

Resettlement and Ethnic Minority Development Plan (REMDP)

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

**VIE: Basic Infrastructure for Inclusive Growth in the
Northeastern Provinces Sector Project-Upgrading
and Improving Hoa Tham – Quy Hoa – Vinh Yen
Road in Binh Gia District, Lang Son 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
APs	-	Affected Persons
BIIG	-	Basic Infrastructure for Inclusive Growth Project
CARB	-	Compensation Assistance and Rehabilitation Board
CPC	-	Commune Peoples' Committee
CSB	-	Commune Supervisory Board
DARD	-	Department of Agriculture and Rural Development
DLFDC	-	District Land Fund Development Center
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DP	-	Displaced Person
DPC	-	District Peoples' Committee
DPI	-	Department of Planning and Investment
DRC	-	District Resettlement Committee
EA	-	Executing Agency
EM	-	Ethnic Minority
EMO	-	External Monitoring Agency
FGD	-	Focus Group Discussion
FNEP	-	Far North-eastern Provinces
FS	-	Feasibility Study
GAP	-	Gender Action Plan
GOV	-	Government of Vietnam
HHs	-	Households
HIV-AIDS	-	Human Immune Virus-Acute Immune Deficiency Syndrome
IPP	-	Indigenous Peoples' Plan
IOL	-	Inventory of Losses
IRMR	-	Internal Resettlement Monitoring Report
LIC	-	Loan Implementation Consultant
LURC	-	Land Use Rights Certificate
MARD	-	Ministry of Agriculture and Rural Development
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Affairs
MONRE	-	Ministry of Natural Resources and Environment
N-T-P	-	Notice- to- Proceed
ODA	-	Official Development Assistance
O&M	-	Operation and Maintenance
PCARB	-	Provincial Compensation, Assistance and Resettlement Board
PIB	-	Project Information Booklet
PPC	-	Provincial Peoples' Committee
PPMS	-	Project Performance Monitoring System
PMU	-	Project Management Unit
REMDP	-	Resettlement and Ethnic Minorities Development Plan
RE MDF	-	Resettlement and Ethnic Minority Development Framework

RCS	-	Replacement Cost Survey
ROW	-	Right-of-Way
SAH	-	Severely Affected Household
SES	-	Socio-Economic Survey
SP	-	Subproject
SPS	-	Safeguard Policy Statement
STI	-	Sexually Transmitted Infection
USD	-	United States Dollar
VND	-	Vietnamese Dong
VWU	-	Viet Nam Women's Union
WUGs	-	Water Users Groups

WEIGHTS AND MEASURES

m (Meter)	-	the base unit of length
m ² (Square meter)	-	A system of units used to measure areas
m ³ (Volume)	-	A system of units used to measure the spaces, that an object or substance occupies.
kg (Kilogram)	-	A decimal unit of weight based on the gram

GLOSSARY

Affected person (AP)/ - Means any person, household, firm or private institution who, on
 Affected household account of changes resulting from the Project, or any of its
 (AH) 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 project land acquisition announcement by competent agency. The AHs will be informed of the cut-off date for each project component, and any person who settled or assets created in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
Ethnic Minority (EM)	- People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	- A range of various activities including compensation, assistance in income restoration, shift in occupation, relocation... etc., provided to affected people based on the type and level of impact which aims to restore their socio-economic conditions.
Host community	- Means the community already in residence at a proposed resettlement or relocation site.
Income restoration	- This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration programme	- A programme designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The programme is designed to address the specific needs of the affected persons based on the socio-economic 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 right-of-way (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, Invalids and Social Affairs.

Rehabilitation	-	This refers to additional support provided to AHs 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 an 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 Survey	-	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 Household (SAH)	-	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 due to the project.
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 group	-	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) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who have no other means of support, (v) landless, (vi) ethnic minorities who are severely affected by subproject and (vii) HHS under preferential treatment policy.

Note:

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

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EXECUTIVE SUMMARY

1. **Introduction:** This Resettlement and Ethnic Minority Development Plan (REMDP) is prepared for the subproject: "Upgrading and improving Hoa Tham – Quy Hoa – Vinh Yen road in Binh Gia district, Lang Son province", one of the subprojects of the Basic Infrastructure for Inclusive Growth Sector Project in Northeast Provinces (BIIG 1) proposed for ADB funding. The project will help to make favourable transportation conditions and play an important role in flood protection and rescue and contribute to the economic development of Binh Gia district in particular and Lang Son province in general.

2. The Resettlement and Ethnic Minority Development Plan (REMDP) is prepared based initially on the results of a series of activities which included the socio-economic survey (SES) Inventory of Losses (IOL) and Replacement Cost Survey (RCS) done in October 2016 and the results of public consultation. This REMDP is prepared with the participation and consultation with relevant agencies, namely: Lang Son Department of Planning and Investment, agencies in Binh Gia district: Division of Finance, Agriculture, Environment and Natural Resources, Economic Infrastructure, Land Development Center and the Office of Land Use Right Registration. Leaders of Hoa Tham, Quy Hoa, Vinh Yen CPC. AHs and relevant agencies.

3. **Scope of Impacts:** Updating and improving Hoa Tham - Quy Hoa - Vinh Yen road subproject passes through 3 communes: Hoa Tham, Quy Hoa and Vinh Yen, Binh Gia district, Lang Son province. The subproject will affect to the total 178 households and 7 organizations. In which, there are 20 AHs in Hoa Tham commune, 69 AHs and 3 organizations in Quy Hoa commune, 89 AHs and 4 organizations in Vinh Yen commune. All of 178 HHs are EM households. Among those there will be 95 poor AHs, 2 AHs under preferential treatment policy¹, 4 female headed AHs. The subproject will acquire totally 120,174 m² various kinds of land including: 7,070m² of residential land; 19,488m² of annual crops land; 2,842m² of perennial trees land; 88,236m² of forest land; 40m² of aquaculture land; 2,398m² of other public land. There are 31 severely AHs, in which 19 severely affected HHs who lose more than 10% (12 AHs loss from 10-30% and 7 affected HHs who loses from 30-70% of production land area) and 12 HHs have to relocate with 496 m² of house. In addition, the subproject will have impacts on 1,812m² of structures including fence, gates, yards, shops, kitchens, animal sheds and there will be 5,872 trees, 2,620 m² annual crop affected by the subproject.

4. **Legal Policy Framework and Entitlements:** The Resettlement and Ethnic Minority Development Framework (REMDF) is prepared and applied for the project to meet the requirements of the ADB's SPS 2009 on Involuntary Resettlement Policy and the legal documents of the Government of Vietnam (GoV) that are described in Section F in detail. The terms and principles in this REMDP are in accordance with the current regulations of Vietnam. However, in case of any discrepancy, Asian Development Bank's (ADB's) Policy will be followed.

5. **Public consultation and participation:** Consultations, public meetings, and village-level discussions with the APs and local officials were conducted during the resettlement

¹ Pursuant to the National Assembly and GoV Policies: Resolution No. 494/NQ-UBTVQH13 May 18, 2012 by the National Assembly Standing Committee on the results of monitoring the implementation of policies and legislation on people with meritorious services to the revolution and the Decision No. 22/2013/QĐ-TTg of the Prime Minister on supporting people with meritorious services to the revolution in housing.

planning process. Project policies and alternatives for land compensation and resettlement, ethnic minority development plan and income restoration have been discussed during the meetings. Concerns and suggestions raised by the APs were solicited and incorporated into the RP. The grievance mechanism has been designed to ensure that the APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. The APs will be made fully aware of their rights verbally and in writing during consultation, survey, and at the compensation time.

6. **Issues on Gender and Vulnerable Groups:** A majority of people living in the subproject area are EMs (98.7%) and they also get direct benefits from this subproject. The communes in the subproject area are remote communes with special difficulties, high poverty rate. There are 178 ethnic minority HHs directly affected by the subproject and some negative impacts are significant. However, the subproject will bring positive impacts on EM communities. There are still gender issues in the subproject area such as low status of women in their families and communities and their limited participation in decision-making processes. The gender mainstreaming strategy is described in REMDP, which encourages the participation of women in the resettlement board, strengthening the capacity building activities for women to ensure that women and ethnic minorities benefit fully from the subproject.

7. **Institutional Arrangement:** Lang Son Provincial People's Committee as the Executing Agency will allocate a provincial budget and direct its departments and district authorities to implement land acquisition as scheduled. Department of Planning and Investment (DPI) as the project owner is responsible for overall management and coordination of project implementation. A Project Management Unit (PMU) will be established under DPI as Implementing Agency to manage and implement the subproject and will ensure that compensation and assistance are administered according to the provisions of this REMDP. A District Resettlement Committee/ District Land Fund Development Center (DRC/ DLFDC) with representatives from affected persons (APs), will be established to implement the REMDP.

8. **Implementation Schedule:** Civil contract award for the subproject (SP) shall not be approved by ADB unless its final REMDP is approved. PMU will make sure that construction work will not be implemented by contractors unless the PMU: (i) has adequately finished compensation payment and (ii) ensured that necessary allowances are provided to affected people for life rehabilitation/income restoration and land clearance are completed. It is expected that land acquisition will be carried out during 2018.

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

10. **Compensation and assistance cost:** The total cost for resettlement (including administration and contingency cost) is **VND 18,139,633,518 equal to US\$ 811,616.71.**² This cost will come from the Lang Son provincial budget.

² USD 1 = VND 22,350.

I. SUBPROJECT DESCRIPTION

A. Background

11. 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) develop agriculture and rural product value chains (ARVC); and (iv) strengthen the FNEP institutional capacity for subregional investment planning and development management. The Project will help to integrate the FNEP into national and subregional frameworks including the Greater Mekong Subregion (GMS), and the ASEAN Economic Community (AEC). It is consistent with ADB's Country Partnership Strategy (CPS) 2012–2015.

12. The Project is consistent with ADB's Country Partnership Strategy (CPS) 2012–2015. The project will help to improve the economic competitiveness of 4 provinces 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) develop agriculture and rural product value chains (ARVC); and (iv) strengthen the FNEP institutional capacity for subregional investment planning and development management. The Project will help to integrate the FNEP into national and subregional frameworks including the Greater Mekong Subregion (GMS), and the ASEAN Economic Community (AEC).

13. The aims of Binh Gia district and Lang Son province 's investment on completed infrastructures are for socio-economic and political development, therefore, the investment on upgrading the road is urgent and necessary to improve the local EM people's living standards in the subproject area.

14. Subproject location and impact areas: Updating and improving Hoa Tham - Quy Hoa - Vinh Yen road subproject runs through 3 communes, the starting point is at Km 0 connection with the provincial road 231 (ĐT231) at Km42+750 (under Hoa Tham commune, Binh Gia district), runs through Quy Hoa commune and the ending point is at Khuoi Man village, Vinh Yen commune (cross point between Binh Gia district - Lang Son province and Na Ri district - Bac Kan province, the total length is about 22,95 km. This road is district road 61 (ĐH 61) of Lang Son province connecting Lang Son with Bac Kan province. This is flood prevention, rescue road which plays an important role in socio-economic development and stabilization of local people's life in the subproject area.

15. The existing road is the earth rural grade B road with the width of road subgrade of 3.5 – 4m. Drainage structures such as the longitudinal drainage system and transverse culverts are severely damaged, which causes flood during the rain. The big longitudinal gradient causes difficulties in travelling. There is no bridge at the section Km14 + 300m passing Bac Giang river, local people often use rafts for passing the river and the traffic is completely disrupted during the flood season.

16. Some sections are expanded under the Program 135 with the grade B earth subgrade of 3-4m wide, big slope and drainage structures are only re-built at key locations. In general, the road transportation capacity is weak, failing to create a link among the regions.

Figure 1: Alignment of Hoang Hoa Tham – Quy Hoa – Vinh Yen Road

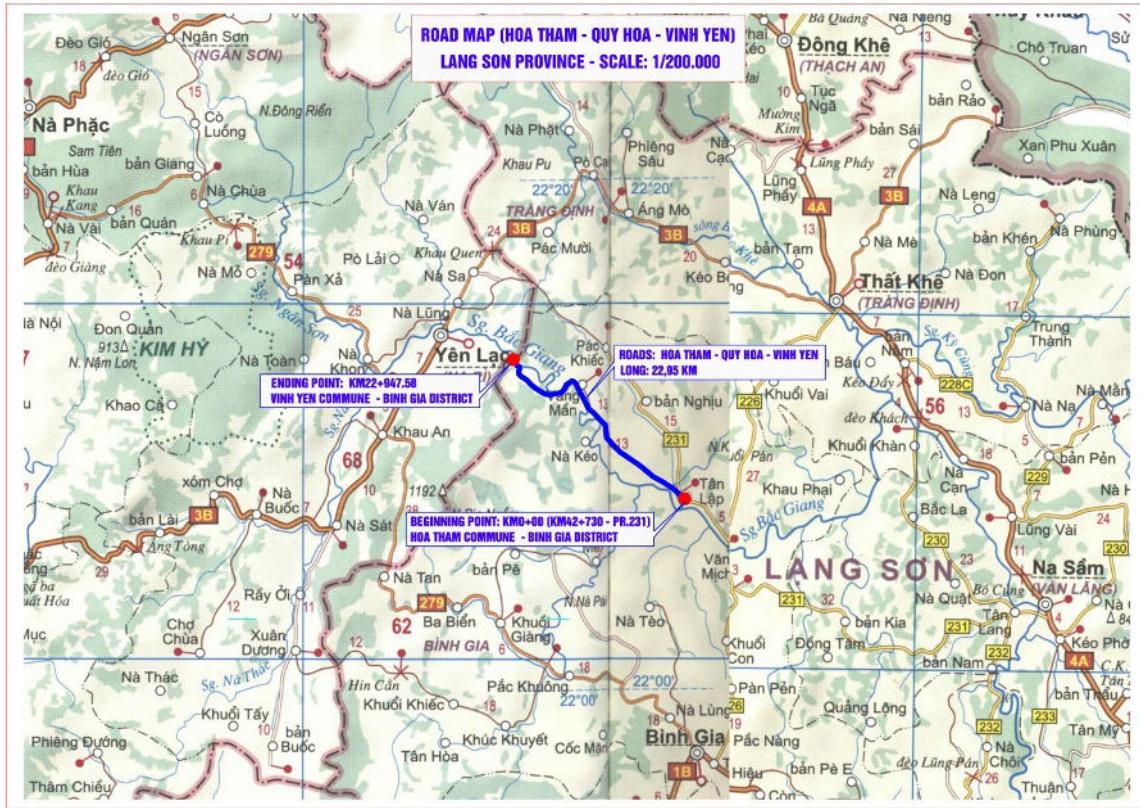
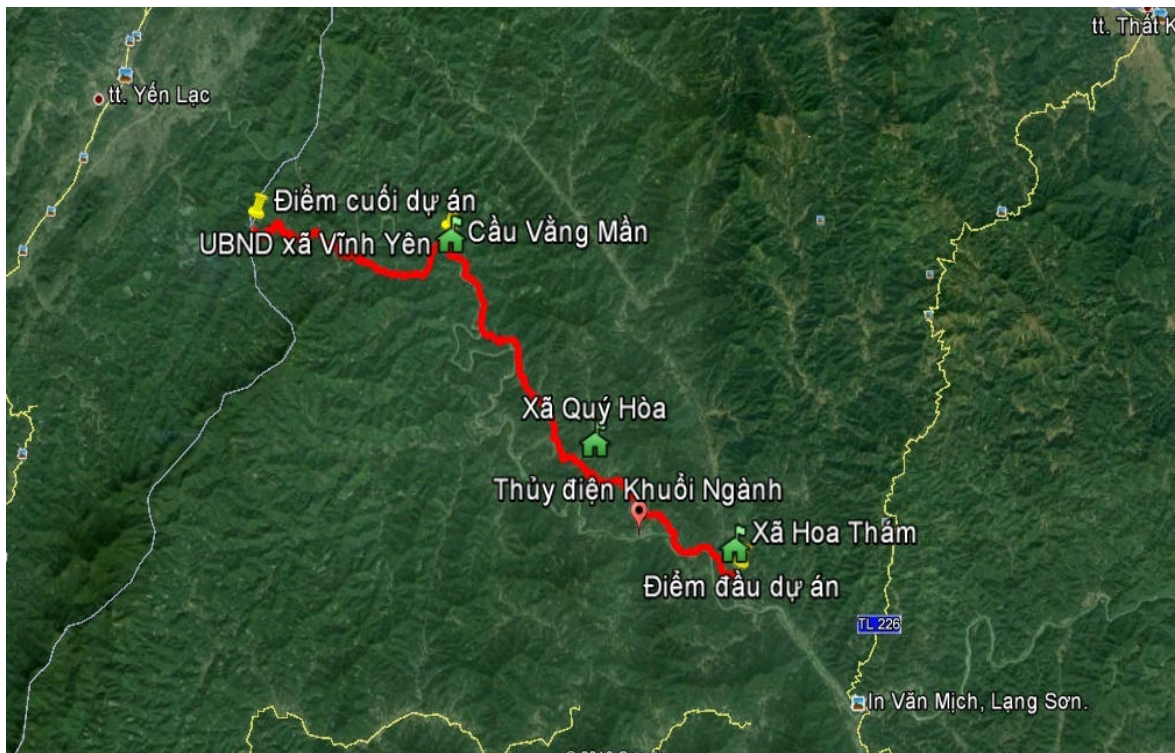


