocating inside province and VND 5,000,000 in case of relocating outside the province. And, relocated households will be assisted for renting house within six months equal to VND 1,000,000/household/month. Assistance cost for four resettlement households to rent house is VND 24,000,000.
117. **Compensation for affected public assets:** Compensation cost for affected public asset is VND 267,615,000.

#### Entitlement matrix

118. Entitlement Matrix to be applied for this Sub-Project is presented in the Table 17 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.

119. **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 17: Entitlement matrix

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
<b>A. AGRICULTURAL LAND</b>				
<b>A.1: Temporarily Affected Agricultural Land</b>				
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC; and organizations	Loss of use of the land for a period less than 1 year	No compensation for affected land; however, the Project will: a/ Pay cash compensation for loss of standing crops and trees at market prices (if any) (see D, below) and the rent in cash for the duration of temporary use, which will be no less than the net income that would have been derived from the affected property during disruption , b/ Restore of land before returning to the affected household to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month before returning land.	Project is responsible to restore the borrowed land or negotiates with AHs to restore and pay restoration costs for them. PMU is in charge of monitoring on restoration of the affected land. Calculation of income lost is based on the highest productivity of one crop of the last 3 years multiplied with current market price of the crop and duration of land use.	2,727 m <sup>2</sup> of production forest land of HHs living along the road
	Loss of use of land exceeds 1 year.	No compensation for affected land; however, the Project will: a/ Pay the rent in cash for the continued duration of temporary use, which will be no less than the net income that would have been derived from the affected property during disruption. b/ Restore of land before returning to the affected household to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month before returning land. Or AH can ask the Project to acquire permanently entire land affected and compensate at replacement cost.	The land must be restored at the pre-project conditions before returning to the AHs	
<b>A.2 Permanently affected agricultural land</b>				
Owners with LURC, owners in	Losing 10 percent or more of total	a/ Cash compensation at replacement cost for affected land and at market price for standing crops	If remaining land area is not economically viable i.e. is	02 Households expected to be

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
<p>process of acquiring LURC, owners eligible to acquire LURC</p>	<p>productive landholding</p>	<p>and trees; and</p> <p>b/ Economic rehabilitation package (see E, below); 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.</p>	<p>too small or unshaped to be economically cultivated, the Project will acquire the entire affected land parcel and compensate at replacement cost.</p> <p>Level of assistance for job training/creation, decided by PPC.</p> <p>Implemented by DRCs.</p> <p>Implemented by DRCs. If the household head is married, land title will be issued in the names of both the husband and the wife.</p> <p>The DPC will determine availability of replacement land.</p> <p>If the viability of the remaining land is less than the minimum viable unit size as per provincial norms, then the entire parcel of land would be acquired and compensated.</p> <p>The type of training assistance will depend upon the need and priority of the APs and will be designed in consultation with the APs</p>	<p>affected 10% or more of their total agriculture land holding</p>

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
	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.	<p>AHs will be noticed about land acquisition at least 90 days before and fully receive the compensation at replacement cost before site clearing at least 01 (one) month.</p> <p>Level of assistance for job training/creation, decided by PPC.</p> <p>Implemented by DRCs</p>	100 AHs
Public organizations		<p>a/ No compensation for affected land but support equivalent with not exceeding</p> <p>100% of compensation value of the affected land; and</p> <p>b/ Cash compensation at current market prices for standing crops on the affected land, If any.</p>	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune	
<b>B. Permanently Affected RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)</b>				
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding without houses and structures built thereon.	<p>As a priority, allocation of replacement land: (i) equal to area and same type of affected land up to a maximum of residential land quota in province of project at a location satisfactory to AH; (ii) with full title in the names of both the household head and his/her spouse; and (iii) without charge for taxes, registration and land transfer charges; or, if AH opts,</p> <p>Cash compensation at replacement cost for the affected land. The compensated area does not</p>	<p>a/ The DRC will determine availability of replacement land and consult with APs during DMS</p> <p>b/ If affected landholding is under dispute: Compensation is put in escrow account until land dispute is resolved.</p>	

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
	<p>Loss of residential land/or non-agricultural landholding with houses and structures built thereon.</p>	<p>exceed the residential land quota in the locality; and</p> <p>AH will be entitled to one of the following options:</p> <p>(i) Stay and rebuild their houses/structures on the remaining land if viable, and cash compensation at replacement cost for the affected land area and the affected house/structures and other affected assests on land without depreciation and deduction of salvageable materials, plus package of rehabilitation and relocation allowances (see E); OR</p> <p>(ii) If remaining land is not viable for rebuilding the house as regulation, allocation a replacement land plot in resettlement site with full title in the names of both the household head and his/her spouse, without charge for taxes, registration and land transfer chargers and compensation at replacement cost for the affected house/structures and other affected assests on land without depreciation and deduction of salvageable materials, plus package of rehabilitation allowances (See E). If amount of compensation and assistance is lower than value of a standard land plot or apartment in resettlement site, the difference payment is not required; If compensation amount for affected land is higher than the value of replacement land plot, the difference will be paid for AH;OR</p> <p>(iii) Self-relocation with cash compensation at replacement cost for affected land and house/structures and other affected assests on land without depreciation and deduction of salvageable materials, plus package of rehabilitation and relocation allowances (see E); and relocation</p>	<p>The resettlement sites are all close to the affected area and with completed infrastructures.</p> <p>PCC decides level of support for leveling for self-relocation</p> <p>If affected landholding is under dispute: Compensation is put in escrow account until land dispute is resolved.</p>	<p>04 households expected to be relocated</p>