Figure 2: the Subproject Areas Satellite Map



B. Civil works to be undertaken

17. Hoa Tham - Quy Hoa - Vinh Yen road from Km0+00 to Km22+947,58, with the total length of 22,95km, the road shall be built to mountainous V grade with the technical specifications meeting standard TCVN4054 - 05 as follows:

- Design speed: 30 km/h
- Minimum radius: 30 m
- Width of subgrade: 6.5m
- Width of road surface: 5.5m
- Width of earth road shoulder: 2 x 0.5m.
- Design load for road, culvert, bridge H30-BX80. (HL93).
- Design frequency for road, culvert, and small bridge: 4%.
- Design frequency for medium and big bridge: 1%.
- Road surface structure: Asphalt

(i) Culverts on the road: built with concrete, design load of H30-BX80, design frequency of 4%, scope following the designed subgrade.

(ii) Bridge: built with prestressed reinforced concrete in accordance with the Standard No. 22 TCN272-05; design load: HL93, 30 Mpa; design flood frequency $P = 1\%$; bridge width: $B = 7 + 2 \times 0.5 = 8.0\text{m}$; span: $L_c = 3 \times 33\text{m}$.

C. Measures taken to Minimize Negative Impacts

18. To minimize impacts of land acquisition and resettlement on the local people, the measures taken are as follows: improving the roads based on the existing alignments. Realignment will only be undertaken locally where the curves do not meet the design standard. Temporary use of land may be considered to avoid. The APs will be informed early about the land acquisition schedule.

19. During the survey and the inventory of loss (IOL), affected households (AHs) were advised (through consultations) not to construct new fixed structures within the subproject site and/or continue/expand the construction works or grow trees/crops which have been counted during the IOL. A public information booklet about the project policies are delivered to each AH and local authorities during REMDP preparation period. Public information booklets will be delivered to local authorities and AHs based on ADB's approval on REMDP. Moreover, the Gov will ensure the compensation for AHs before commencement of the subproject implementation.

20. Safety and mitigation measures of the contractors must be applied to protect the workers, local people and neighboring works, etc. The big transportation vehicles or equipment shall be used in the locations which are far away from residential areas and protective measure should be applied to protect the local people's houses. Waste materials and spoils shall be dumped at the designated site approved by related authorities.

D. Objective of Resettlement Plan and EM Development Plan

21. This REMDP ensures that the subproject will wherever 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

22. This document develops a “road map” for affected EMs. The objective is to design and implement subprojects in a way that fosters full respect for Ethnic Minorities (EMs’) identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of subprojects, and (iii) can participate actively in subprojects that affect them.

23. This REMDP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB’s Involuntary Resettlement and Indigenous Peoples Policies with national and provincial government policies. Concerns for involuntary resettlement and EMs have been integrated in this document and will govern subproject design, implementation, and monitoring.

24. This REMDP includes the following:

- (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 households and communities to be adversely affected by the Subproject, where they are located, what compensation and related alleviating measures to be provided to them and how and when these measures will be carried out;
- (iii) A plan on how AHs will be involved in the various stages of the Subproject, including resolution of grievances;
- (iv) An estimate budget for resettlement implementation;
- (v) A monitoring mechanism on resettlement implementation for the subproject

25. The REMDP is based on the subproject’s basic design. The summary of the REMDP is included in the feasibility study to ensure the allocation of government counterpart funds for the subproject’s implementation. The REMDP will be updated following detailed technical design approved by the PPC.

II. PROJECT IMPACTS

A. Survey process

26. Survey: The resettlement survey was carried out in the 3 subproject-affected communes. The activity consists of the Inventory of Loss (IOL), a socioeconomic survey (SES) of AHs and non-affected HHs living in the subproject area. A consultation meetings with EM people (including APs, non-affected people) was carried out in each commune. In addition, replacement cost survey (RCS) will be carried out to determine the unit prices for compensation for affected land, crops, trees, civil works and non-farm incomes to ensure that AHs shall be compensated at the current market prices.

27. Consultations: In addition to the survey, Focus Group Discussions (FGDs) with both AH and non-AHs living in the subproject area, were organized in each of the villages affected by the subproject. For the AH, the FGDs aimed to discuss and consult with the people about the scope and scale of impacts, entitlements, preliminary implementation schedule, and redress grievance. With the information on the overall subproject impacts, the FGDs provided AH the opportunity to understand and share their ideas and expectations about the subproject. Separate FGDs were also held with women and EMs. In-depth interviews with both AHs and

non-AHs were conducted focusing on female members of the household and EM households.

28. Inventory of loss (IOL): It was done based on the Primary Design. For households that were losing agricultural land or residential land without any structures, enumerators through referencing of commune cadastral records completed the IOL. The amounts indicated for area of land loss and use of land will be validated during the Detailed Measurement Survey (DMS) that will be done during the implementation stage. For APs losing houses or structures, the enumerators collected the information on the property of the affected person interviewing the head of household as well as noting the information about the structures through observation.

29. Socioeconomic Survey (SES): The SES was completed with respect to Province, District and Communes by using secondary data from Provincial and District Year Books, and annual socioeconomic reports of communes. The SES generated information on the profile and characteristics of AHs, their income levels and sources of income, ethnic composition, education levels and basic information on their plans after compensation were taken by directly interviewing them.

30. Rapid Replacement cost Assessment (RCS): The purpose of the Rapid Replacement Cost Assessment was to collect information on the market prices of land and assets in the area surrounding the road and compare with the compensation prices issued by PPC.

B. Permanent impacts

31. **Impacts on households/organizations:** The subproject will affect to the total 178 EM households (AHs) and 7 organizations in 3 communes. Out of 178 AHs, there are 83 Nung HH(46.6%); 80 Dao HHs (44.9%); 15 Tay HHs (8.4%). There are 95 poor HHs, 2 HHs under preferential treatment policy, and 4 female headed HHs. There are 98 HHs losing residential land, 63 HHs losing perennial trees land, 25 HHs losing perennial trees land, 63 HHs losing forest land, and 1 HH losing aquaculture land. In addition, there are 998 m² land of agencies (CPC, School, Clinics) and 1,400m² unused land managed by Quy Hoa Commune affected. Among those, there are 8 HHs have to relocate and 19 HHs losing more than 10% of productive land (12 HHs with 62 persons losing from 10-30%, 7 HHs with 22 persons losing from 30-70%). Thus, they are the severely affected HHs.

32. **Impacts on land:** The subproject will permanently acquire totally 120,174 m². The acquired land area shall be used to upgrade the existing road. The acquirement land IOL results are presented in the following table 1.

33. The table 1 shows that, out of the total acquired 120,174 m² of land, the percentage of land for annual crops, forestry land, residential land, land for perennial trees and aquaculture acquired is 16.2 %, 73.4%, 6.5% and 2.5% respectively. In other words, 92.1% (110,706 m²) of agricultural land (including land for land for annual crops, perennial trees, and land for aquaculture) and 7.9% (9,468m²) of non-agricultural land are acquired in this subproject.

Table 2: Affected Land

Communes	Unit	Residential land	Agricultural land				Other land	Total
			Annual crop land	Perennial Tree land	Forests land	Aquaculture land		
Hoa Tham	m ²	2,575	1,912	235	3,137	-	-	6,039

Communes	Unit	Residential land	Agricultural land				Other land	Total
			Annual crop land	Perennial Tree land	Forests land	Aquaculture land		
Quy Hoa	m2	2,072	15,755	904	29,827	40	2,069	50,667
Vinh Yen	m2	2,423	1,821	1,803	55,272	-	329	63,468
Total		7,077	19,488	2,942	88,236	40	2,398	120,174

Source: IOL, Oct 2016

34. Affected crops and trees: Total area of acquired land for annual crops is 2,620 m2 including 2,295m2 (87.6%) of land for rice and 315m2 (12.4%) of land for maize and vegetable. All affected land area belongs to 27 EM households in Quy Hoa and Vinh Yen communes (see table 2).

Table 3: Affected Annual crop area

Type of land for annual crops	Unit	Communes							
		Hoa Tham		Quy Hoa		Vinh Yen		Total	
		Amount	Number of AHs	Amount	Number of AHs	Amount	Number of AHs	Amount	Number of AHs
Rice	m2	-	-	1,896	17	399	4	2,295	21
Maize	m2	-	-	215	4	100	1	315	5
Crops	m2	-	-	-	-	10	1	10	1
Total	m2	-	-	2,111	21	509	6	2,620	27

Source: IOL, Oct 2016

35. In addition, a total of 5,872 of perennial trees and timber trees shall be affected by the subproject. Out of which, 1,533 affected fruit trees include tangerine orange, lemon, banana, Longan, litchi... and 4,339 affected timber trees include Chinaberry, Manglietia glauca, eucalyptus, acacia, pine, chukrasia tabularis, anise,... (see Table 3).

Table 4: Perennial and timber trees

Type	Unit	Communes							
		Hoa Tham		Quy Hoa		Vinh Yen		Total	
		Amount	Number of AHs	Amount	Number of AHs	Amount	Number of AHs	Amount	Number of AHs
Perennial trees	trees	37	15	511	67	985	89	1,533	171
Timber trees	trees	1,607	20	991	54	1,741	70	4,339	144
Total	trees	1,644	20	1,502	69	2,726	89	5,872	178

Source: IOL, Oct 2016

36. Impacts on houses, structures: 12 AHs living along the road are totally affected by the subproject with the total affected land area of 496m2 and have to relocate, including: 3 AHs in Hoa Tham, 2 AHs in Quy Hoa commune, and 7 AHs in Vinh Yen commune. In which, 3 one storey houses with brick wall and sheet metal roof (135m2); 1 one-storey house with concrete roof (48m2); 6 wooden stilt houses (313m2), 02 shops (40m2) are affected by the subproject.

Table 5: Totally Affected Houses

Communes	One storey house, brick wall, tile/sheet metal roof		One storey house, concrete roof		Wooden stilt houses		Shop		Total	
	m2	No. of AHs	m2	No. of AHs	m2	No. of AHs	m2	No. of AHs		
Hoa Tham	80	2	48	1	-	-		-	128	3
Quy Hoa	-	-		-		-	40	2	-	2
Vinh Yen	55	1		-	313	6		-	368	7
Total	135	3	48	1	313	6	40	2	536	12

Source: IOL, Oct 2016

37. In addition, the subproject will affect partially on some houses and other structures including kitchens, stores, toilet, animal shed, fence, gate, well, yard, etc. 1,812 m2 of affected structures of 103 AHs includes: 399m2 in Hoa Tham commune (14 HHs), 156m2 in Quy Hoa commune (14 HHs), 1,257m2 (75 HHs) in Vinh Yen commune (see table 5).

Table 6: Affected Secondary Structures

Partially Affected Houses and Affected Secondary Structures		Unit	Communes							
			Hoa Tham		Quy Hoa		Vinh Yen		Total	
			Amount	Number of AHs	Amount	Number of AHs	Amount	Number of AHs	Amount	Number of AHs
Kitchen	Temporary	m2	15	1	-	-	165	9	180	10
	Permanent	m2	-	-	-	-	91	5	91	5
Store	Temporary	m2	-	-	36	1	71	3	107	4
	Permanent	m2	250	2	-	-	-	-	250	2
Toilet	Temporary	m2	32	3	-	-	33	4	65	7
	Permanent	m2	15	2	-	-	-	-	15	2
House, shop	Temporary	m2	8	1	-	-	8	1	16	2
	Permanent	m2	-	-	-	-	10	2	10	2
Animal Shed	Temporary	m2	50	2	70	6	366	21	486	29
	Permanent	m2	-	-	-	-	20	1	20	1
Fence	Brick and stone	m2	20	1	-	-	125	5	145	6
	Barbed wire or wood	m2	-	-	20	2	50	3	70	5
	Hedge	m2	-	-	25	3	49	4	74	7
Gate	Built	m2	4	1	4	1	-	-	8	2
	Steel	m2	-	-	-	-	-	-	-	0
Well	Well	psc	-	-	1	1	-	-	1	1
Sheet Metal roof		m2	-	-	-	-	137	10	137	10
Brick water tank		m2	5	1	-	-	14	5	19	6
Yard		m2	-	-	-	-	118	6	148	6
Total		m2	399	14	156	14	1.257	75	1.812	103

Source: IOL, Oct 2016

38. Affected historical or cultural heritages: The subproject will not affect to historical or cultural heritages, pagoda and temples, spiritual belief areas of people living in the project area.

C. Temporary impact

39. Land will be required temporarily for construction, for example as depots, storage sites, worker accommodation and facilities and parking space for vehicles and plant. To minimize impacts on landowners, Contractors will be required to form written agreements with landowners for temporary use of land, including details of rental payments if any, and requirements for restoration or improvement of the land before handing back. All agreements must be negotiated with landowners before use by the Contractor. On completion of works and handover of the sites, the Contractor should secure written confirmation that all requirements agreed with the landowners have been met. In addition, the contractor shall have to maximally utilize the empty site for gathering materials and machines. The temporarily used land lots shall be improved or restored as before the subproject. With the application of mitigation measures, the remained temporary impacts will be insignificant. Detail temporary impacts and mitigation measures will be mentioned in updated REMDP.