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
		household is entitled to support by cash equal to 50% of a standard plot in resettlement site.		
Public organizations	Loss of non-agricultural land	a/ No compensation for land if land use fee is unpaid or paid by state funds, otherwise cash compensation for land at replacement cost; and  b/ Cash compensation for affected structures at replacement cost and allowance of relocation if any.		
<b>C. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE</b>				
<b>C.1 Main Structures (Houses and/or Shops)</b>				
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used	a/ Cash compensation at replacement cost for affected portion without depreciation and deduction of salvageable materials; and  b/ Cost for Repair (see E, below).		24 AHs
Owners of house or combined house/shop structures	Structure totally affected OR Structure partially affected and remaining portion no longer viable	a/ Cash compensation at replacement cost for whole affected structure without depreciation and deduction of salvageable materials; and  b/ Relocation and subsistence allowances (see E, below).		3 AHs
Owners of shop	Structure totally affected OR Structure partially affected and remaining portion no longer viable	a/ Cash compensation at replacement cost for whole affected structure without depreciation and deduction of salvageable materials; and  b/ Relocation allowance (see E, below).		01 AH
<b>C.2 Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.</b>				
Owners of structures	Partially or totally affected structures or	Cash compensation at full replacement cost without depreciation and deduction of salvageable materials;	Owners of structures are entitled to compensation regardless of legal status of	131m <sup>2</sup> structure of 28 HHs

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
	other property	<p>OR</p> <p>In-kind assistance to relocate affected structures or property if possible; OR</p> <p>Cash assistance to repair of property to original or better condition.</p>	<p>land use, if structures constructed before cut-off date.</p> <p>Costs for repairing the remaining house/structure should be negotiate with DP.</p>	
<b>D. COMPENSATION FOR AFFECTED CROPS AND TREES</b>				
Owners of crops and/or trees	Loss of annual crops	<p>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.</p> <p>No compensation for crops if it can be harvested</p>	<p>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</p> <p>Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years.</p>	6,875 m2 of rice and crop
	Loss of perennial fruit trees and timber trees and tree fences	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	<p>Compensation must equal in value to crops that would be harvested had acquisition not occurred.</p> <p>Calculation of compensation for fruit trees and timber trees is based on the yield, age and diameter of the tree.</p> <p>APs have the right to use salvageable trees.</p>	11,396 trees of types, in which there are 697 fruit trees such as longan, banana, grapefruit and kaki, 10,699 timber trees such as meliaceae, bamboo, magnolia conifera and acacia
<b>E. PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE</b>				

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
<b><i>E. 1 Economic Rehabilitation Assistance</i></b>				
Severely affected AHs (displaced from housing or losing 10% or more of their productive, income generating asset irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets	<p>AHs directly cultivating on the affected land entitled:</p> <p>(i) Losing from 10 to 30% of agricultural land holding:</p> <p>Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area;</p> <p>(ii) Losing more than 30% to 70% of total agriculture landholding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;</p> <p>(iii) Losing more than 70% of total agriculture landholding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND</p> <p>(iv) In-kind assistance to be decided in consultation with eligible AHs. And</p>	<p>Value of in kind assistance to be determined during RP implementation.</p> <p>If necessary, an income Restoration Programs will be designed during project implementation with the assistance of an agency specialized in livelihoods/labor or vocational assistance and with the active involvement of the AHs.</p> <p>Price of rice is the market price at the time of compensation.</p> <p>Forms of assistance may include, but are not limited to agricultural extension assistance and training for non-agricultural occupations.</p>	02 AHs

ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
		(v) Participation in income restoration programs.		
	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 AH 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>	<p>8,043m<sup>2</sup> of agricultural land for annual crops; 1,018m<sup>2</sup> of land for perennial trees; 54,563m<sup>2</sup> of productive forest</p>
<b>E 2. Relocation assistance</b>				
All AHs that relocate	Relocation of household and/or business effects and salvaged and new building materials.	<p>a/ Relocation allowance: VND 3,000,000 cash assistance if AH is relocating within the same province and VND 5,000,000 cash assistance for relocation in other province.</p> <p>b/ Assistance for dismantling house for stable house is VND 10,000,000 and for temporary house is VND 5,000,000 as per regulation of PPC.</p> <p>c/ housing rent allowance for 6 months for temporary relocation during rebuilding new house. Basing on the reality in the locality, the proposed allowance for renting house is VND 1,000,000/household/month x 6 months)</p> <p>NB. Not applicable for AHs rebuilding on the same plot.</p>	<p>Eligible AHs include owners of residential structures that are totally or partially affected and remaining portion is not viable; non-titled AHs allocated alternative residential land or housing; tenants; and, businesses and eligible land use/management organizations that relocate.</p> <p>At the time of compensation, the level of allowance will be re- evaluated to ensure the AHs have enough assistance to relocate.</p> <p>If allocation of land for</p>	4 AHs



ENTITLED PERSONS	TYPE & LEVEL OF IMPACT	COMPENSATION POLICY	IMPLEMENTATION ISSUES	EXPECTED IMPACTS
			<p>relocation household is delayed, an additional allowance equal to duration of delay multiplying with monthly renting rate need to be provided.</p> <p>The resettlement sites are all close to the affected area and with full equipped infrastructure</p>	
<b>E. 3. Special allowance for social and economically vulnerable households</b>				
<p>Vulnerable households: (i) headed by women with dependents, (ii) headed by persons with disability, (iii) falling under the national poverty standard, (iv) with children and elderly who have no other means of support,</p> <p>(v) landless, and (vi) severely ethnic minorities.</p>	<p>Assistance to poor and vulnerable households to improve their social and economic conditions.</p>	<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, only highest assistance will be provided</p>	<p>Eligible households are those who are classed as vulnerable under relevant definitions of MOLISA and this document.</p>	<p>153 households under vulnerable groups, in which: 151 affected households are ethnic minority households; including 26 poor ethnic minority affected households; two affected households are under preferential treatment policy</p>

## VIII. RESETTLEMENT

120. Subproject will affected totally houses of 04 households and they have to relocate. Relocation options of such households will be consulted in detailed and resettlement site will be arranged if required. This section will be prepared in detail during the DMS and updating REMDP.

## IX. INCOME RESTORATION

121. Subproject will acquire the agricultural land of 102 households, 2 out of them will be severely affected and their livelihood will be impacted. During the DMS and updating the REMDP, impacts on land shall be updated. Detailed study on the occupation, education and demography of severely affected households will be carried out. Need assessment for income restoration shall be conducted, based on it an income restoration program shall be developed (if needed), acceptably by ADB and available before the civil work commencement.

X.

## XI. RESETTLEMENT BUDGET AND FINANCING PLAN

122. **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 18. All these prices will be used to estimate the cost of compensation and resettlement and shall be updated during REMDP implementation process.

Table 18: Replacement cost for land, structure, rice, tree and crop

No.	Items	Commune	Unit	Unit price regulated by PPC (VND)	Proposed replacement cost (VND)
1	Residential land	Boc Bo	VND/m <sup>2</sup>	120,000	120,000
		Bang Thanh		60,000	60,000
2	Annual crop land	Boc Bo	VND/m <sup>2</sup>	50,000	51,000
		Bang Thanh		35,000	37,000
2	Perennial crop land	Boc Bo	VND/m <sup>2</sup>	20,000	20,000
		Bang Thanh		15,000	15,000
3	Production forest land	Boc Bo	VND/m <sup>2</sup>	5,500	5,500
		Bang Thanh		4,500	4,500
4	One floor house constructed by brick, tiled roof and metal sheet roof covering	Boc Bo	VND/m <sup>2</sup>	4,487,000	4,487,000
		Bang Thanh		-	-
5	Stilt house with wooden wall and floor	Boc Bo	VND/m <sup>2</sup>	-	-
		Bang Thanh		2,990,000	2,990,000
6	House combining with shop	Boc Bo	VND/m <sup>2</sup>	4,121,000	4,121,000
		Bang Thanh		-	-
7	Separate shop	Boc Bo	VND/m <sup>2</sup>	-	-
		Bang Thanh		4,121,000	4,121,000
8	Covering	Boc Bo	VND/m <sup>2</sup>	-	-

No.	Items	Commune	Unit	Unit price regulated by PPC (VND)	Proposed replacement cost (VND)
		Bang Thanh		324,000	324,000
9	Animal shed	Boc Bo	VND/m <sup>2</sup>	578,000	578,000
		Bang Thanh		578,000	578,000
10	Iron fence	Boc Bo	VND/m <sup>2</sup>	452,000	452,000
		Bang Thanh		-	-
11	Brick fence	Boc Bo	VND/m <sup>2</sup>	-	-
		Bang Thanh		757,000	757,000
12	Brick water tank	Boc Bo	VND/m <sup>2</sup>	-	-
		Bang Thanh		2,020,000	2,020,000
13	Yard	Boc Bo	VND/m <sup>2</sup>	567,000	567,000
		Bang Thanh		-	-
14	Electric tower 0.4kV	Boc Bo	Tower	-	-
		Bang Thanh		1,560,000	1,560,000
15	Electric wire 0.4kV	Boc Bo	M	-	-
		Bang Thanh		540,000	540,000
16	Longan	-	VND/tree	1,508,000	1,508,000
17	Litchi	-	VND/tree	1,830,000	1,830,000
18	Banana	-	VND/tree	54,000	54,000
19	Shaddock	-	VND/tree	323,000	323,000
20	Japanese Persimmon	-	VND/tree	430,000	430,000
21	Starfruit	-	VND/tree	323,000	323,000
22	Mango	-	VND/tree	323,000	323,000
23	Star-apple	-	VND/tree	323,000	323,000
24	Tamarindus indica	-	VND/tree	180000	180000
25	Other fruit trees	-	VND/tree	350,000	350,000
26	Chinaberry	-	VND/tree	86,000	86,000
27	Acacia	-	VND/tree	210,000	210,000
28	Chukrasia tabularis	-	VND/tree	315,000	315,000
29	Magnoliaceae	-	VND/tree	205,000	205,000
30	Dalbergia boniana	-	VND/tree	325,000	325,000
31	Bamboo	-	VND/tree	35,000	35,000
32	Cherry blossom	-	VND/tree	84,000	84,000
33	Eucalyptus tree	-	VND/tree	100,000	100,000
34	Rice	-	VND/m <sup>2</sup>	9,000	9,000

No.	Items	Commune	Unit	Unit price regulated by PPC (VND)	Proposed replacement cost (VND)
35	Maize	-	VND/m <sup>2</sup>	7,000	7,000
36	Sweet potato	-	VND/m <sup>2</sup>	11,000	11,000

Remarks: Adjustment coefficient for land is  $k=1$ .

123. **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 **9,350,675,650**, equivalent to USD **418,373.94** (see Table 19).

124. 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 19: **Budget for compensation and assistance**