D. Tenure status

40. The survey on AHs' tenure status is conducted in 3 communes of Hoa Tham, Quy Hoa and Vinh Yen. The results show that most of types of land acquired are legitimate with LURCs, except for some HHs who are not granted with LURCs as legal procedures are being completed. The table 4 shows that: Out of 98 HHs having residential land affected, 93 AHs (94.9%) have LURCs and 5 AHs (5.1%) do not have LURCs. Out of 63 HHs having land for annual crops affected, 58 AHs (92.1%) have LURCs and 5 AHs (7.9%) do not have LURCs. All 25 HHs (100%) having land for perennial crops affected have LURCs. Out of 63 HHs having productive forest land affected, 59 AHs (93.7%) have LURCs and 4 AHs (6.3%) do not have LURCs. 1 HH having the land for aquaculture affected have LURC (see table 6).

Table 7: Land Tenure Status of Affected Households

Types of land	LURC	Without LURC	Total
Residential land	93	5	98
Annual crop land	58	5	63
Perennial Tree land	25	0	25
Aquaculture land	1	0	1
Productive forest land	59	4	63
Total	236	14	250

Source: socio-economic survey and IOL, Oct 2016

E. Vulnerable households

41. Vulnerable households are defined as those belonging to a special group who might disproportionately suffer or at risk of being further marginalized due to the negative impacts of resettlement.

42. Vulnerable households affected by the subproject include poor AHs, AHs under preferential treatment policy, female headed AHs with dependents, ethnic minority households. According to the survey results, all of 178 AHs with 784 people in 3 affected communes belong to EM groups (4.4 people/HH on average). Out of 178 AHs, there are 95 poor AHs (7 poor AHs in

Hoa Tham, 41 poor AHs in Quy Hoa, 45 poor AHs, Vinh Yen communes), 4 alone female headed HHs (2 HHs in Hoa Tham, 1 HH in Quy Hoa and 1 HH in Vinh Yen commune) and 2 AHs under preferential treatment policy (1 AH in Hoa Tham, 1 AH in Quy Hoa) (see table 7).

Table 8: Vulnerable Households

Vulnerable households are affected by the subproject	Communes			
	Hoa Tham	Quy Hoa	Vinh Yen	Total
Poor HHs	7	43	45	95
Female headed HHs	2	1	1	4
Disabled headed HHs	-	-	-	-
Ethnic Minority households	20	69	89	178
HHs under preferential treatment policy	1	1	-	2
Total	20	69	89	178

Source: socio-economic survey and IOL, Oct 2016

43. In accordance with REMDF, these vulnerable households will receive allowance of VND 2 million/AH with insignificant impact and VND 5,000,000 for severely AH, to improve socio-economic condition in accordance with PPC's policies on allowance. In addition, any regulations with higher allowance shall be prioritized to be applied.

III. GENERAL SOCIOECONOMIC PROFILE

A. Socioeconomic Features: Project area and Affected Households

A.1. Socioeconomic Features: Project area

44. Lang Son is a mountainous province located in Northeast of Vietnam. It is 154km and 165km far from Hanoi by road and by railway respectively. Lang Son is located in the heart of Nanning (China) - Hanoi - Hai Phong - Quang Ninh (Vietnam) economic corridor, with the international border gate with China.

45. Lang Son has a low hilly terrain with the average elevation of 252m over the sea level and the annual average humidity of 80-85%, lower than other regions in the country. The average rainfall is 1200 - 1600mm. Located in the tropical monsoon climate region; Lang Son has a diversified network of rivers.

46. Lang Son has a total natural area of 8.310,09 km², in which, mountains and hills cover more than 80% of its total area. The total population of the province is 757,918 people (2015) with 7 ethnic groups living together (accounting for 85% of the total population in the province). In which, the Nung, Tay, Kinh, Dao, account for 43.9%, 35.3%, 15.3%, 3.5% respectively; the Hoa, San Chay and other EM groups account for 1.4%.

47. Lang Son has one city and 10 districts (Bac Son, Binh Gia, Cao Loc, Chi Lang, Dinh Lap, Huu Lung, Loc Binh, Trang Dinh, Van Lang, Van Quan). The average population density of the province is 91 people / km²; however, the population is distributed unequally. In Lang Son city, the population density is 1,194 people/km², 13 times as high as the province's average density. About 80% of the population live in rural areas.

Table 9: Population and Population density of Lang Son in 2015

District/City	Area (km ²)	Population	Population density	Gender		Location	
				Male	Female	Urban	Rural

Lang Son	77.94	93,072	1,194.15	46,315	46,757	69,447	23,625
Trang Dinh	1,016.71	61,240	60.23	30,629	30,611	4,631	56,609
Binh Gia	1,094.15	53,744	49.12	26,889	26,855	3,120	50,624
Van Lang	567.4	51,288	90.39	25,638	25,650	3,913	47,375
Cao Loc	619.09	76,337	123.31	38,206	38,131	15,286	61,051
Van Quan	547.56	55,173	100.76	27,555	27,618	4,503	50,670
Bac Son	699.41	67,743	96.86	34,055	33,688	4,516	63,227
Huu Lung	807.63	115,795	143.38	58,181	57,614	9,661	106,134
Chi Lang	704.19	76,110	108.08	38,070	38,040	12,390	63,720
Loc Binh	986.44	80,373	81.48	40,184	40,189	15,664	64,709
Dinh Lap	1,189.56	27,043	22.73	13,715	13,328	5,714	21,329
Total	8,310.09	757,918	91.20	379,437	378,481	148,845	609,073

Source: Lang Son statistics Yearbook, 2015

48. The poverty rate of Lang Son in the years 2015- 2016 shows that the province has made a great progress in reducing the poverty rate to 25.95% in 2016.

49. According to the new national poverty standard for the period 2016- 2020, the poverty rate in Lang Son province is quite high with 25.95% in 2016, much higher than the national average poverty rate of 9.88%. The main poverty characteristics in this province includes: (i) there is a big gap in poverty rate between the urban and rural areas; (ii) poverty often exists in remote mountainous areas and (iii) EM groups have high poverty rate.

Table 10: Poor HHs in the subproject area in the period of 2015-2016

Province/district	Poverty rate of Lang Son province (%)		
	Total (%)	Kinh people	EM people
Total of rate poor HHs in Lang Son province	25.95	7.6	92.4
Lang Son city	0.7	18.9	81.1
Trang Dinh district	27.5	3.0	97.0
Van Lang district	29.7	1.1	98.9
Binh Gia district	46.4	1.0	99.0
Bac Son district	26.2	5.1	94.9
Van Quan district	38.8	1.1	98.9
Cao Loc district	27.8	2.0	98.0
Loc Binh district	29.4	5.1	94.9
Chi Lang district	23.7	1.1	98.9
Dinh Lap district	41.9	4.1	95.9
Huu Lung district	25.7	34.9	65.1

Source: Lang Son statistics office, 2015

50. Binh Gia is a mountainous district located in the Northwest of Lang Son province and is 70km far from Lang Son city. The district has a total natural area of 109,405 ha, including 8,045 ha of agricultural land (7.36%) and 84,241 ha of forestry land (77%). The district's terrain can be divided into 4 areas: (i) limestone sub-region; (ii) mountains in the sub-region with the slope of 25-30° accounting 70% of the total district's area, suitable for afforestation and forest regeneration; (iii) sub-region with small valleys, accounting for 3.5% of the total district's area and the land for rice cultivation accounts for 90% of total area of this sub-region; and (iv) the hilly sub-region IV with the slope of 15-20°. This sub-region has a total natural area of 4,000 ha which is suitable for growing fruit trees and industrial trees.

51. The district has a population of 53,774 people by the end of 2015 with a population density of 49 people / km. The district has 1 town and 19 communes. Ethnic groups living in this district include the Kinh, Tay, Nung, Dao, H'Mong, San Chay, etc. In which, the Nung, Tay and Kinh account for 42.97%, 35.92%, and 16.5%. The rest includes the Dao, Hoa, San Chay and H'Mong EM groups.

52. Binh Gia is one of two poor districts in Lang Son province in accordance with the Decision No. 293/QĐ-TTg with 17/19 communes under Program 135. The district's poverty rate in 2016 is 46.4%. Poverty rate among EM group is 99% meanwhile it is 1% among the Kinh group.

53. Agriculture is still the main sector in the district's economy. According to the annual report of the district, the growth rate of the district is 10.26%, in which, the growth rate of the agricultural sector is 7.83%. The average income per capita in 2015 is 17.6 million VND.

54. Mountains and hills cover a majority area of Binh Gia district, therefore, the residential land and agricultural land for annual crops and perennial trees is limited and accounts for only 7.36%. The forestry land accounts for 77% of the total land area with the average forest coverage of 56.5%.

B. Socio-Economic Information of affected households

55. **General description:** The subproject will affect on 178 HHs in 3 communes of Hoa Tham, Quy Hoa and Vinh Yen of Binh Gia district with 784 APs including 401 men and 383 women. The average size of each family in affected communes is 4.4 people.

56. **Ethnology:** according to the survey results: all 178 AHs are EM households with 784 people. There are 15 Tay AHs with 62 people (7.9%), 80 Dao AHs with 356 people (45.4%) and 83 Nung AHs with 366 people (46.7%).

57. **Educational background:** The local APs have low education background. Out of 784 APs, 440 APs finished primary school (56.1%), 234 APs finished secondary school (29.9%), 92 APs finished high school (11.7%) and only 18 APs have the college/university degree (2.3%).

58. **Income:** The main income sources are from agricultural production such as cultivation of rice, vegetable and breedings. Out of 178 AHs, only 14 AHs have income from salary for government staffs, 7 AHs have incomes from small trading services and 3 AHs have income from pension.

59. **Poor Household:** The poverty rate remains high in the project area in general and among affected HHs in particular. 95/178 AHs are poor HHs. The average size of each poor HH is 5.4 people. The education background of poor HH heads is low: almost all of them finish the primary and secondary school. These 95 poor HHs under vulnerable groups, therefore, they need support during preparation and implementation of REMDP.

60. **Severely affected:** Out of 178 AHs, there are 19 severely affected HHs due to loss of production land. In which, 12 AHs with 62 persons losing 10-30% of their production land, 7 AHs with 33 persons losing 30-70% of the total productive land area. In addition, 12 AHs have to relocate. Out of 31 adversely affected households, there are 20 poor households which need to be assisted during the subproject implementation process.

Table 11: AHs and Average size of AHs

Commune	Surveyed AHs				Average size of AHs (person/ HH)
	No. of AHs	Male	Female	No. of AHs	
Hoa Tham	20	18	2	90	4.5
Quy Hoa	69	67	2	297	4.3
Vinh Yen	89	81	8	397	4.4
Total	178	166	12	784	4.4

Source: socio-economic survey and IOL, Oct 2016

B.1. Heads of Affected Households

61. Gender of HH heads: Out of 178 AH heads in 3 communes (20 people in Hoa Tham, 69 people in Quy Hoa and 89 people in Vinh Yen commune), in which, men account for a majority with 166 people and only 12 HH heads are women (2 women in Hoa Tham, 2 women in Quy Hoa and 8 women in Vinh Yen).

62. Age of HH heads: Out of 178 HH heads, only 11 people are under 20 (6.2%), 86 people are 20 – 40 years old (48.3%), 64 (36%) people are 41-60 years old and 17 people (9.5%) are above 60 years old.

63. Education background of HH heads: The education background of AH heads in particular and HH heads in the subproject area in general is relatively low. Out of 178 AH heads, 100 people finished the primary school, 53 people finish secondary school, 21 people finish high school and only 4 people have vocational school/college/university degree (see table 11).

Table 12: Demographic characteristics of Surveyed AHs

Commune	No. of Surveyed AHs		Age				Education			
	Total	Female headed HHs	< 20	20-40	41-60	> 60	Primary school	secondary school	High school	College/ University
Hoa Tham	20	2	2	8	7	3	2	10	8	-
Quy Hoa	69	2	4	33	26	6	34	28	6	1
Vinh Yen	89	8	5	45	31	8	64	15	7	3
Total	166	12	11	86	64	17	100	53	21	4

Source: socio-economic survey and IOL, Oct 2016

B.2. Affected household members

64. There are totally 784 people in 178 HHs affected by the subproject. In which, there are 20 AHs with 90 APs (4.5 APs/AH on average) in Hoa Tham commune, 69 AHs with 297 APs (4.3 APs/AH on average) in Quy Hoa commune, 89 AHs with 397 APs (4.4 APs/AH on average) in Vinh Yen commune. The average size of affected HHs in 3 communes is 4.4 people/HH.

65. Out of the total 784 APs in 3 communes, the average rate of women is 51.1% and the rate of men is 48.9%. In detail: 46.7% of men and 53.3% of women in Hoa Tham commune, 49.5% of men and 50.5% of women in Quy Hoa commune and 53.4% of men and 46.6% of women in Vinh Yen commune.

66. Most of affected people are young with the age of 20-40. In which, the AHs under 20 account for 30%, APs from 20-40 account for 31.7%, APs from 41-60 account for 27.2% and the APs above 60 account for only 11.1% (see table 12).

Table 13: Gender and Age of Household heads

Communes	No. of AHs	No. of APs	Average size of HHs (person/HHs)	Gender (%)		Age (%)			
				Male	Female	<20	20-40	41-60	> 60
Hoa Tham	20	90	4.5	46.7	53.3	31.8	29.2	26.3	12.7
Quy Hoa	69	297	4.3	49.5	50.5	29.7	33.6	25.4	11.3
Vinh Yen	89	397	4.4	53.4	46.6	28.5	32.1	29.9	9.5
Total	178	784	4.4	48.9	51.1	30.0	31.7	27.2	11.1

Source: socio-economic survey and IOL, Oct 2016

67. The education background of the local communities in general and 178 AHs in particular is still low, therefore, most of them are unskilled labours who are mainly involving in agricultural production. The average income of HH is still low. Most of them are poor and near poor HHs. Survey results showed that 20 AHs in Hoa Tham commune, which is near the district center with convenient transportation, have a monthly income per capita of 600,000 VND and the average monthly income of the HH is around 2,640,000 VND.

68. Quy Hoa and Vinh Yen are especially difficult communes with high poverty rate due to inconvenient transportation conditions. 69 AHs in Quy Hoa commune have a monthly income per capita of 480,000 VND and the HH's average monthly income of 2,160, 000 VND. 89 AHs in Vinh Yen commune have a monthly income per capita of 450,000 VND and the HH's average monthly income of 1,980, 000 VND. The average size of HH is 4.4 people/HH.

Table 14: Average Income of AHs

Commune	Number of consulted AHs	Average monthly income per capita (VND)	HHs' average monthly income (VND)
Hoa Tham	20	600,000	2,640,000
Quy Hoa	69	480,000	2,160,000
Vinh yen	89	450,000	1,980,000
Total	178	510,000	2,244,000

Source: socio-economic survey and IOL, Oct 2016

B.3. Access to Infrastructure Facilities and Utilities

69. Affected infrastructures and facilities: all 178 AHs were surveyed and interviewed. The survey results show that all 178 AHs (100%) have accessed to the national power grid, 157 HHs (88.2%) use hygienic water sources (streams, well) for domestic use and the remained HHs use other water sources such as rain water, pond, etc. 126 HHs (70.8) have their own bathrooms and 29.2% have no bathrooms. 121/178 AHs (67%) have their bathrooms affected.

Table 15: Access to Infrastructure and Utilities

Facilities	Frequency	Note
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	Number of AHs	Percent age (%)	
Number of surveyed households	178	100.0	
Number of HHs who have accessed to national power grid	178	100.0	
Number of HHs who have accessed to clean water for domestic use	157	88.2	
Number of HHs with bathroom facilities	126	70.8	
Number of HHs with toilet facilities	121	67.0	

Source: socio-economic survey and IOL, Oct 2016

B.4. Household Assets

70. The assets of the households affected by the project are not many as affected communes are especially difficult ones in accordance with the Decision of Prime Minister in 2014.