No.	Items	Unit	Quantity	Unit price (average)	In cash (VND)
<b>A</b>	<b>Compensation</b>				<b>4,504,635,500</b>
<b>I</b>	<b>Compensation for land</b>				<b>832,852,500</b>
1	Residential land	VND/m <sup>2</sup>	3,180	79,642	253,260,000
1.1	<i>Boc Bo</i>	VND/m <sup>2</sup>	1,041	120,000	124,920,000
1.2	<i>Bang Thanh</i>	VND/m <sup>2</sup>	2,139	60,000	128,340,000
2	Annual crop land	VND/m <sup>2</sup>	8,043	37,938	305,137,000
2.1	<i>Boc Bo</i>	VND/m <sup>2</sup>	539	51,000	27,489,000
2.2	<i>Bang Thanh</i>	VND/m <sup>2</sup>	7,504	37,000	277,648,000
3	Perennial crop land	VND/m <sup>2</sup>	1,018	15,894	16,180,000
3.1	<i>Boc Bo</i>	VND/m <sup>2</sup>	182	20,000	3,640,000
3.2	<i>Bang Thanh</i>	VND/m <sup>2</sup>	836	15,000	12,540,000
4	Forest land	VND/m <sup>2</sup>	54,563	4,734	258,275,500
4.1	<i>Boc Bo</i>	VND/m <sup>2</sup>	12,742	5,500	70,081,000
4.2	<i>Bang Thanh</i>	VND/m <sup>2</sup>	41,821	4,500	188,194,500
<b>II</b>	<b>Compensation for tree and crop</b>		<b>11,394</b>		<b>2,652,269,000</b>
1	Perennial fruit tree	VND/tree	697	357,948	249,490,000
2	Timber	VND/tree	10,697	218,807	2,340,576,000
3	Annual crop				62,203,000
3.1	<i>Rice</i>	VND/m <sup>2</sup>	6,551	9,000	58,959,000
3.2	<i>Maize</i>	VND/m <sup>2</sup>	80	7,000	560,000
3.3	<i>Sweet potato</i>	VND/m <sup>2</sup>	244	11,000	2,684,000
<b>III</b>	<b>Compensation for house</b>				<b>948,224,000</b>
1	One floor house constructed by brick, tiled roof and metal sheet roof covering	VND/m <sup>2</sup>	2	4,487,000	8,974,000
2	House combining with shop	VND/m <sup>2</sup>	16	4,121,000	65,936,000
3	Stilt house with wooden wall and floor	VND/m <sup>2</sup>	259	2,990,000	774,410,000
4	Separate shop	VND/m <sup>2</sup>	24	4,121,000	98,904,000
<b>IV</b>	<b>Compensation for</b>				<b>71,290,000</b>

No.	Items	Unit	Quantity	Unit price (average)	In cash (VND)
	<b>structures</b>				
1	Animal shed	VND/m2	45	578,000	26,010,000
2	Iron fence	VND/m2	35	452,000	15,820,000
3	Constructed wall	VND/m2	8	757,000	6,056,000
4	Covering	VND/m2	10	324,000	3,240,000
5	Yard	VND/m2	32	567,000	18,144,000
6	Brick water tank		1	2,020,000	2,020,000
<b>B</b>	<b>Assistance</b>				<b>4,329,531,500</b>
1	Assistance for stabilizing life (acquire from 10% to below 30%)		11	1,260,000	13,860,000
2	Assistance for training, job transition/creating				2,090,776,000
2.1	Annual crop land	VND/m2	8,043		1,525,685,000
2.2	Perennial crop land	VND/m2	1,018		48,540,000
2.3	Forestry land	VND/m2	54,563		561,551,000
3	Assistance for vulnerable groups	VND/HH	153	2,000,000	306,000,000
4	Assistance for dismantling house	VND/HH	4	10,000,000	40,000,000
5	Housing rent allowance	VND/HH	4	6,000,000	24,000,000
<b>C</b>	<b>Total</b>				<b>267,615,000</b>
<b>D</b>	<b>Total (A+B+C)</b>				<b>7,246,886,500</b>
<b>E</b>	<b>2% cost for implementation of compensation – assistance – resettlement</b>	%	2		<b>144,937,730</b>
<b>F</b>	<b>Total (D+E)</b>				<b>7,391,824,230</b>
<b>G</b>	<b>Contingency (15% of F)</b>	%			<b>1,108,773,634</b>
<b>H</b>	<b>Total (F+G)</b>				<b>8,500,579,864</b>
<b>I</b>	<b>VAT</b>	%	10		<b>850,059,786</b>
<b>K</b>	<b>Total (VND)</b>				<b>9,350,657,650</b>
	<b>Total (USD)</b>				<b>418,373.94</b>

## XII. INSTITUTIONAL ARRANGEMENT

### A. Provincial level

125. 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.

126. 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.

127. 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**

128. 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)**

129. Members of the CARB 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**

130. The CPC will assist the CARB 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 CARB to present reason of compensation for people with acquired land area; disseminate and disclosure compensation plan to people;
- (iii) To assign Commune officials to assist the CARB in the updating of the REMDP and implementation of resettlement activities;
- (iv) To identify replacement land for AHs;
- (v) To sign the Agreement Compensation Forms along with the AHs;
- (vi) To assist in redressing grievances; and,
- (vii) To actively participate in all resettlement activities.

### XIII. IMPLEMENTATION SCHEDULE

131. The implementation schedule for resettlement activities for the subproject is presented in Table 20 including (i) activities that have been completed to prepare the REMDP; (ii) resettlement implementation activities and, (iii) internal monitoring activities.

Table 20: **Resettlement and compensation payment plan**

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

### XIV. MONITORING AND EVALUATION

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

#### A. Community monitoring

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



## **B. Internal monitoring**

134. 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.

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

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

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

ANNEX I: SAMPLE OF COMMUNITY CONSULTATION MINUTE

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

Bắc Kạn....., ngày 11.....tháng 3.....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 Bội Bô - Pác Nặm - Bắc Kạn.....
2. Địa điểm tham vấn: Hội trường UBND xã Bội Bô.....
3. Thời gian tham vấn: từ 19h đến 17h (Tiêu DA đường Bội Bô - Bông Thầu)

II. Thành phần tham dự:

1. Đại diện chủ đầu tư:

- Ông/Bà Vũ Thanh Chuyên..... Chức vụ.....
- Ông/Bà..... Chức vụ.....

2. Đại diện UBND xã:

- Ông/Bà Cô Ngọc Pao..... Chức vụ Phó chủ tịch UBND xã.....
- Ông/Bà Lý Học Cường..... Chức vụ Địa chính xã.....
- Ông/Bà Chu Thị Danh..... Chức vụ Hội trưởng Hội phụ nữ.....
- Ông/Bà Trương Văn Khá..... Chức vụ Chủ tịch mô hình tiên tiến xã.....
- Ông/Bà Na Văn Lưu..... Chức vụ Trưởng thôn Nà Nghé.....