71. Results of survey and IOL show that most of 178 AHs live on agriculture. 98/178 AHs (55%) have cattle such as buffalos/cows/horses, 178 AHs (100%) raise pigs and goats, 9 AHs (5%) have agricultural machines such as ploughing machines, harrowing machines, threshing machines, etc. No HH has a car/truck/power generator, 164 HHs (92%) have motorbikes.

72. HHs have a limited number of facilities. 46/178 AHs (24%) who are living along the road and in the commune center have refrigerators; only 5 AHs (2.8%) have computers; 6 AHs (3.4%) have washing machines; 134 AHs (75%) have televisions; 4 AHs (2.3%) have money deposited in the bank and all 178 AHs have telephones.

Table 16: AHs' Assets

Type of assets	No. of owners (AH)	Percentage (%)	Type of assets	No. of owners (AH)	Percentage (%)
Buffalo/cow/horse	98	55.0	Fridge	46	24.0
Goat/pig	178	100.0	Computer	5	2.8
Generator	0	0.0	Washing Machine	6	3.4
Farming machine	9	5.0	TV/Video players	134	75.0
Car/truck	0	0.0	Mobile phone	178	100.0
Motorbike	164	92.0	Bank Savings	4	2.3
Other	178	100.0	Other	178	100.0

Source: socio-economic survey and IOL, Oct 2016

C. Gender and EM issues

C.1. Subproject impacts on ethnic minorities

73. **Subproject's potential negative impacts:** The land acquisition will have direct negative impacts on local affected people (100% of APs are EM people) if they are not compensated appropriately. In addition, some negative impacts such as noise, dust and degradation of road may occur during the construction period, if the compensation is not well-

implemented, it may cause disadvantages for affected people and may cause conflict. During the construction period, workers from other places may cause health risks for EM people, especially EM women, such as the risk of suffering from sexually transmitted diseases (STDs). Other risks may include the increase in traffic accidents due to the increase in traffic flow on the upgraded road. These risks may occur because the road connects Binh Gia district's center to Na Ri district, Bac Kan province.

C.2. Subproject impacts on women

74. The subproject may cause negative impacts on people and especially women. However, 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.

75. **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 market, production locations, health care center and school of local people especially the EM people; reduce the cost and creating more value added to agricultural products;
- (ii) Create new opportunities for livelihood, trading and services; creation of jobs to increase income for women, especially poor women during subproject construction time, temporarily contributing to poverty alleviation in the subproject communes;
- (iii) Providing opportunities to improve the status of women and enhance their participation in community activities through gender action plan, and;
- (iv) To directly contribute to poverty reduction in the subproject commune.

C.3. Measures to Minimize Negative Impacts,

76. To mitigate the negative impacts on EMs, before and during the design process, compensation and resettlement assistance, as well as supervision of construction works, the PMU staff will facilitate the dissemination of subproject information to EMs to ensure that they (EMs) get maximum benefit from the advantage conditions brought by the subproject. During the construction process, the contractor should apply mitigation measures and restore the road if construction vehicles cause damage to the road. And it is necessary to apply measures on preventing risks of sexually transmitted diseases (if necessary),

C.4. Action plan for ethnic minority people

77. From the above analysis of subproject impacts, a gender action plan has been prepared for the overall subproject key facets which are adopted for the subproject to facilitate maximum participation of women in the construction phase, providing new opportunities for them (women) to increase income, but not increase the burden on their lives, and contribute to increase the role and status of women in the subproject area.

78. The specific objectives of this plan are:

- (i) The local contractor will use at least 30% female workers in the subproject construction, maintenance and repair;

- (ii) For a similar type of work, women workers must be paid the similar amount as male laborers;
- (iii) The safety conditions must be the same for both men and women;
- (iv) The local contractor will not use child labor;
- (v) Encourage the use of local labor (both men and women);
- (vi) The women's group and the Woman Union will be consulted in the design of the Subproject;
- (vii) Training on gender mainstreaming for the implementing agencies at provincial, and local agencies (i.e. PMUs, and other stakeholders);
- (viii) Training and capacity building for women to participate in community decision making and subprojects in a most meaningful way (i.e., training on participation and negotiation skills, marketing skills, cultivation skills and eliminating illiteracy for women);
- (ix) The extension services targeted at women are designed and delivered to women; and
- (x) At least one woman will be the representative of the commune women in the commune supervisory boards (accounting for about 1/3 of its members).

Table 17: Gender and EM development action plan

Project outputs	Activities and Indicators	Responsibilities	Time
Output 1: The transport system is improved, creating favourable conditions for transportation of goods, travelling and flood protection.	<ul style="list-style-type: none"> - Contractors will prioritize the use of local unskilled labor (through subcontracting); at least 30% of the labour force will be local unskilled labor; - Among the 30% of local labor, priority is given to the unskilled female laborers; - Male and female unskilled workers will receive equal pay for equal work; - Contractors will not employ child labor on civil works contracts; - Persons interested will write their names at village level; commune authorities and village chiefs will provide the names to the contractors; and priority will be given to members of the poorest households 	<ul style="list-style-type: none"> - PMU/Project Loan Implementing Consultant will be responsible to ensure this clause is included in the contract; - Commune authorities will submit to the contractors the list of interested persons (to work in the subproject); - Commune authorities will be responsible for ensuring that targets are met; - Women's Union at commune level will also ensure that women are hired; 	During construction
Output 2: Strengthening capacity for local people and institutional capacity for development, management of the subproject	<ul style="list-style-type: none"> At least 50% of women participate in the extension program; Women are consulted during the design of all infrastructure rehabilitation projects; Gender mainstreaming training for the implementing agencies at the national, provincial, and local levels (i.e. CPMU, PMUs, and other stakeholders); Strengthening capacity for women to participate in making community and subproject-related decisions in the most 	PMU staff, district PC, commune PCs	During subproject implementation

Project outputs	Activities and Indicators	Responsibilities	Time
	<p>meaningful way (i.e. training on the participation and negotiation, marketing skills, mathematics and literacy);</p> <p>Women's participation in study tours under the project;</p> <p>Women targeted agricultural extension services are designed and transferred to women.</p>		
<p>Output 3: Awareness of potential social problems is enhanced among vulnerable people, especially women</p>	<p>HIV/AIDS and Human Trafficking Campaign, Community-Based Risk Mitigation Campaign</p> <ul style="list-style-type: none"> - The risk mitigation information will be delivered to subproject-affected communes and villages using a participatory approach with a special focus on the poor, vulnerable households (e.g., households headed by women, and families with disabled and elderly members, and out-of-school youth); - Materials will be gender-responsive and culturally- and linguistically-appropriate; - Training of facilitators will be conducted by women's unions and representatives of HIV/AIDS centers and communes in each of the two project areas; - Campaigns will be conducted at commune & village levels by 2 facilitators per village (village chief & 1 woman member of the WU); - Campaigns will be conducted at village level and during market days, through distribution of leaflets, speaker system, etc. 	<ul style="list-style-type: none"> - WU at the provincial and commune levels will be responsible for the whole campaign organization (training of facilitators, materials development) in collaboration with district and commune health centers, - WU at the village level will be responsible for the dissemination of information; - Commune/district health centers will assist WU at commune level; - Loan Implementation Consultant will include international and national gender and EM specialists; - The gender and EM specialists from the Loan Implementation Consultants will review the existing materials and, if necessary, supplement the existing Materials. 	<p>Monthly, before and during construction</p>
	<p>Construction-Setting Risk Mitigation Campaign</p> <ul style="list-style-type: none"> - PMU and Contractors will work closely with health services at the district and commune levels to develop awareness, training, prevention, and diagnosis and treatment programs for workers; - All programs and materials developed will integrate gender issues, including key vulnerabilities and needs of men and women, - In particular contractor will: Develop awareness programs for the employees and the community including information, education and communication activities that address HIV transmission and promote preventive measures; Provide voluntary counselling and encourage 	<ul style="list-style-type: none"> - PMU, Contractors - Local health centers - Commune authorities - Women's union will carry out overall coordination to create greater synergy on HIV focused activities, 	<p>During construction</p>

Project outputs	Activities and Indicators	Responsibilities	Time
	<p>testing for HIV/AIDS to make sure that all employees know their status;</p> <p>Facilitate access to health care and be supportive of people who have disclosed their HIV status;</p> <p>Provide basic medical care and facilities (free condoms) at workers, camps.</p>		
	<p>Community based traffic safety program</p> <p>PMU and mass media agencies will implement a program on traffic regulations and safety measures in communes, villages and schools to raise awareness on traffic safety during the road construction and operation.</p> <p>Training for facilitators will be implemented together with the program on prevention of HIV and human trafficking.</p> <p>Facilitators shall integrate gender sensitive materials and translate into EM languages, if necessary.</p> <p>Training for facilitators in the subproject area shall be implemented by women's unions and PMU representatives.</p> <p>The program will be held twice in each village and during the local markets through material delivery and radio broadcasting system.</p> <p>The program is also implemented in schools by teachers who have been trained about the program.</p> <p>The program is also implemented in villages by village leaders and 1 member of commune's women's union.</p>	<p>PMU is responsible for allocating budget for program implementation;</p> <p>The provincial women's union is responsible for organizing the program (training for facilitators, preparation of materials)</p> <p>Commune's women's union will monitor the information dissemination</p> <p>The Gender and EM specialist will review and prepare materials</p>	<p>Monthly, during construction</p>
	<p>Traffic safety measures.</p> <p>Detection and removal of obstacles and dangerous points.</p> <p>The warning signal boards will be installed at key locations along the road.</p> <p>Striping for crossing the road, if necessary;</p> <p>To ensure safety for children and passengers, lighting system and berms shall be installed at necessary locations</p> <p>Women's unions and communes shall be consulted on the locations of safety device installation.</p>	<p>PMU</p> <p>Consultants</p> <p>Project coordinator</p>	<p>During design and initial implementation</p>
<p>Project Management</p>	<ul style="list-style-type: none"> - Gender and development briefing and training will be provided to PMU staff, local organizations and contractors; - All capacity development activities will include targets for female participation. 	<p>Implementation project</p> <p>Consultants</p> <p>PMU</p>	<p>During design and initial implementation</p>

IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Information Disclosure

79. The main objectives of the information disclosure activities participated by relevant agencies and stakeholders; and consultation of affected people are the following: (i) to provide AHs the sufficient information about Project, components and activities; (ii) Collect comments and the needs of AHs, their reaction to project proposed policies and activities; (iii) involve the cooperation and participation of AHs in the planned programmes related to the preparation and implementation of REMDP; (iv) ensure the AHs can participate and give decisions to the issues which have direct impact to their income and normal life; and (v) ensure transparency in land acquisition, relocation, and restoration activities,

80. According to ADB's requirements, the PMU shall assist the PPC to disseminate this REMDP once this is approved by the PPC and ADB. This REMDP will be posted on ADB's website in both Vietnamese and English and it is necessary to coordinate with heads of villages to disclose it to ethnic people through village and commune meetings using their own native languages,

B. Public Consultation and Participation

81. Public consultations and community participation is encouraged in all the subproject 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 Subproject, stakeholders and APs in order to ensure that their views and concerns are incorporated into subproject preparation and implementation with the objectives of reducing or offsetting negative impacts and enhancing benefits from the Subproject. The feedback from consultations is an important component of, and crucial methodology of the planning process, leading to the formulation of mitigation measures and compensation plans for subproject-affected communities, and for environmental mitigation measures.

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

- (i) Provide full and transparent information to APs 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 participate 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 co-operation, 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;

- (vi) Exploring options for the co-management of natural resources through participatory approaches aimed at sustainable use and conservation;
- (vii) Method of consultation and participation has to ensure two-way exchange of information between the community, people and affected groups by a consultation method in accordance with the traditional cultural of the locality, taking into account gender issues social justice and the principle of equality.

B.1. REMDP Consultation and participation during the REMDP preparation

83. Three community consultations have been conducted with local authorities, mass organizations and APs and non-APs in March 2017.³ The objective of the consultation meetings was to provide information, as much as possible, on the subproject to local authorities, mass organizations, APs and non-APs, and discuss and document their comments on subproject issues. Specifically, the following subjects were presented and discussed:

- (i) Subproject description: location, size and scope of impacts;
- (ii) Presentation and discussion with AHs on the subproject's policies, those eligible for compensation and resettlement assistance;
- (iii) Presentation and discussion with AHs on the subproject implementation plan;
- (iv) Presentation and discussion with APs on the grievance redress mechanism;
- (v) Presentation and discussion with the APs on issues related to EMs, gender, restore income, livelihood and other support policies.

84. The method used in the consultation process with APs by the subproject complies with the two-way exchange of information between the community and advisory groups. It will promote the neutrality to ensure and encourage participation of the APs. There is a mechanism to provide feedback on the people's opinions, perceive all the reasonable ideas, and give reasons to those opinions that are not relevant.

85. Consultation meetings organized at communes with participants including the AHs, representatives of beneficiaries, CPMU, PMU, CPC, resettlement specialists, gender specialists, and national experts on EMs, environmental specialist, village leaders, and representatives of farmer associations, women union, fatherland front association and youth union, contents consulted include:

- (i) Meetings with the APs including men and women to disseminate general information and discuss issues of resettlement and environmental impacts as well as mitigation measures;
- (ii) Further discussion on issues of gender and EMs;
- (iii) Intensive interviews;
- (iv) The participation of local authorities (provinces, districts and communes) to explain and understand the issues raised by local residents.

86. 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 road subproject;

³ Sample minutes of the Community Consultations meeting for onw communes of the road subproject are found in Annex 1 of the REMDP report.

- (ii) during the meetings, the potential impacts of the subproject in terms of land acquisition were duly discussed with APs whose lands and assets will be affected; All agreed that the impact of subproject is marginal however all impacts on the assets should be compensated and assisted;
- (iii) The APs agreed with the subproject's principle on compensation and resettlement assistance;
- (iv) During the detailed design phase, it is necessary to consult with communal authority and local people;
- (v) It was noted that the environmental impacts of the subproject during construction are inevitable, but these can be minimized with the proposed mitigation measures in the EMP;
- (vi) It is necessary to have proper construction method especially for the road section running through residential area, structures of households near the road, structures of CPC, school, bridge and culvert in the territory of communes. 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 18: Participants in community consultation meeting

No.	Commune	Location	Participants	Number of participants	Number of ethnic minority participants	Number of participating women
1	Hoa Tham commune	CPC	Representatives of CPC, union, affected HHs	33	32	10
2	Quy Hoa commune	CPC	Representatives of CPC, union, affected HHs	58	58	11
3	Vinh Yen commune	CPC	Representatives of CPC, union, affected HHs	85	85	23

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

87. Opinions, suggestions and concerns of the communities and potentially affected households that was raised in the consultation meeting is summarized in table below:

Table 19: Information on community consultation meetings

No,	Communes	Summary feedback/opinion
1	Hoa Tham	<ul style="list-style-type: none"> - AHs participating in the meetings state that because upgrading and improving of the works are mainly implemented on the existing route, scope of impacts and effect caused by the subprojects on people's living as well as production activity are not serious; - Commune authorities and local people proposed to apply mitigation measures to minimize negative impacts on local HHs' land and assets. - Enhance the management and supervision of construction; especially strengthen mechanisms to promote effectiveness of the local community supervision board to ensure the quality of the upgraded road. - Households who have land and assets severely affected by the subproject shall be compensated and supported in compliance with the project's policy framework. - Local authorities and people agreed with the subproject which contributes to local socio-economic development. The existing road is seriously degraded, which causes difficulties for local people in transportation of goods, especially during the rain.
2	Quy Hoa	<ul style="list-style-type: none"> - Commune leaders and AH representatives said that the upgrading works are mainly conducted on the existing road. The subproject has insignificant impacts on local people's daily activities and production. However, it is proposed that the Client and Consultant should apply mitigation measures to minimize negative impacts on houses, structures of local people and organizations. - In addition, commune authorities and local people proposed to apply mitigation measures to minimize negative impacts on local HHs' land and assets, except for some curved sections which are re-aligned. - Enhance the management and supervision of construction, especially strengthen mechanisms to promote effectiveness of the local community supervision board to ensure the quality of the upgraded road. - Households who have land and assets severely affected by the subproject shall be compensated and supported in compliance with the project's policy framework. - Local authorities and people agreed with the subproject which contributes to local socio-economic development in particular and for development of the whole province in general.
3	Vinh Yen	<ul style="list-style-type: none"> - Commune leaders and AH representatives said that the upgrading works are mainly conducted on the existing road. The subproject has insignificant impacts on local people's daily activities and production. - Commune authorities and local people proposed to apply mitigation measures to minimize negative impacts on local HHs' land and assets; - Enhance the management and supervision of construction, especially strengthen mechanisms to promote effectiveness of the local community supervision board to ensure the quality of the upgraded road;

		<ul style="list-style-type: none"> - Households who have land and assets severely affected by the subproject shall be compensated and supported in compliance with the project's policy framework. Compensation may not be necessarily paid for insignificant impacts as local people wanted the road to be upgraded as soon as possible so they will support the subproject. - Local authorities and people agreed with the subproject which contributes to local socio-economic development
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Source: the REMDP Consultant's Community consultation Results in March 2017.

B.2. Public consultation and Participation mechanisms during implementation of REMDP

88. In the implementation phase, PMU in combination with district resettlement committee and CPCs is responsible for dissemination of subproject information translated into local languages (if necessary) using various media such as organizing seminars, presentations, and public meetings where subproject APs and beneficiaries are invited. PMU will distribute the PIB and other documents of the subproject to APs. Participants are freely to give feedbacks after they knew about the subproject. They can comment about the technical parameters and subproject impacts of different alternatives, and about resettlement and compensation measure of the subproject.

89. Local people, especially APs have right to work for the subproject as specified in the Action Plan for Gender and EM Development (Table 17). All the community has rights to monitor not only the construction of the subproject but also the implementation of the REMDP (see part VII – Monitoring and evaluation), and some of them may join the Community Monitoring Board of the commune to monitor the implementation process. They can make grievance if they find any illegal actions or things they disagree as specified in part VII.

B.3. Consultation during REMDP implementation:

90. During REMDP implementation, PMU and relevant agencies in Binh Gia District People's Committee, Hoa Tham, Quy Hoa, Vinh Yen People's Committee are responsible for regular dissemination of project information which is translated into the local language spoken in the area. The information is delivered through various types of media such as meetings, seminars, presentations where AHs and beneficiaries are invited to participate. Project Information Booklet (PIB) and other documents are prepared by PMU and distributed to AHs. Participants are encouraged and can freely raise their opinions and provide feedback and comments on the technical proposal and impacts of various designs, Particularly, AHs to be consulted effectively in a manner free of coercion. Feedback is then considered for incorporation into subproject design and into emerging progress of subproject implementation.

V. GRIEVANCE REDRESS MECHANISM

91. 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. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. Grievances redress mechanism of the project will be followed Law on complaint No, 02/2011/QH13 dated 11/11/2011.

92. **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.

93. **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

94. **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.

95. **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.

96. The above grievance redress mechanism was disclosed and discussed with affected people during the public disclosure and consultation activities to ensure that grievance procedures are understood and agreed by all parties, PMU/DARD and LIC as internal monitor in behalf of the C/PMU are responsible for monitoring the progress of the grievance redress process. Local regulations and law will prevail to redress the complaints. For the meantime, as the grievance is in the process of redressing, compensation money and allowances will be deposited to an escrow account until it is properly resolved to the satisfaction of all parties. It must be impressed that the above procedures will not impede the aggrieved AH from seeking

resolution of the court and may at any given level elevate his/her complaints to the appropriate local peoples' court for arbitration/mediation of his/her grievance/complaints.

VI. LEGAL AND POLICY FRAME WORK

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

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

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

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

101. For projects/subprojects involving facilities and/or business activities that already exist or are under construction, the borrower is required to undertake an environment and/or social compliance audit⁴, including on-site assessment, to identify past or present concerns related to impacts on the environment, involuntary resettlement, and indigenous peoples. The audit should determine whether actions were in accordance with ADB's safeguards principles and requirements and identify and plan appropriate measures to address outstanding compliance issues. Where noncompliance is identified, a corrective action plan agreed on by ADB and the borrower will be prepared.

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

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

ensure the roles of third parties are appropriately defined in the plans; and (v) ensure meaningful consultations with DPs have been conducted.

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

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

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with DPs, host communities, and concerned non-government organizations. Inform all DPs of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the DPs' concerns. Support the social and cultural institutions of displaced persons and their host population.
- (iii) Improve, or at least restore, the livelihoods of all DPs through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide DPs with needed assistance, including the following: (i) if there is relocation, secured tenure to replacement land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women headed households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status⁵.

⁵ ADB involuntary resettlement safeguards is applicable to negotiated settlements if expropriation would result upon the failure of negotiations. Negotiated settlement should be based on meaningful consultation with affected persons, including those without legal title to assets. In doing so, the borrower is required to

- (vii) Ensure that DPs without title to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose both the draft and final resettlement plan in a form and language understandable to DPs and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

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

- (i) Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on

offer adequate and fair price for land and/or other assets. The borrower is also required to engage an independent external party to document the negotiation and settlement processes. Refer to paragraph 25, Appendix 2 (involuntary resettlement) of ADB SPS (2009).

Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.

- (iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.
- (iv) Obtain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples.
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- (vi) Prepare an Indigenous Peoples Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.

(viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.

(ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

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

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

A. Legal basis of the Government of Vietnam

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

Reference	Date	Title	Description
45/2013/QH13	29/11/2013	Land Law	Comprehensive land administration law
47/2014/NĐ-CP	15/5/2014	Decree: Regulations on Compensation, Support and Resettlement upon	Specifies provisions for compensation and resettlement

Reference	Date	Title	Description
		Land Expropriation by the State	assistance
37/2014/TT-BTNMT	30/06/2014	Circular on detailed regulations on compensation, support, and resettlement upon land expropriation by the State	Guides Decree 47
44/2014/NĐ-CP	15/5/2014	Decree: Regulations on Land Prices	Specifies methods for land pricing and land price frameworks
43/2014/NĐ-CP	15/5/2014	Decree Detailing a Number of Articles of the Land Law	Provides guidelines on the implementation of the Land Law
23/2014/TT-BTNMT	19/05/2014	Circular regulating Land Use Right Certificate (LURC)	Clarifies ownership rights of land and assets
36/2014/TT-BTNMT	30/06/2014	Circular on land pricing	Guides Decree 44
494/NQ-UBTVQH13	18/05/2012	Resolution	Resolution of the National Assembly Standing Committee implementation of policies and legislation on people with meritorious service records
22/2013/QĐ-TTg		Decision	Decision of the Prime Minister on supporting people with meritorious services records in housing
02/2011/QH13	11/11/2011	Complaints Law	Regulates handling of complaints against administrative decisions or acts of state administrative agencies
75/2012/NĐ-CP	03/10/2012	Decree detailing a number of articles of the Law on complaints	Guides Complaint Law 02
09/2012/QĐ-UBND	20 April 2012	Decision of Lang Son People's Committee	Promulgates regulations, unit prices of compensation, assistance and resettlement, implemented process and procedures when the State

Reference	Date	Title	Description
			acquires land in the province.

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

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

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

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

2016	Decision No.1722/QĐ-TTg approving the national target program on sustainable poverty reduction for the 2016-2020 period. Specifies targets for reduction in incidence of poverty, and refers to districts inhabited by national minorities
2015	Decision No. 1557/QĐ-TTg approving certain criteria on implementation of MDGs for ethnic minorities in association with national post-2015 sustainable development goals
2015	Decision No. 59/2015/QĐ-TTg on the issuance of the criteria and the poverty line according to the multidimensional approach applies to the period from 2016 to 2020;
2014	Resolution 76/2014/QH13 of the NA on sustainable poverty reduction until 2020;
2014	Decision 2324/2014/QĐ-TTg dated 19/12/2014 on approval of the action plan to implement Resolution 76/2014/QH13;
2014	Decision No. 311/QĐ-MOLISA dated 20/03/2014 on approving the plan to transform from

	uni-dimensional to multi-dimensional poverty for the period 2016-2020;
2013	Decision No. 2356/QĐ-TTg, dated 12/04/2013 issued action program to implement the Master plan on the human resource development ethnic minorities and mountainous areas toward 2020;
2012	Joint Circular No. 01/2012/TTLT-BTP-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

B. Asian Development Bank's safeguards Policy statement (SPS) 2009 on Involuntary Resettlement and Indigenous People

112. 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.

113. Indigenous Peoples (IP)/ Ethnic Minorities (EMs). The main objectives of ADB's IP safeguards policy under the SPS 20096 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.

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

114. With regard to promulgation of land law 2013, Decree No. 47/2014/NĐ-CP, Decree No. 43/2014/NĐ-CP and Decree No. 44/2014/NĐ-CP, policies and guidance of the Government of Vietnam are more harmonious with policies of ADB on involuntary resettlement (SPS 2009). However, there is a quite difference between policies of the Government and policies of ADB on involuntary resettlement.

115. 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.

116. 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)

⁶Safeguard Policy Statement, 2009

Assistance to livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

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

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

**Table 20: 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
<p>Identification of severely impacted APs who lose productive land</p>	<p>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</p> <p>ADB Safeguard category definitions: https://www.adb.org/site/safeguards/safeguard-categories</p>	<p>APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.</p> <p><i>Decree 47/2014/ND-CP, Article 19, Item 3:</i></p>	<p>HHS to be deemed severely affected if they are to experience loss of 10% or more of productive assets and/or physical displacement</p>
<p>Meaningful consultations in planning and implementing resettlement programs</p>	<p>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.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 2</i></p>	<p>Public consultation is required for the preparation of district land use plans (Land Law article 43).</p> <p>Notification of between 90-180 to be given to affected land users (Land Law Article 67)</p> <p>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)</p>	<p>Conducting meaningful consultations with affected persons, mass organizations and civic organizations as part of REMDP preparation throughout project cycle.</p>

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	<p>Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 6</i></p>	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	<p>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 non-land assets.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 7</i></p>	<p>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).</p> <p>The Land Law (Article 92) permits recovery of land without compensation for lost assets in some cases.</p>	All affected persons to be entitled to compensation in line with ADB policy and government policy depending whichever is higher.
Prepare Resettlement Plan	<p>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.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 8</i></p>	Requirement for preparation of plans for compensation, support and resettlement. (Land Law Article 67) according to prescribed procedures (Article 69). Contents of plans provided in Decree No. 47/2014/NĐ-CP, Article 28.	REMDPs to be prepared for each subproject

Issue	ADB SPS requirement	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>	Full disclosure of detailed arrangements and compensation plans to affected persons. (Land Law Article 69)	Disclose draft REMDPs for each subproject, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected persons, and other stakeholders.
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

119. 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 (DPs) 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 DPs.
- (vi) Meaningful consultation will be carried out with the DPs and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the DPs and communities will be taken into account.
- (vii) The RP/REMDP will be disclosed to DPs in a form and language(s) understandable to affected persons prior to submission to ADB. RPs/REMDPs 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 DPs 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 DPs and rehabilitation measures are in place (ii) already-compensated, assisted DPs 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 (zia lang) will be engaged in the conduct of consultations for the preparation of the subproject. In case there are potential adverse impacts (including minor land acquisition), an REMDP will be prepared. For subproject with only positive impacts on ethnic minorities, the subproject preparation and implementation will include measures for ensuring their participation and inclusion in subproject benefits as elaborated in the Project Administration Manual.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Eligibilities

120. Legal rights to the concerned land determine the extent of eligibility for compensation with regards to that land. There are three of AHs eligible for compensation: (i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially; (ii) persons who lost land they occupy in its entirety or partially but do not currently possess a LURC, however, have claims that are recognized under national laws, or; (iii) persons who lost land they occupy in its entirety or partially who do not have recognized claim to that land. AHs included under (i) and (ii) above shall be compensated for the affected land and assets upon land. AHs 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 will have to be relocated.

121. 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.

122. 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

123. The compensation unit price for land, structures and trees and crops applied for resettlement cost estimate of this REMDP is based on the compensation unit price for land (land prices for the period 2015 - 2019), structures and trees and crops issued by Lang Son 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 Lang Son provincial People's Committee for compensation are acceptable. The compensation prices for lands and non-land assets will be updated at time of resettlement implementation based on results of replacement cost survey conducted by an independent qualified and experienced valuers.

124. **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 29/2014/QD-UBND dated December 20, 2014 issued by Lang Son Provincial People's Committee for the period 2015 – 2019. Basing on Decision No. 17/2016/QD-UBND dated 25th March 2016 by Lang Son PPC on promulgating adjustment coefficient of land price in Lang Son province in 2016. Total compensation cost for land affected by the subproject is VND 2,193,618,000.

125. **Compensation for structures:** The compensation unit price for structures and houses is stipulated in Decision No, 12/2015/QD-UBND dated 14 February, 2015 by Lang Son PPC on regulating in details of some articles of land law and Decree No. 47/2014 dated 15 May, 2014 by the Government on compensation, assistance and resettlement when land is acquired by the State in Lang Son province; Decision No.16/2015/QD-UBND dated 21 April, 2015 by Lang Son PPC on promulgating unit price for new construction of house, structures and works which is applied for compensation and assistance activity when land is acquired by the State in Lang Son province. Total compensation cost for structures is VND 6,557,841,000.

126. **Compensation for trees:** is stipulated in Decision No.03/2013/QD-UBND dated 05 March, 2013 by Lang Son PPC on adjusting and supplementing some articles of regulation on unit price of crops and livestock applied for compensation, assistance and resettlement when land is acquired in Lang Son province; Decision No.12/2015/QD-UBND dated 14 February, 2015 by Lang Son PPC on regulating in details of some articles of land law and Decree No. 47/2014 dated 15 May, 2014 by the Government on compensation, assistance and resettlement when land is acquired by the State in Lang Son province. Total compensation cost for affected trees and crops is VND 881,760,000.

127. **Assistance for life stabilization:** Policy applied for the subproject: households losing 10% and less than 30% of their agricultural land holding will be provided assistance in cash equivalent to 30kg of rice/ person/ month within three months. HHs losing from 30 to 70% of their agriculture landholding will receive assistance within six months in case of not being relocated and 12 months in case of being relocated; in case of being relocated to areas with difficult socio-economic condition or much difficult socio-economic condition, the HHs will be provided assistance within 24 months. HHs losing more than 70% of their agriculture landholding will be provided assistance within 12 months in case of not being relocated and 24 months in case of being relocated. In case of relocating to areas with difficulty socio-economic condition, the HHs will be provided assistance within 36 months. The average rice price in the project area is determined by District's Financing Department at the time of preparing compensation plan. In this subproject, there are 12 households with 62 persons losing from 10 to less than 30%, seven households with 22 persons losing from 30 to 70%. Total assistance cost is VND 161,280,000.