3. Đại diện nhóm Tư vấn:

- Ông/Bà Nguyễn Đức Quyền..... Chức vụ Đại diện tư vấn tái định cư.....
- Ông/Bà Nguyễn Phúc Tâm..... Chức vụ Tài chính.....

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

- Tổng số người tham dự họp..... 51..... người
- Trong đó: Nam..... 46..... Nữ..... 5..... Dân tộc thiểu số..... 41.....

(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

- Phó chủ tịch UBND xã: Cô Ngọc Pao: giới thiệu nội dung buổi họp và thành phần các bên liên quan.
- Ông: Ngô Đức Quyền: đại diện nhóm tư vấn giới thiệu về dự án các thông tin và khung chính sách của dự án gồm:
  - + Một số thông tin về năm đến sẽ bị
  - + Về việc các hộ bị ảnh hưởng bởi Dự án đường Bắc Bộ - Đông Thành
  - + Các loại đất, tài sản trên đất bị ảnh hưởng
  - + Hình thức bồi thường khi bị tái định cư
  - + Xin ý kiến đóng góp và các vướng mắc của hộ dân.
- Ông Đặng Văn Cao (thần nữ Cóp dân tộc dân chủ): Đại diện của chúng tôi từ tỉnh về huyện đã khá nhiều năm ở xã và gần đây khá nhiều mưa như thu bụi, ở và ở trâu nhiều, mưa mưa thì nước ngập qua chiêng người dân không đi được chúng tôi rất ủng hộ dự án và cũng mong muốn như thu hiện dự án giảm thiểu mức độ ảnh hưởng đến các hộ dân.

- Ông Dương Hồng Tuấn: Chính sách đền bù của dự án như thế nào đất đai được bồi thường như nhau hay khác nhau? Các anh có phương án giảm thiểu tác động không?  
+ Ông Ngô Đứ Quân: Đất đai đền bù. Vấn đề này thực hiện dự án trong quá trình triển khai bồi thường sẽ có đền bù nhiều đất và đất trồng gạo thay thế cho từng loại đất, từng vị trí của đất để đưa ra cho hợp lý nhất. Quá trình bồi thường đất sẽ thiết kế cũng chia ra các phương án giảm thiểu tác động đến người dân.

- Ông Phùng Quốc Thân: Nếu nhà tôi bị ảnh hưởng đất với nhà nếu chỉ ảnh hưởng một phần thì đền bù ra sao? Tại nhà tôi không có sổ đỏ thì đền bù sẽ bị thiệt thòi không?

+ Ông Ngô Đứ Quân: Đất với hệ bị ảnh hưởng về nhà nếu bị ảnh hưởng một phần cần có sổ đỏ mới đi xin dụng đất với phần còn lại, nếu vẫn xin dụng được thì chế bồi thường một phần nữa nhưng xin dụng được sẽ bồi thường toàn phần. Đất đai chưa có sổ đỏ nếu gia đình sinh sống lâu năm, ở chính và không có tranh chấp thì được đền bù theo quy định.

- Ông Ma Văn Lưu: Nếu hệ gia đình xây dựng trên phạm vi đất di kiến bị ảnh hưởng bởi tiêu chí an thị có được bồi thường không?

+ Ông Ngô Đứ Quân: Nếu xây dựng trước thông báo của chính quyền và có thủ tục di dời an thị sẽ được bồi thường nếu xây dựng sau thì sẽ không được bồi thường.

- Ông Cã Ngọc Đào phó chủ tịch xã: Các năm là huyện nghĩa của Bắc Kạn và cũng là huyện có cơ sở hạ tầng tương cấp, đường xá xa xôi. Việc thực hiện tiêu chí an thị sẽ tạo điều kiện thuận lợi cho đa phương trong đi lại cũng như phát triển kinh tế chính quyền và nhân dân xã. Ban đầu cũng đồng tình ủng hộ việc thực hiện tiêu chí an thị. Các cũng mong muốn tiêu chí an thị sớm được thực hiện song quá trình thực hiện mong.

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

- Ông Ngô Đứ Quân: Hầu hết các hệ bị ảnh hưởng đều là người dân tộc thiểu số vậy xin các bác chia sẻ các thông tin tình hình kinh tế xã hội đời sống sinh hoạt và mong muốn của các bác.

- Ông Vương Văn Khoa: Bà con chúng tôi hầu hết đều làm

nghỉ ngơi, trồng trọt và chăn nuôi là chính, các chức sách hỗ trợ ở chỗ đất rộng, dân cư như học nghề hay tạo tạo chăn nuôi trồng trọt thì cũng tốt thì nhưng nhưng thu là về địa bàn này như cơ thể thì chúng tôi mong muốn được đầu tư nghề cho các cái hoặc hỗ trợ bằng tiền mặt.

- Trưởng Thị trấn: Phụ nữ chúng tôi mong muốn được đầu tư nghề may, thêu chúng cũng muốn được hỗ trợ máy may cũng như đầu tư của sản phẩm.

- Chủ Thị trấn: Tôi đã phương chúng tôi và quyết quyết định các công việc trong địa phương hiện nay phần đa thì là nam giới quyết định, hay phần nữ vẫn còn ngày càng cao bình đẳng giới ngày một tiến bộ, nhưng chúng tôi cũng mong muốn ở các chức sách hỗ trợ nhiều hơn cho chị em phụ nữ.

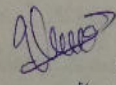
### III. Kết luận

- Cán bộ chính quyền địa phương và các hộ dân cần nhất thì ủng hộ cho việc thực hiện dự án và mong muốn dự án sớm thực hiện cũng như có biện pháp giảm thiểu ảnh hưởng và có những chính sách hỗ trợ cho người bị ảnh hưởng sớm riêng và các hộ như cư dân nơi chuyển.

- Các hộ đều đồng thuận với hình thức bồi thường bằng tiền mặt với đất và tài sản trên đất bị ảnh hưởng.

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

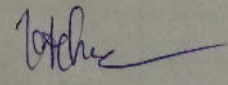
Đại diện cộng đồng

  
Na Văn Lợi


Đại diện chính quyền địa phương

T/MURNO XÃ BỒ BỒ  
H PẠC QUỠ CHỦ TỊCH  
  
  
Bà Ngọc Đào

BQL Tiểu dự án

  
Vy Thanh Chuyin

Đại diện Tư vấn

  
Ngô Đức Quân

**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 Phước Ninh Tỉnh Bắc Kạn

STT	Họ và tên	Giới tính	Dân tộc	Địa chỉ	Ký tên
1	Phan Văn Cú	Nam	Tày	Bà Bò	Cú
2	Nguyễn Văn Hùng	"	Kinh	Bà Bò	Hùng
3	Hoàng Khải Hòa	"	Kinh	Bà Bò	Hòa
4	Bùi Huy Uyển	"	Kinh	Bà Bò	Uyển
5	Bùi Huy Bằng	"	Kinh	"	Bằng
6	Lương Ngọc Sơn	"	Kinh	"	Sơn
7	Ma Văn Tường	"	Tày	"	Tường
8	Nguyễn Văn Toàn	"	Kinh	"	Toàn
9	Cao Văn Thiết	"	Tày	"	Thiết
10	Ma Văn Lùn	"	"	"	Lùn
11	Lê Văn Oai	"	"	"	Oai
12	Đặng Hoàng Tuấn	"	"	"	Tuấn
13	Vì Văn Minh	"	"	"	Minh
14	Nguyễn Đình Thủy	"	"	"	Thủy
15	Hoàng Văn Thắng	"	"	"	Thắng
16	Nguyễn Thị Liên	Nữ	"	"	Liên
17	Cả Văn Cáp	Nam	"	"	Cáp
18	Đức Diang Sơn	"	"	"	Sơn
19	Lý Văn Trường	"	"	"	Trường
20	Hoàng Văn Xuân	"	"	"	Xuân
21	Phùng Quốc Thuận	"	"	"	Thuận
22	Bùi Huy Lương	"	Kinh	"	Lương
23	Hà Văn Quốc	"	Tày	"	Quốc
24	Ma Văn Trang	"	"	"	Trang
25	Trương Văn Khưa	"	"	"	Khưa
26	Trương Thị Tú	"	"	"	Tú
27	Đặng Văn Cúc	"	Sán chi	Nữ Bà Bò	Cúc
28	Hoàng Văn Kinh	"	Sán chi	Bà Bò	Kinh
29	Hoàng Văn Tuấn	"	Tày	Bà Bò	Tuấn
30	Hoàng Văn Quý	"	Sán chi	Bà Bò	Quý



STT	Họ và tên	Giới tính	Dân tộc	Địa chỉ	Ký tên
31	Chu Thị Canh	Nữ	Tây	Bà Bò	Canh
32	Nguyễn Văn Tăng	Nam	Sơn Chi	Nà Lồ	Tăng
33	Hoàng Văn Sáng	"	"	Khuổi Bè	Sáng
34	Hà Văn Khin	"	"	"	Khin
35	Lý Văn Bấy	"	"	"	Bấy
36	Lý Văn Đại	"	"	"	Đại
37	Đặng Văn Ngao	"	"	"	Ngao
38	Đặng Văn Khang	"	"	"	Khang
39	Lý Văn Tài	"	H'Mông	Nà Ngli	Tài
40	Tô Thị Hiền	Nữ	Tây	"	Hiền
41	Mã Văn Tiên	Nam	"	"	Tiên
42	Lộc Dương Châu	"	"	"	Châu
43	Mã Văn Trung	"	"	"	Trung
44	Mã Văn Hoàn	"	"	"	Hoàn
45	Lý Văn Nông	"	"	"	Nông
46	Nguyễn Thị Liên	Nữ	Kinh	"	Liên
47	Lưu Thị Diên	"	Tây	"	Diên
48	Cả Xuân Hậu	Nam	"	"	Hậu
49	Nguyễn Văn Ngọ	"	Kinh	"	Ngô
50	Nguyễn Văn Bích	"	"	"	Bích
51	Cả Văn Tý	"	Tây	"	Tý



T/MUBND XÃ HỒC BỒ  
Đại diện chính quyền địa phương  
CHỖ CHỦ TỊCH



Lưu Ngọc Pao

**ANNEX II: LIST OF HOUSEHOLDS AFFECTED BY THE SUBPROJECT**

Code	Name of Head of household	Ethnic group	Commune	Vulnerable groups
BB001	Nong Van Tang	San Chi	Boc Bo	
BB002	Hoang Van Sang	San Chi	Boc Bo	
BB003	Ha Van Khin	San Chi	Boc Bo	
BB004	Ly Van Bay	San Chi	Boc Bo	Poor household
BB005	Ly Van Dai	San Chi	Boc Bo	
BB006	Dang Van Ngao	San Chi	Boc Bo	Poor household
BB007	Dang Van Trong	San Chi	Boc Bo	
BB008	Hoang Van Tay	San Chi	Boc Bo	
BB009	Hoang Van Tanh	San Chi	Boc Bo	
BB010	Dang Van Cao	San Chi	Boc Bo	
BB011	Hoang Van Tuan	Tay	Boc Bo	
BB012	Hoang Van Tung	Tay	Boc Bo	
BB013	Bui Huy Uyen	Kinh	Boc Bo	
BB014	Phung Quoc Than	Tay	Boc Bo	
BB015	Hoang Van Ly	Tay	Boc Bo	
BB016	Truong Van Khoa	Tay	Boc Bo	
BB017	Hoang Van Tuc	Tay	Boc Bo	
BB018	Nong Van Hoan	Tay	Boc Bo	
BB019	Phan Van Cu	Tay	Boc Bo	
BB020	Ui Van Ninh	Tay	Boc Bo	
BB021	Hua Dinh Thuy	Tay	Boc Bo	
BB022	Be Van Huong	Tay	Boc Bo	
BB023	Quach Xuan Khanh	Tay	Boc Bo	
BB024	Nguyen Van Toan	Kinh	Boc Bo	
BB025	Loc Duong Thuy	Tay	Boc Bo	
BB026	Ca Van Hien	Tay	Boc Bo	
BB027	Ca Van Thuyet	Tay	Boc Bo	
BB028	Phan Van Khi	Tay	Boc Bo	
BB029	Hoang Van Tieu	Tay	Boc Bo	
BB030	Chu Van Dam	Tay	Boc Bo	Poor household
BB031	Ma Van Trong	Tay	Boc Bo	
BB032	Hoang Van Thanh	Tay	Boc Bo	
BB033	Hoang Van Vien	Tay	Boc Bo	
BB034	Hoang Van Loi	Tay	Boc Bo	
BB035	Ca Xuan Hau	Tay	Boc Bo	
BB036	Nguyen Van Ngo	Kinh	Boc Bo	Poor household
BB037	Nguyen Van Dich	Kinh	Boc Bo	Poor household
BB038	Chu Van Khanh	Tay	Boc Bo	
BB039	Chu Van Bang	Tay	Boc Bo	Poor household
BB040	Chu Van Chuong	Tay	Boc Bo	Poor household
BB041	Ca Van Bo	Tay	Boc Bo	
BB042	Ca Van Ty	Tay	Boc Bo	Poor household