128. **Assistance for job changing/creation:** For Households or individuals with acquired agriculture land, directly production agriculture: will be assisted training, job changing and creation in cash assistance equivalent to 2 to 3 times the value of their affected land: Agricultural land acquired in Region I shall be assisted with the amount of 3 times the value of their affected agricultural land price; agricultural land acquired in Region II shall be assisted with the amount of

2.5 times the value of their affected agricultural land price; acquired agricultural land in Region III shall be assisted with the amount of two times of the value of their affected agricultural land price. In this subproject, all AHs having affected agriculture land are in Zone III and will be assisted in job changing/creating with assistance value equivalent to two times of the value of agriculture land price. Total assistance cost is VND 2,973,236,000.

129. **Assistance for Poor households and vulnerable households:** According to REMDF of the project, insignificantly affected HHs under poor and vulnerable groups will be provided a minimum assistance of VND 2,000,000/AH and severely poor AH will be provided an assistance of VND 5,000,000/AH. AH under many vulnerable groups will be only provided assistance with the highest value. In this subproject, there are 178 vulnerable AHs being provided assistance in which 20 HHs under severely poor AHs will be provided an assistance of VND 5,000,000/HH, and other 158 vulnerable AHs are provided an assistance of VND 2,000,000/HH. Total assistance cost is VND 416,000,000.

130. **Assistance for removing and renting house:** relocated AHs will be provided an assistance of VND 5,000,000 when relocating inside the province and VND 3,200,000 for renting house. The subproject affects 12 households which have to relocate. Total assistance cost is VND 98,400,000.

C. Entitlement Matrix

131. Entitlement Matrix to be applied for this Sub-Project is presented in the Table 19 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.

132. **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 21: Entitlement matrix

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues	Expected impacts
A. PERMANENT AGRICULTURAL LAND				
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC</p>	<p>Losing 10 percent or more of total productive landholding</p>	<p>a/ Cash compensation at replacement cost for affected land and at market price for standing crops and trees; and b/ Economic rehabilitation package (see E, below); and job training/creation assistance equivalent to 3 times the value of their affected agricultural land price if Agricultural acquired land in Region I; 2.5 times the value of their affected agricultural land price if acquired land in region II; 2 times of the value of their affected agricultural land price if acquired land in region III, but must not exceed the quota of agricultural land allocation in locality.</p>	<p>If remaining land area is not economically viable i.e. is too small or unshaped to be economically cultivated, the Project will acquire the entire affected land parcel and compensate at replacement cost. Level of assistance for job training/creation, decided by PPC. Implemented by DRCs. Implemented by DRCs. If the household head is married, land title will be issued in the names of both the husband and the wife. The DPC will determine availability of replacement land. 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. 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>19 AHs</p>
	<p>Losing less than 10 percent of</p>	<p>Cash compensation at replacement cost for</p>	<p>AHs will be noticed about land</p>	<p>143 AHs</p>

	total productive landholding	affected portion; if the remaining land is not viable for cultivation, cash compensation at replacement cost for entire affected land parcel; and Compensation for standing crops and trees at market price (if any); and job training/creation assistance equivalent to 3 times the value of their affected agricultural land price if Agricultural acquired land in Region I; 2.5 times the value of their affected agricultural land price if acquired land in region II; 2 times of the value of their affected agricultural land price if acquired land in region III but not exceed quota of agricultural land allocation in locality.	acquisition at least 90 days before and fully receive the compensation at replacement cost before site clearing at least 01 (one) month. Level of assistance for job training/creation, decided by PPC. Implemented by DRCs	
Non-titled user		a/ No compensation for land but compensation for standing crops on the affected land other affected non-land assets and investments on land; and, b/ Economic rehabilitation package (see E, below).	For non-titled DPs with no other productive landholdings, local authorities will allocate replacement land with temporary or lease land rights, if land is available	9 AHs
Public organizations		a/ No compensation for affected land but support equivalent with not exceeding 100% of compensation value of the affected land; and b/ Cash compensation at current market prices for standing crops on the affected land, If any.	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune	7 organizations
B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)				
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.	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 AP; (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 AP opts,	a/ The DRC will determine availability of replacement land and consult with APs b/ If affected landholding is under dispute: Compensation is put in escrow account until land dispute is resolved.	

		Cash compensation at replacement cost for the affected land.		
	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	<p>AP will be entitled to one of the following options:</p> <p>(i) Stay and rebuild their houses/structures on the remaining land if viable, and cash compensation at replacement cost for the affected land area and the affected house/structures and other assests on land without depreciation and deduction of salvageable materials, plus package of rehabilitation and relocation allowances (see E); OR</p> <p>(ii) If relocation 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 cash compensation at replacement cost for the affected house/structures and other 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 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 without depreciation and deduction of salvageable materials, plus package of rehabilitation 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 levelling for self-relocation</p> <p>If affected landholding is under dispute: Compensation is put in escrow account until land dispute is resolved.</p>	93 AHs

		allowances (see E); and relocation household is entitled to support by cash for preparation of housing foundation equal to the average investment value in infrastructure of a standard plot in resettlement site. as regulated by PPC (40,000,000 VND per household).		
Non-titled user	Loss of residential land or non-agriculture land	No compensation for affected land; however, a/ Non-titled AP entitled to full compensation for affected structures at replacement cost, and b/ Package of rehabilitation and relocation allowances (see E below)	a/ In case of non-titled DP has no other residential place in affected commune/ward: Local authorities will allocate replacement residential land or house with levy collection and full title and plus package of rehabilitation allowances. b/ In case of non-titled DP has no other non-agriculture land: Local authorities should consider to allocate replacement non-agriculture land with temporary of lease land right.	5 AHs
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.		998 m2 of agencies (CPC, School, Clinics)
C. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE				
C.1 Main Structures (Houses and/or Shops)				
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used	a/ Cash compensation at replacement cost for affected portion without without depreciation and deduction of salvageable materials; and b/ Cost for Repair (see E, below).		

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 with no deduction for depreciation or salvageable materials; and b/ Relocation and subsistence allowances (see E, below).		12 AHs with 496 m2
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 with no deduction for depreciation or salvageable materials; and b/ Relocation allowance (see E, below).		02 AHs with shop
C.2 Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.				
Owners of structures	Partially or totally affected structures or other property	Cash compensation at full replacement cost without deduction and depreciation of salvageable materials; OR In-kind assistance to relocate affected structures or property if possible; OR Cash assistance to repair of property to original or better condition.	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures. Costs for repairing the remaining house/structure should be negotiate with DP.	1,812 m2
	Graves / tombs- yard/cemetery	Compensation for all costs of excavation, relocation and reburial will be reimbursed in cash to the affected family as prescribed in PPC's regulation. If the tombs-yard is required, the place and layout of the yard shall be decided by the affected households and the costs for the yard constructions shall be made by the Project.	Compensation to be paid directly to DPs. For ownerless affected graves / tombs, compensation will be given to Commune PC to relocate them to a new site. Graves to be exhumed and relocated in culturally sensitive and appropriate ways. The place and layout of the	

			yard shall be consulted with communities and affected peoples.	
D. COMPENSATION FOR AFFECTED CROPS AND TREES				
Owners of crops and/or trees	Loss of annual crops	If standing crops are ripening and cannot be harvested, cash compensation of unharvested crops at market values based on the average production over past 3 years. No compensation for crops if it can be harvested	A minimum of 3 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years.	2,620 m2
	Loss of perennial crops, fruit and timber trees and tree fences	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Compensation must equal in value to crops that would be harvested had acquisition not occurred. Calculation of compensation for trees is based on the age and diameter of the tree. APs have the right to use salvageable trees.	5,872 trees
E. PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE				
E. 1 Economic Rehabilitation Assistance				
Severely affected DPs (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	AHs directly cultivating on the affected land entitled: (i) Losing from 10 to 30% of agricultural land holding: 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	Value of in kind assistance to be determined during RP implementation. If necessary, an income Restoration Programs will be designed during project implementation with the assistance of an agency	12 AHs loss 10-30% and 7 AHs loss 30-70%

		<p>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>(v) Participation in income restoration programs.</p>	<p>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>	
	Job training/Creation allowance	<p>job training/creation assistance equivalent to 3 times the value of their affected agricultural land price if Agricultural acquired land in Region I; 2.5 times the value of their affected agricultural land price if acquired land in region II; 2 times of the value of their affected agricultural land price if acquired land in region III but not exceed quota of agricultural land allocation in locality.</p> <p>If AP 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 for job training/creation decided by PPC</p>	110,706 m2
E 2. Relocation assistance				
All AHs that relocate	Relocation of household and/or business effects and salvaged and new building materials.	a/ Relocation allowance of VND 3,000,000 cash assistance if AH is relocating within province ; and VND 5,000,000 cash	Eligible AHs include owners of residential structures that are totally or partially	12 AHs

		<p>assistance if AH is relocating to another province.</p> <p>b/ housing rent allowance for 6 months for temporary relocation during rebuilding new house, of VND 3,200,000/AH.</p> <p>NB. Not applicable for AHs rebuilding on the same plot.</p>	<p>affected and remaining portion is not viable; non-titled AHs allocated alternative residential land or housing; tenants; and, businesses and eligible land use/management organizations that relocate.</p> <p>At the time of compensation, the level of allowance will be re- evaluated to ensure the DPs have enough assistance to relocate.</p> <p>If allocation of land for relocation household is delayed, an additional allowance equal to duration of delay multiplying with monthly renting rate need to be provided.</p> <p>The resettlement sites are all close to the affected area and with equipped infrastructure</p>	
E. 3 Special allowance for social and economically vulnerable households				
<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</p>	<p>Assistance to poor and vulnerable households to improve their social and economic conditions.</p>	<p>a) Poor households: It is proposed assistance for insignificantly affected poor HHs with minimum amount of VND 2,000,000/HH; and VND 5,000,000/HH for severely affected poor HHs.</p> <p>b) Other vulnerable households: assistance of minimum VND 2,000,000 per household</p> <p>c) All vulnerable households: participation in income restoration program regardless of severity of impact</p>	<p>Eligible households are those who are classed as vulnerable under relevant definitions of MOLISA and this document.</p>	<p>178 vulnerable AHs being provided assistance in which 20 HHs under severely poor AHs will be provided an assistance of VND 5,000,000/HH, and other 158 vulnerable AHs are provided an assistance of VND</p>

have no other means of support, (v) landless, and (vi) severely ethnic minorities.		Note: If AHs fall in multi vulnerable groups, only highest assistance will be provided		2,000,000/HH
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VIII. INCOME RESTORE

133. In order to assist affected persons to restore livelihoods and income levels, the project will provide income restoration allowances tailored to the needs and situation of the affected persons as determined in the socio-economic surveys. The affected persons covered by the income restoration allowances are identified in the entitlement matrix. The scope of the entitlements includes an allowance to cover living costs during a period of reduced income while affected persons restore current livelihood and income-generating activities or make a transition to new income-generating activities. The subproject is shown to have no significant impacts (under group B), so will not make a particular income restoration program for sub-projects.

134. Subproject will acquire the agricultural land of 152 households, out of them 19 households 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

IX. RESETTLEMENT

135. Subproject will affected totally houses of 12 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

X. RESETTLEMENT BUDGET AND FINANCING PLAN

136. Cost estimate in accordance with the unit price above, including compensation for land and asset on land, allowance, cost for maintenance and contingency is VND **18,139,633,518** equivalent to USD **811,616.64**, Resettlement budget is funded by Lang Son PPC, using the provincial budget and will be allocated sufficiently and timely based on schedule of subproject resettlement implementation (see Table 20).

Table 22: Cost estimate for compensation

No,	Items	Unit	Quantity	Unit price	Total cost (VND)
A	Compensation for land and assets				9,633,219,000
1	Compensation for land				2,193,618,000
1,1	Residential land	VND/m2	7,070	100,000	707,000,000
1,2	Annual crop land	VND/m2	19,488	48,000	935,424,000
1,3	Perennial trees land	VND/m2	2,942	37,000	108,854,000
1,4	Forest land	VND/m2	88,236	5,000	441,180,000,0
1,5	Aquaculture land	VND/m2	40,0	29,000	1,160,000,0
2	Compensation for tree				881,760,000
2,1	Perennial trees	VND/tree	1,296	223,709	289,927,000
2,2	Timber trees	VND/ tree	4,576	125,101	572,463,000

No,	Items	Unit	Quantity	Unit price	Total cost (VND)
2,3	Annual crop	VND/ tree			
-	Rice	VND/m2	2,111	8,154	17,212,500
-	Maize	VND/m2	2,835	722	2,047,500
-	Sugar cane	VND/m2	4,915	22	110,000
3	Compensation for house				4,186,078,000
3,1	One floor house, brick, tile/sheet metal roof	VND/m2	135	2,575,037	347,630,000
3,2	One floor house, concrete structure, flat roof	VND/m2	48	3,485,000	167,280,000
3,3	House with wooden wall	VND/m2	313	1,876,000	587,188,000
3,4	Shops outside the houses	VND/m2	1,540	2,002,584	3,083,980,000
4	Compensation for structures				2,371,763,000
4,1	Temporary kitchen	VND/m2	180		330,150,000
4,2	Permanent kitchen	VND/m2	91		191,100,000
4,3	Store	VND/m2	357		1,050,651,000
4,4	Temporary toilet	VND/m2	32		23,712,000
4,5	Permanent toilet	VND/m2	48		105,522,000
4,6	Temporary shop and house	VND/m2	8		5,928,000
4,7	Temporary house, permanent shop	VND/m2	18		24,210,000
4,8	Temporary Animal Shed	VND/m2	456		337,896,000
4,9	Permanent Animal Shed	VND/m2	20		23,380,000
4,10	Barbed wire fence	VND/m2	264		143,472,000
4,11	Hedge	VND/m2	25		7,500,000
4,12	Sheet metal roof	VND/m2	137		49,320,000
4,13	Brick water tank	VND/m2	19		35,796,000
4,14	Yard	VND/m2	148		35,520,000
4,15	Gate	VND/m2	8		6,840,000
4,16	Well		1		766,000
B	Assistance				3,648,916,000
1	Assistance for life stabilization				
1,1	Acquiring from 10% to less than 30% of their agriculture land holding	VND/person	62	1,260,000	78,120,000
1,2	Acquiring from 30% to 70% of their agriculture land holding	VND/person	33	2,520,000	83,160,000
2	Assistance for job changing/creation				2,973,236,000
2,1	Annual crop land	VND/m2	19,488	96,000	1,870,848,000
2,2	Perennial trees land	VND/m2	2,942	74,000	217,708,000
2,3	Forest land	VND/m2	88,236	10,000	882,360,000
2,4	Aquaculture land		40	58,000	2,320,000

No,	Items	Unit	Quantity	Unit price	Total cost (VND)
3	Assistance for vulnerable groups				416,000,000
3,1	Adversely affected poor HHs	HH	20	5,000,000	100,000,000
3,2	Other vulnerable households	HH	158	2,000,000	316,000,000
4	Allowance for relocation	HH	12		60,000,000
5	Allowance for renting houses	HH	12		38,400,000
C	Public				776,327,000
D	Total (A+B+C)				14,058,462,000
E	Cost for compensation, assistance and resettlement 2%	%	2		281,169,240
F	Total (E+D)				14,339,631,240
G	Contingency (15% of F)	%			2,150,944,686
H	Sub-Total (VND)				16,490,575,926
I	10% VAT				1,649,057,592
J	Total (VND)				18,139,633,518
K	Total (USD)				811,616.71

XI. INSTITUTIONAL IMPLEMENTATION AND ARRANGEMENT

A. Province level

137. Lang Son Provincial People's Committee (PPC) is responsible for implementation of resettlement activities within its administrative jurisdiction, The main responsibilities of PPC include:

- (i) To approve completed 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.