Code	Name of Head of household	Ethnic group	Commune	Vulnerable groups
BB043	Chu Van To	Tay	Boc Bo	
BB044	Nguyen Van Hung	Kinh	Boc Bo	Poor household
BB045	Ma Van Luu	Tay	Boc Bo	
BB046	To Thi Hieu	Tay	Boc Bo	
BB047	Ma Van Tien	Tay	Boc Bo	
BB048	Loc Duong Tran	Tay	Boc Bo	
BB049	Ma Van Chung	Tay	Boc Bo	
BB050	Loc Duong Son	Tay	Boc Bo	Poor household
BB051	Ly Van Tai	H'Mong	Boc Bo	
BB052	Ma Van Huan	Tay	Boc Bo	
BB053	Luc Van Truong	Tay	Boc Bo	
BB054	Ly Van Nong	Tay	Boc Bo	
BB055	Luc Van Quy	Tay	Boc Bo	Poor household
BB056	Nguyen Thi Lien	Kinh	Boc Bo	Poor household
BB057	Loc Sy Thin	Tay	Boc Bo	
BB058	Luc Van Dung	Tay	Boc Bo	
BB059	Luc Thi Dien	Tay	Boc Bo	
BT001	Sam Van Bang	Nung	Bang Thanh	
BT002	Hoang Van Kim	Tay	Bang Thanh	
BT003	Phung Van Hin	Dao	Bang Thanh	Poor household
BT004	Phung Van Kieu	Dao	Bang Thanh	Poor household
BT005	Long Van Truong	Tay	Bang Thanh	
BT006	Long Van Tan	Tay	Bang Thanh	
BT007	Long Tri Kien	Tay	Bang Thanh	Poor household
BT008	Ly Thi Quyen	Nung	Bang Thanh	Poor household
BT009	Long Thi Thanh	Tay	Bang Thanh	
BT010	Dung Van Bang	Nung	Bang Thanh	Poor household
BT011	Hoang Van Phong	Nung	Bang Thanh	
BT012	Hoang Thi Giai	Nung	Bang Thanh	
BT013	Luu Thi Loan	Nung	Bang Thanh	Poor household
BT014	Hoang Van Quang	Nung	Bang Thanh	
BT015	Long Van Viet	Tay	Bang Thanh	Poor household
BT016	Hoang Van Nien	Tay	Bang Thanh	
BT017	Loc Van Soi	Nung	Bang Thanh	
BT018	San Thi Hoi	Tay	Bang Thanh	
BT019	Long Van Thuan	Tay	Bang Thanh	
BT020	Hoang Duong Luoc	Tay	Bang Thanh	
BT021	Luc Van Ly	Tay	Bang Thanh	
BT022	Nong Van Tot	Tay	Bang Thanh	
BT023	Truong Van Hoan	Tay	Bang Thanh	
BT024	Dang Choi Phin	Dao	Bang Thanh	Poor household
BT025	Dang Choi Nan	Dao	Bang Thanh	Poor household
BT026	Dang Phu Hin	Dao	Bang Thanh	Poor household
BT027	Hoang Van Tan	Tay	Bang Thanh	

Code	Name of Head of household	Ethnic group	Commune	Vulnerable groups
BT028	Luc Van Minh	Tay	Bang Thanh	
BT029	Hoang Van Hai	Tay	Bang Thanh	
BT030	Hoang Van Son	Tay	Bang Thanh	
BT031	Hoang Van Thuc	Tay	Bang Thanh	Poor household
BT032	Luc Thanh Binh	Tay	Bang Thanh	
BT033	Ma Truong Phuc	Tay	Bang Thanh	
BT034	Ly Thanh Tinh	Tay	Bang Thanh	
BT035	Hoang Van Nam	Tay	Bang Thanh	
BT036	Long Van Thang	Tay	Bang Thanh	
BT037	Ha Viet Phuong	Tay	Bang Thanh	
BT038	Hoa Van Thuong	Tay	Bang Thanh	
BT039	Hoang Van Phong	Tay	Bang Thanh	
BT040	Ma Van Viet	Tay	Bang Thanh	
BT041	Ma Van Bo	Tay	Bang Thanh	
BT042	Ma Van Hung	Tay	Bang Thanh	
BT043	Ma Van Dang	Tay	Bang Thanh	
BT044	Ma Van Trong	Tay	Bang Thanh	
BT045	Nong Van Lang	Tay	Bang Thanh	
BT046	Ma Van Truong	Tay	Bang Thanh	
BT047	Ma Van Thoa	Tay	Bang Thanh	
BT048	Ma Van Bang ( Boi)	Tay	Bang Thanh	
BT049	Nong Van Trung	Tay	Bang Thanh	
BT050	Ma Van Hoi	Tay	Bang Thanh	
BT051	Ma Van Bao	Tay	Bang Thanh	
BT052	Dam Van Cap	Tay	Bang Thanh	
BT053	Dam Van Minh	Tay	Bang Thanh	
BT054	Ma Van Vuong	Tay	Bang Thanh	
BT055	Ma Van Ho	Tay	Bang Thanh	
BT056	Dam Van Quynh	Tay	Bang Thanh	
BT057	Ma Van Thon	Tay	Bang Thanh	
BT058	Ma Van Bang	Tay	Bang Thanh	
BT059	Hoang Van Cao	Tay	Bang Thanh	
BT060	Nong Van Trung	Tay	Bang Thanh	
BT061	Hoang Thi Tuong	Tay	Bang Thanh	Poor household
BT062	Trieu Van Lua	Tay	Bang Thanh	
BT063	Dang Van On	Tay	Bang Thanh	
BT064	Trieu Van Pu	Tay	Bang Thanh	
BT065	Luc Van Ly	Tay	Bang Thanh	
BT066	Ma Van Bo	Tay	Bang Thanh	
BT067	Hoang Dun Phau	Tay	Bang Thanh	
BT068	Nong Van So	Tay	Bang Thanh	
BT069	Ha Van Lap	Tay	Bang Thanh	
BT070	Nong Van Hoa	Tay	Bang Thanh	
BT071	Nong Van Tai	Tay	Bang Thanh	

Code	Name of Head of household	Ethnic group	Commune	Vulnerable groups
BT072	Nong Thi Ngan	Tay	Bang Thanh	
BT073	Ha Van Linh	Tay	Bang Thanh	Poor household
BT074	Nong Van Dieu	Tay	Bang Thanh	
BT075	Hoang Van Thuc	Tay	Bang Thanh	
BT076	Nong Van Quan	Tay	Bang Thanh	
BT077	Hoang Van Huan	Tay	Bang Thanh	
BT078	Dang Van Nao	Tay	Bang Thanh	Poor household
BT079	Hoang Van Khoa	Tay	Bang Thanh	
BT080	Hoang Van Viet	Tay	Bang Thanh	
BT081	Dang Van Tong	Tay	Bang Thanh	
BT082	Dang Van Hoan	Tay	Bang Thanh	
BT083	Hoang Van Thien	Tay	Bang Thanh	
BT084	Hoang Van Binh	Tay	Bang Thanh	
BT085	Hoang Van Thi	Tay	Bang Thanh	
BT086	Hoang Van Binn	Tay	Bang Thanh	
BT087	Hoang Van Long	Tay	Bang Thanh	
BT088	Hoang Van Thuyen	Tay	Bang Thanh	
BT089	Ly Van Linh	Tay	Bang Thanh	
BT090	Hoang Van Hieu	Tay	Bang Thanh	
BT091	Hoang Thi Tho	Tay	Bang Thanh	
BT092	Hoang Van Chu	Tay	Bang Thanh	
BT093	Luc Van Ban	Tay	Bang Thanh	
BT094	Hoang Van Luu	Tay	Bang Thanh	
BT095	Hoang Van Tan	Tay	Bang Thanh	
BT096	Hoang Van Quyen	Tay	Bang Thanh	
BT097	Hoang Van Hanh	Tay	Bang Thanh	
BT098	Luc Van Vinh	Tay	Bang Thanh	

## ANNEX III: SURVEY QUESTIONNAIRE FOR AFFECTED HOUSEHOLDS

### SURVEY AND INVENTORY OF LOSSES QUESTIONNAIRES (IOL)

Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector Project

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**Code of questionnaire** (should not be recorded by surveyor): \_\_\_/\_\_\_/\_\_\_; **Date:** \_\_\_/\_\_\_/2016

#### 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	Affected land area	Status of Land use right	Legal status of the land plot
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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	<b>used by HH (m<sup>2</sup>)</b>				
		Total permanently affected land area (m <sup>2</sup> )	Total temporarily affected land area (m <sup>2</sup> )	1=Owner of land 2= Tenant	1=with LURC 2=without LURC 3=rent land of the State 4=rent private land
<b>Total</b>					

**8. Affected house**

Type of houses	Total floor area (m <sup>2</sup> )	Impact level		Legal status
		Affected floor area (m <sup>2</sup> )	(partially affected =1; entirely affected=2)	
1. Villa				1=with LURC 2=without LURC 3= constructed on agriculture land 4= renting house
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				
<b>Total</b>				

**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:.....m<sup>2</sup>;
- 2. No

**10. Works, structures and tombs on affected land**

<b>Works/structures</b>	<b>Type of works</b>	<b>Unit</b>	<b>Quantity</b>	<b>Remarks</b>
1. Separate kitchen outside main house	1. Temporary 2. Stable	m <sup>2</sup>		
2. Separate store outside main house	1. Temporary 2. Stable	m <sup>2</sup>		
3. Separate toilet outside main house	1. Temporary 2. Stable	m <sup>2</sup>		
4. Separate bathroom outside main house	1. Temporary 2. Stable	m <sup>2</sup>		
5. Abat-vent, scaly roof covering		m <sup>2</sup>		
6. Animal shed (Cattle, pigs, goats) / poultry (chicken, duck, goose ...)	1. Temporary 2. Stable	m <sup>2</sup>		
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 <sup>2</sup>		
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 <sup>2</sup>		
17. Fish pond		m <sup>2</sup>		
18. Others (name of works and affected area)				

#### 11. Types of affected trees and crops

<b>Types of tree/crop or agricultural product</b>	<b>Unit</b>	<b>Quantity</b>	<b>Remarks</b>
a) Fruit tree (main tree)	Tree		

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

**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 (m2)
		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 (m2)
		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**