138. The Lang Son Provincial Project Management Unit (PMU) is responsible for comprehensive REMDP implementation and internal monitoring, The main tasks of PMU are,

- (i) To prepare, update, and monitor REMDP implementation of subprojects;

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

B. District level

139. The DPC undertakes comprehensive management on compensation, assistance and resettlement, The DPC is responsible to the CPC 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 DRC/DLFDC 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;
- (iv) To approve cost estimates on implementation of compensation, assistance and resettlement work;
- (v) 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;
- (vi) To direct Communal People's Committees and relevant organizations on implementation of various resettlement activities;
- (vii) To review and confirm the REMDP approved by PPC;
- (viii) To resolve complaints and grievances of APs.

C. District Resettlement Committee/ District Land Fund Development Center (DRC/DLFDC)

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

- (i) To organize, plan and carry out compensation, assistance and resettlement activities;

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

D. Commune level;

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

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

XII. IMPLEMENTATION SCHEDULE

142. ADB shall not approve bidding and award of any civil works of the funded sub-project unless its REMDP is updated based on DMS results done after the approval of the detailed design by PPC and ADB.

143. The PMU should ensure that contractors will not be allowed to implement any construction work unless (i) compensation payment and relocation of affected people are completed, and (ii) assistance for rehabilitation and restoration to affected people are provided and site clearance is completed.

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

Table 23: Resettlement and compensation payment plan

Activities	Time
Approval and disclosure of final draft REMDP	
Endorse final draft REMDP by PPC and ADB	4/2017

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

XIII. MONITORING AND EVALUATION

A. Internal monitoring

145. The Project will establish systems for internal monitoring and evaluation. The main purpose of the monitoring and evaluation program is to ensure that matters related to involuntary resettlement have been implemented in accordance with the policies and procedures of the RPs following ADB SPS 2009 and the REMDF.

146. There is no need an external monitoring organization because the subproject has minor impacts, LIC resettlement consultants with support of CPMU and PMUs will confirm the completion of compensation payment for AHs of the subproject before commencing civil works.

147. The objectives of internal monitoring is to: (i) report on the status and assess the compliance with the agreed REMDP; (ii) confirm the availability/handover of land to the proposed subprojects; (iii) monitor contractors' compliance to policy framework's provisions related to temporary land acquisition during civil works; (iv) ensure that the standards of living of affected households is restored or improved; (v) monitor the implementation process; (vi) assess the sufficient implementation of compensation, resettlement measures and social development assistance programs; (vii) identify problems or potential problems; and (viii) identify and implement quick response measures to mitigate emerging issues.

B. Responsible agencies for monitoring

148. The PMU will establish an internal resettlement monitoring system and prepare progress monitoring reports on all aspects of land acquisition and resettlement activities for this

subproject, Internal reports of REMDP implementation will be initially prepared and submitted to the PMU which then is transmitted to implementation consultant for the preparation of the semi-annual Internal Resettlement Monitoring Report (IRMR) to be submitted by the PMU to the ADB, Likewise, all related information will be collected from the field to assess the progress of the REMDP implementation and included in the project's quarterly progress reports.

149. ADB will only issue a "No-objection letter" to the commencement of civil works for the subproject if the monitoring report prepared by the PMU and consultants confirms that all compensation payments and allowances as regulated in the REMDP were completely provided and that there are no pending complaints on these payments.

C. Community monitoring

150. Community-based monitoring (CBM) is a form of community monitoring which is boosted by the demand for information and value of local community. The community –based monitoring contributes to increasing quality of social services or contributes to management of all ecological resources. Within the framework of CBM, members of community affected by a social program or environmental changes will have needs, suggestions and criticism and then their feedback will contribute to the implementation of program and management of the subproject.

151. 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.

D. Internal monitoring

152. 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.

153. Internal monitoring is the responsibility of CPMU, the project executing agency; CPMU will be responsible for pre-determining the establishment, implementation and activities of each agency in charge of resettlement in province and district. CPMU 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 CPMU, CPMU 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.

154. CPMU will establish an internal monitoring schedule, indicators, sequence and requirement for report of all subprojects, The internal monitoring indicators include:

- (i) Compensation, assistance and resettlement amount paid to affected households in accordance with agreement in resettlement policy framework and REMDP;

- (ii) Completion of coordination of land acquisition and compensation, and the time of conducting construction as requirement of resettlement;
- (iii) The consent between sequence and procedure of information dissemination to community in comparison with contents in report; and
- (iv) The consent between procedure of grievance redress and the content of grievance redress in report, the sampling indicators will be periodically monitored.

XIV. ANNEX

ANNEX I: RESULTS OF REPLACEMENT COST SURVEY

A: The price is issued in the Decision No. 29/2014/QĐ- UBND of Lang Son PPC

B: The price is surveyed in the subproject area

C: The prices are selected to determine the resettlement costs

No,	Types of land	Unit	Prices in accordance with the Decision No. 29/2014/QĐ-UBND (A)	Surveyed prices (B)	Prices applied for compensation (C)
A	NON-AGRICULTURAL LAND				
I	Residential land				
1	Hoa Tham	m2	100,000	100,000	100,000
2	Quy Hoa	m2	100,000	95,000	100,000
3	Vinh Yen	m2	100,000	90,000	100,000
B	AGRICULTURAL LAND				
I	Land for annual crops				
1	Hoa Tham	m2	48,000	47,000	48,000
2	Quy Hoa	m2	48,000	45,000	48,000
3	Vinh Yen	m2	48,000	44,000	48,000
II	Land for perennial crops				
1	Hoa Tham	m2	37,000	35,000	37,000
2	Quy Hoa	m2	37,000	35,000	37,000
3	Vinh Yen	m2	37,000	33,000	37,000
III	Forestry land				
1	Hoa Tham	m2	5,000	5,000	5,000
2	Quy Hoa	m2	5,000	5,000	5,000
3	Vinh Yen	m2	5,000	5,000	5,000
V	Land for aquaculture				
1	Hoa Tham	m2	29,000	25,000	29,000
2	Quy Hoa	m2	29,000	27,000	29,000
3	Vinh Yen	m2	29,000	25,000	29,000

ANNEX II: SAMPLE MINUTES OF CONSULTATION MEETING

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

Hoa Thám..., ngày 28 tháng 3 năm 2017

BIÊN BẢN THAM VẤN CỘNG ĐỒNG

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

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

1. Thời gian tham vấn: 14h30 ngày 28/3/2017
2. Địa điểm tham vấn: Hội trường UBND xã Hoa Thám
3. Tên Tiêu dự án được tham vấn: Tiêu DA Đường Hoa Thám - Cầu Hoa - Vĩnh Yên

II. Thành phần tham dự:

1. Đại diện chủ đầu tư:

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

2. Đại diện UBND xã:

- Ông/Bà Lê Tiên Phong..... Chức vụ Chủ tịch UBND xã Hoa Thám
- Ông/Bà Lạc Xuân Hoàng..... Chức vụ CT Hội Cựu Chiến Binh
- Ông/Bà Hoàng Văn Quyền..... Chức vụ Công chức địa chính xã
- Ông/Bà Hoàng Minh Lang..... Chức vụ Chủ tịch Hội Nông Dân
- Ông/Bà Hoàng Thị Lê..... Chức vụ CT Hội Phụ Nữ
- Ông/Bà Chu Mạnh Sơn..... Chức vụ CT MT.TQ xã
- Ông/Bà..... Chức vụ.....

3. Đại diện nhóm Tư vấn:

- Ông/Bà Ngô Đức Quân..... Chức vụ Tư vấn Tái Định cư
- Ông/Bà Phạm Văn Thịnh..... Chức vụ vt

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

- Tổng số người tham dự họp..... 33..... người
- Trong đó: Nam..... 23..... Nữ..... 10..... Dân tộc thiểu số..... 32.....

(Danh sách đại biểu tham dự đính kèm)

III. Nội dung tham vấn

III.1 Các nội dung phổ biến thông tin:

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

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

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

VI. Ý kiến thảo luận

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

1. ĐC Chủ tịch UBND xã: Lê Tiến Phang giới thiệu đại biểu, duyệt hồ sơ của cuộc họp.
2. Đại diện tư vấn Ông Ngô Đức Quân giới thiệu mục đích, nội dung cuộc họp tham vấn bao gồm:
 - Mục đích cuộc họp là tham vấn người dân về lần thường ĐC và phát triển dân tộc thiểu số, các vật văn quan tâm bồi dưỡng ĐC và phát triển DT thiểu số.
 - Giới thiệu phổ biến thông tin về dự án.
 - + Tên dự án; diện tích đất đai, nhà tái định cư, chủ đầu tư & kế hoạch tái khai TH; đầu tư kỹ thuật xây dựng.
 - + Phổ biến khung chính sách ĐC & PT dân tộc thiểu số cho lãnh đạo & người dân trên địa bàn xã năm trước; phổ biến các chính sách bồi dưỡng ĐC & PT dân tộc thiểu số cho DA; quyền lợi của người

dân được biết là là An đến Sài Gòn,
Thống An sẽ lên về nước để ảnh hưởng & hai
hình ảnh của ông DA trên ảnh bạn xã Hòa Thuận
dùng tên họ khác nhau liên tục số 8

Tham vấn người dân về các vấn đề đi đến
cho các hộ bị ảnh hưởng nhà bị di dời;
nguyên nhân của các hộ lựa chọn phương án đất đai
đất hoặc nhân dân bị thương; Tập trung hoạt
động đi đến các vấn đề liên quan về TĐ

Tham vấn với các hộ dân về các vấn đề liên
quan đến bồi thường GPMB; dân gia bị thương (đàn
gia về đất, vật kiến trúc cây cối hoa màu trên cơ
số gia bị thương)

3> Tham vấn với người dân về phục hồi thu nhập:
Tham vấn các hộ về nguyên nhân của người dân bị
về phục hồi thu nhập với các hộ bị ảnh hưởng;
các mã hình phục hồi thu nhập như: đào tạo nghề,
các mã hình khác nước, dạy nghề, mã hình SX

4> Tham vấn các vấn đề liên quan đến giới &
dân tộc thiểu số

Tham vấn các hộ dân trên ảnh bạn về vấn đề
lĩnh vực giới ở ảnh phường (ai là người quyết định
các vật chất trong gia đình, các vị trí của nữ giới
trong gia đình có ảnh hưởng đến công việc --)

Tham vấn các hộ về vấn đề dân tộc thiểu số:
Dân tộc thiểu số chiếm đa số nước sống của các
hộ trên ảnh bạn không có sự chênh lệch; có
vấn đề học tiếng

5> Các ý kiến từ dân của các đại biểu tham dự:
- Ông Hoàng Tiến Dũng (Được tham Nà Pôn): Thủ lĩnh người
dân tộc địa phương ủng hộ đi an; mong muốn Nhà
nước sớm đầu tư xây dựng đường cho người dân
- Ông Hà Minh Thuận (Thôn Nà Pôn): Ủy ban địa
phương ủng hộ đi an; rất mong sớm có đường sá sẽ
đi người dân đi lại được thuận tiện

Chủ tịch UBND xã Hòa Thuận: Chính quyền ủng hộ
vấn đề nhân dân thực hiện tốt các chủ trương
chính sách của Đảng & Nhà nước; ủng hộ đi an

đều sống ở các thị trấn, con đường, sao ở đó người dân đi lại được thuận tiện hơn.

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

- Ông Ngô Đức Quyền: Đa số các hệ bị ảnh hưởng là người dân tộc thiểu số (dân tộc Tày và Mường là chủ yếu), mức sống của người dân không có sự chênh lệch lớn.

Bà Hoàng Thị Lê (CT Hội Phụ Nữ xã): Tại xã chúng tôi, các hộ dân có sự bình đẳng giới, cụ thể: trong gia đình có sự bình đẳng trong các ý kiến quyết định các công việc quan trọng, ý kiến của phụ nữ được đề cao và tôn trọng.

Bà Bùi Thị Cảnh (Thôn Nà Pàn): Chúng tôi rất mong chính quyền quan tâm tới phụ nữ, cụ thể cần cần đề tạo tạo nghề, hỗ trợ máy móc trong sản xuất nông nghiệp. Các xã phụ nữ trong xã cần chăm sóc cây trồng, vật nuôi.

III. Kết luận

- 1. Chính quyền xã Hòa Thuận và các hộ dân bị ảnh hưởng tái lập tình hình hồ sơ thực hiện dự án, mong muốn dự án sớm khởi công thi công.
- 2. Các hộ dân hầu hết đồng ý giải phóng an toàn, hưởng bằng điện thoại, các thiết bị tài sản trên đất bị ảnh hưởng.

Cuộc họp các bên thống nhất và kết thúc vào lúc 17h ngày 28 tháng 3 năm 2017

BQL Tiểu dự án

Đại diện chính quyền địa phương



Lê Tiến Phang

Đại diện cộng đồng

Đại diện Tư vấn

[Handwritten signature]
Huỳnh Văn Dũng

[Handwritten signature]
Nguyễn Văn Tuấn

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

Xã.....Hoa Thám.....Huyện.....Bình Giã.....Tỉnh.....Lang Sơn.....
 Tên tiểu dự án:.....Tiền Lũ An Đường Hoa Thám - Quy Hoa - Vĩnh Yên.....

STT	Họ và tên	Giới tính	Dân tộc	Địa chỉ	Ký tên	Ghi chú
1	Hoàng Tiến Dũng	Nam	Tây	Nà Pôn - Hoa Thám	Dũng	
2	Hoàng Ngọc Tân	"	"	"	Tân	
3	Hoàng Văn Công	"	"	"	Công	
4	Hoàng Văn Ngọc	"	"	"	Ngọc	
5	Hà Thị Mai Lan	Nữ	"	"	Lan	
6	Lý Thị Nôm	"	Nùng	"	Nôm	
7	Nông Văn Đình	Nam	"	"	Đình	
8	Hoàng Thị Bình	Nữ	Nùng	"	Bình	
9	Hà Minh Huân	Nam	Tây	"	Huân	
10	Bùi Phi Cảnh	Nữ	Kinh	"	Cảnh	
11	Nông Thị Diệp	"	Tây	"	Diệp	
12	Hoàng Thị Giảng	"	"	"	Giảng	
13	Nông Văn Hiệp	Nam	"	"	Hiệp	
14	Hoà Công Chính	"	"	"	Chính	
15	Nông Hồng Lợi	"	"	"	Lợi	
16	Lục Xuân Hồng	Nữ	Nùng	Bảng Giang 1	Hồng	
17	Hoàng Thị Lê	Nữ	Tây	Bảng Giang 2	Lê	
18	Hoàng Văn Quyên	Nam	Nùng	Quy Hoa - Quy Hoa	Quyên	
19	Chu Mạnh Sơn	Nam	Tây	Tân Lập - Hoa Thám	Sơn	
20	Hoàng Minh Long	"	"	Bản Cũ - Hoa Thám	Long	
21	Lê Tiên Phóng	"	Nùng	Bản Thám - Hoa Thám	Phóng	
22	Hoàng Văn Hưng	"	Tây	Nà Pôn	Hưng	
23	Lộc Văn Vinh	"	Nùng	Quảng Ngải	Vinh	
24	Mỗ Văn Thiệu	"	"	Nà Lò	Thiệu	
25	Lục Văn Páo	"	"	Nà Lò	Páo	
26	Hà Thị Phiến	Nữ	Tây	Nà Lò	Phiến	
27	Hoàng Văn Đại	Nam	Nùng	Quảng Ngải	Đại	
28	Hoàng Thị Đôn	Nữ	"	Nà Pôn	Đôn	
29	Lộc Văn Tiếp	Nam	"	Quảng Ngải	Tiếp	
30	Hoàng Xuân Hương	Nữ	"	"	Hương	



ANNEX III: LIST OF HOUSEHOLDS PARTICIPANT IN IOL

Code	Name of Head of household	Gender	Ethnic group	Commune	Vulnerable groups
VY001	Trieu Duc Thanh	Male	Dao	Vinh Yen	
VY002	Dang Ngoc Thuc	Male	Dao	Vinh Yen	Poor household
VY003	Ban Van Thanh	Male	Dao	Vinh Yen	
VY004	Dang Van Dao	Male	Dao	Vinh Yen	
VY005	Trieu Van Lau	Male	Dao	Vinh Yen	Poor household
VY006	Trieu Van Tau	Male	Nung	Vinh Yen	Poor household
VY007	Hoang Van Duong	Male	Tay	Vinh Yen	Poor household
VY008	Doan Van Yen	Male	Nung	Vinh Yen	
VY009	Ban Van Quynh	Male	Dao	Vinh Yen	
VY010	Trieu Van Thanh	Male	Dao	Vinh Yen	
VY011	Ban Tien Long	Male	Dao	Vinh Yen	Poor household
VY012	Trieu Van Mao	Male	Dao	Vinh Yen	Poor household
VY013	Trieu Van Kim	Male	Dao	Vinh Yen	Poor household
VY014	Trieu Phuc Thanh	Male	Dao	Vinh Yen	
VY015	Duong Thi The	Female	Dao	Vinh Yen	Women headed household with dependent person
VY016	Trieu Van Thanh	Male	Dao	Vinh Yen	
VY017	Trieu Phuoc Hinh	Male	Dao	Vinh Yen	
VY018	Trieu Phuc Lam	Male	Dao	Vinh Yen	
VY019	Trieu Phuc Toan	Male	Dao	Vinh Yen	
VY020	Trieu Van Ka	Male	Nung	Vinh Yen	
VY021	Trieu Van Sieu	Male	Nung	Vinh Yen	Poor household
VY022	Trieu Van Nhay	Male	Dao	Vinh Yen	Poor household
VY023	Trieu Van Long	Male	Nung	Vinh Yen	
VY024	Trieu Van Toan	Male	Nung	Vinh Yen	
VY025	Dang Phuc Hong	Male	Dao	Vinh Yen	Poor household
VY026	Duong Tien Hong	Male	Dao	Vinh Yen	
VY027	Trieu Van Hop	Male	Dao	Vinh Yen	Poor household
VY028	Trieu Van Quy	Male	Dao	Vinh Yen	Poor household
VY029	Trieu Van Puong	Male	Dao	Vinh Yen	Poor household
VY030	Ban Van Tu	Male	Dao	Vinh Yen	
VY031	Trieu Van Tiep	Male	Dao	Vinh Yen	
VY032	Trieu Phuc Binh	Male	Dao	Vinh Yen	Poor household
VY033	Trieu Minh Dang	Male	Dao	Vinh Yen	
VY034	Trieu Phuc Ngan	Male	Dao	Vinh Yen	Poor household
VY035	Trieu Van Hoa	Male	Dao	Vinh Yen	Poor household
VY036	Trieu Van Yen	Male	Dao	Vinh Yen	
VY037	Nong Van Nhung	Male	Nung	Vinh Yen	
VY038	Trieu Van Phuc	Male	Dao	Vinh Yen	
VY039	Trieu Van Thang	Male	Dao	Vinh Yen	Poor household
VY040	Trieu Van Thanh	Male	Dao	Vinh Yen	
VY041	Trieu Ngoc Thanh	Male	Dao	Vinh Yen	
VY042	Dang Van Hoa	Male	Dao	Vinh Yen	
VY043	Dang Van Sy	Male	Dao	Vinh Yen	
VY044	Dang Van Kim	Male	Dao	Vinh Yen	
VY045	Trieu Van Lua	Male	Dao	Vinh Yen	Poor household
VY046	Dang Van Truong	Male	Dao	Vinh Yen	
VY047	Ban Thi Hoa	Female	Dao	Vinh Yen	

Code	Name of Head of household	Gender	Ethnic group	Commune	Vulnerable groups
VY048	Trieu Thi Binh	Female	Dao	Vinh Yen	
VY049	Trieu Van Cuong	Male	Dao	Vinh Yen	
VY050	Dang Tien Hoa	Male	Dao	Vinh Yen	Poor household
VY051	Dang Van Nhu	Male	Dao	Vinh Yen	
VY052	Dang Van Cuong	Male	Dao	Vinh Yen	Poor household
VY053	Dang Tai Kim	Male	Dao	Vinh Yen	
VY054	Hoang Van Nay	Male	Dao	Vinh Yen	Poor household
VY055	Duong Van Po	Male	Dao	Vinh Yen	Poor household
VY056	Dang Van Thanh	Male	Dao	Vinh Yen	Poor household
VY057	Ban Van Thai	Male	Dao	Vinh Yen	Poor household
VY058	Ban Van Nam	Male	Dao	Vinh Yen	Poor household
VY059	Ban Van Hong	Male	Dao	Vinh Yen	Poor household
VY060	Ban Van Nhay	Male	Dao	Vinh Yen	Poor household
VY061	Ban Van Thang	Male	Dao	Vinh Yen	
VY062	Ban Van Chien	Male	Dao	Vinh Yen	Poor household
VY063	Ban Thi Tu	Female	Dao	Vinh Yen	Poor household
VY064	Trieu Phuc Tai	Male	Dao	Vinh Yen	
VY065	Dang Van Mao	Male	Dao	Vinh Yen	
VY066	Trieu Thi Lanh	Female	Dao	Vinh Yen	
VY067	Dang Phuc Ngan	Male	Dao	Vinh Yen	Poor household
VY068	Dang Tai Long	Male	Dao	Vinh Yen	
VY069	Trieu Thi Nhung	Female	Nung	Vinh Yen	Poor household
VY070	Hoang Van Thanh	Male	Dao	Vinh Yen	
VY071	Dang Hoang An	Male	Dao	Vinh Yen	Poor household
VY072	Dang Thi Sinh	Female	Dao	Vinh Yen	
VY073	Ban Van Tien	Male	Dao	Vinh Yen	Poor household
VY074	Ban Phuong Minh	Male	Dao	Vinh Yen	
VY075	Trieu Van Tho	Male	Dao	Vinh Yen	Poor household
VY076	Trieu Phuc Long	Male	Dao	Vinh Yen	Poor household
VY077	Ban Tien Vuong	Male	Dao	Vinh Yen	Poor household
VY078	Ban Van Pet	Male	Dao	Vinh Yen	Poor household
VY079	Ban Truy Hieu	Male	Dao	Vinh Yen	Poor household
VY080	Dang Tai An	Male	Dao	Vinh Yen	Poor household
VY081	Dang Thanh Tinh	Male	Dao	Vinh Yen	
VY082	Trieu Phuc Tai	Male	Dao	Vinh Yen	Poor household
VY083	Dang Thanh Hong	Male	Dao	Vinh Yen	Poor household
VY084	Duong Cong Minh	Male	Dao	Vinh Yen	
VY085	Ban Van Phat	Male	Dao	Vinh Yen	Poor household
VY086	Dang Chi Tai	Male	Dao	Vinh Yen	
VY087	Ban Viet Duc	Male	Dao	Vinh Yen	Poor household
VY088	Lam Thi Thuy	Female	Dao	Vinh Yen	Poor household
VY089	Trieu Nhu Tai	Male	Dao	Vinh Yen	Poor household
HT001	Hoang Van Hung	Male	Tay	Hoa Tham	
HT002	Hoang Van Chinh	Male	Tay	Hoa Tham	HH under preferential treatment policy
HT003	Hoang Van Cong	Male	Tay	Hoa Tham	Poor household
HT004	Hoang Tien Dung	Male	Tay	Hoa Tham	
HT005	Hoang Van Dinh	Male	Tay	Hoa Tham	Poor household
HT006	Loc Van Vinh	Male	Nung	Hoa Tham	
HT007	Hoang Van Thuc	Male	Tay	Hoa Tham	Poor household

Code	Name of Head of household	Gender	Ethnic group	Commune	Vulnerable groups
HT008	Nong Van Tiep	Male	Tay	Hoa Tham	
HT009	Hoang Van Ai	Male	Tay	Hoa Tham	
HT010	Ly Van Thep	Male	Nung	Hoa Tham	
HT011	Nong Van Tinh	Male	Nung	Hoa Tham	Poor household
HT012	Mo Van Thieu	Male	Nung	Hoa Tham	Poor household
HT013	Luc Van Pao	Male	Nung	Hoa Tham	Poor household
HT014	Nong Hong Loi	Male	Tay	Hoa Tham	
HT015	Hoang Ngoc Tan	Male	Tay	Hoa Tham	
HT016	Ha Minh Huan	Male	Tay	Hoa Tham	
HT017	Nong Thuy Hang	Female	Tay	Hoa Tham	Women headed household with dependent person
HT018	Nong Van Hiep	Male	Tay	Hoa Tham	
HT019	Ha Thi Phien	Male	Tay	Hoa Tham	Poor household
HT020	Hoang Thi Doi	Female	Nung	Hoa Tham	Women headed household with dependent person
QH001	Loc Van Tho	Male	Nung	Quy Hoa	Poor household
QH002	Loc Van Tiep	Male	Nung	Quy Hoa	Poor household
QH003	Hoang Van Dai	Male	Nung	Quy Hoa	Poor household
QH004	Loc Van Dien	Male	Nung	Quy Hoa	
QH005	Loc Van Duong	Male	Nung	Quy Hoa	Poor household
QH006	Loc Van Binh	Male	Nung	Quy Hoa	
QH007	Loc Van Nhat	Male	Nung	Quy Hoa	Poor household
QH008	Hoang Xuan Huong	Male	Nung	Quy Hoa	Poor household
QH009	Hoang Van Chan	Male	Nung	Quy Hoa	Poor household
QH010	Hoang Van Dai	Male	Nung	Quy Hoa	Poor household
QH011	Loc Van Dai	Male	Nung	Quy Hoa	
QH012	Loc Van Et	Male	Nung	Quy Hoa	
QH013	Hoang Van Thuc	Male	Nung	Quy Hoa	
QH014	Hoang Van Hoc	Male	Nung	Quy Hoa	Poor household
QH015	Trieu Van Tinh	Male	Nung	Quy Hoa	Poor household
QH016	Trieu Van Eng	Male	Nung	Quy Hoa	
QH017	Hua Van Nien	Male	Nung	Quy Hoa	Poor household
QH018	Hua Van Thanh	Male	Nung	Quy Hoa	
QH019	Hoang Van La	Male	Nung	Quy Hoa	
QH020	Ly Van Heo	Male	Nung	Quy Hoa	Poor household
QH021	Ly Van Hiep	Male	Nung	Quy Hoa	Poor household
QH022	Ly Van Gioi	Male	Nung	Quy Hoa	Poor household
QH023	Ly Van Loi	Male	Nung	Quy Hoa	
QH024	Ly Van Khang	Male	Nung	Quy Hoa	Poor household
QH025	Ly Van Giang	Male	Nung	Quy Hoa	
QH026	Hoang Van Lang	Male	Nung	Quy Hoa	Poor household
QH027	Ly Van Lanh	Male	Nung	Quy Hoa	Poor household
QH028	Hoang Van Viet	Male	Nung	Quy Hoa	Poor household
QH029	Loc Van Thuc	Male	Nung	Quy Hoa	
QH030	Hoang Van Xuan	Male	Nung	Quy Hoa	Poor household
QH031	Hua Van Bao	Male	Nung	Quy Hoa	
QH032	Hoang Van Phong	Male	Nung	Quy Hoa	Poor household
QH033	Lam Thi Thao	Female	Nung	Quy Hoa	Women headed household with dependent person
QH034	Hoang Van Tu	Male	Nung	Quy Hoa	Poor household

Code	Name of Head of household	Gender	Ethnic group	Commune	Vulnerable groups
QH035	Nong Cong Tuong	Male	Nung	Quy Hoa	Poor household
QH036	Ly Van Tam	Male	Nung	Quy Hoa	Poor household
QH037	Nong Van Su	Male	Nung	Quy Hoa	
QH038	Nong Van Ngoan	Male	Nung	Quy Hoa	Poor household
QH039	Ly Van Thong	Male	Nung	Quy Hoa	
QH040	Ly Van Mai	Male	Nung	Quy Hoa	
QH041	Hoang Van Hieu	Male	Nung	Quy Hoa	Poor household
QH042	Trieu Van Hon	Male	Nung	Quy Hoa	Poor household
QH043	Trieu Van Nong	Male	Nung	Quy Hoa	Poor household
QH044	Trieu Van Thang	Male	Nung	Quy Hoa	Poor household
QH045	Trieu Van Tho	Male	Nung	Quy Hoa	Poor household
QH046	Hoang Van Mao	Male	Nung	Quy Hoa	
QH047	Hoang Van San	Male	Nung	Quy Hoa	Poor household
QH048	Hoang Van Phan	Male	Nung	Quy Hoa	
QH049	Ly Van Dong	Male	Nung	Quy Hoa	Poor household
QH050	Hoang Thi Minh	Female	Nung	Quy Hoa	Poor household
QH051	Be Van Tay	Male	Nung	Quy Hoa	
QH052	Ly Van Tien	Male	Nung	Quy Hoa	Poor household
QH053	Be Van Hoi	Male	Nung	Quy Hoa	Poor household
QH054	Lam Van Sinh	Male	Nung	Quy Hoa	Poor household
QH055	Nong Van Hieu	Male	Nung	Quy Hoa	
QH056	Hua Hai Thuong	Male	Nung	Quy Hoa	
QH057	Loc Hung Dao	Male	Nung	Quy Hoa	Poor household
QH058	Loc Van Quy	Male	Nung	Quy Hoa	
QH059	Hoang Van Tien	Male	Nung	Quy Hoa	Poor household
QH060	Ly Van Thang	Male	Nung	Quy Hoa	
QH061	Ly Van Keo	Male	Nung	Quy Hoa	
QH062	Ly Van Ngay	Male	Nung	Quy Hoa	Poor household
QH063	Ly Van Luyen	Male	Nung	Quy Hoa	Poor household
QH064	Lam Van Lanh	Male	Nung	Quy Hoa	HH under preferential treatment policy
QH065	Ly Van Tron	Male	Nung	Quy Hoa	Poor household
QH066	Ly Van Huong	Male	Nung	Quy Hoa	Poor household
QH067	Ly Van Chieu	Male	Nung	Quy Hoa	Poor household
QH068	Nong Van Tanh	Male	Nung	Quy Hoa	
QH069	Nong Van Hanh	Male	Nung	Quy Hoa	Poor household

