

# Resettlement Plan

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August 2018

## VIE: Northern Mountain Provinces Transport Connectivity Project

Lai Chau Province

Main Text

Prepared by Project Management Unit No. 2 of the Ministry of Transport for the Asian Development Bank.

### **CURRENCY EQUIVALENTS**

(as of 15 August 2018)

Currency unit	–	Vietnamese Dong (D)
D1.00	=	\$0.000043
\$1.00	=	D23,290

### **NOTE**

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# Table of Contents

<b>Executive Summary .....</b>	<b>12</b>
<b>Chapter 1 - Introduction .....</b>	<b>17</b>
1.1. The Northern Mountain Roads Connectivity Project .....	17
1.2. Project Components in Lai Chau Province.....	18
1.3. Rationale for the Project and Description of the Project Area .....	19
1.4. Minimization of Impacts .....	20
1.5. Introduction to the Resettlement Plan .....	20
<b>Chapter 2 - Land Acquisition and Resettlement Impacts .....</b>	<b>21</b>
2.1 Description of the Inventory of Losses Survey .....	21
2.2 Land Acquisition and Resettlement Impacts.....	21
2.3 Legal Status of Affected Land .....	29
2.4 Severity of Impact.....	29
2.5 Impacts on Public Assets .....	33
2.6 Land Acquisition Impacts on Ethnic Minorities .....	34
<b>Chapter 3 - Socio-Economic Information .....</b>	<b>41</b>
3.1 Introduction to the SES.....	41
3.2 Demographics of the Project Area .....	41
3.3 Education, Livelihood and Participation in Community Organization.....	44
3.4 Living Standards .....	51
3.5 Gender.....	62
3.6 Support for the Project.....	65
<b>Chapter 4 - Consultation, Participation and Disclosure .....</b>	<b>66</b>
4.1 Information dissemination, consultation and participation requirements .....	66
4.2 Information dissemination and consultation during the preparation of the Resettlement Plan .....	66
4.3 Information Disclosure.....	69
4.4 Resettlement Plan Consultation, Communication and Disclosure Plan.....	70
<b>Chapter 5 - Grievance Redress .....</b>	<b>75</b>
5.1 Project Grievances .....	75
5.2 Grievance Redress Mechanism.....	75
<b>Chapter 6 - Legal and Policy Framework.....</b>	<b>81</b>
6.1 Government of Vietnam Laws, Regulations and Policies Pertaining to Land Acquisition, Compensation, Assistance, Resettlement and Ethnic Minority Peoples.....	81
6.2 ADB Policies and Requirements .....	85
6.3 Harmonization of the Vietnamese and ADB policies .....	87
<b>Chapter 7 - Entitlements .....</b>	<b>97</b>
<b>Chapter 8 - Relocation Strategy .....</b>	<b>110</b>
8.1 Summary of Impacts .....	110
8.2 Assistance to be provided .....	110
<b>Chapter 9 - Livelihood Restoration Strategy .....</b>	<b>111</b>
9.1 Objectives of Livelihood Restoration Strategy .....	111
9.2 Summary of Beneficiaries.....	111

9.3	Livelihood Development Program.....	113
9.4	Preparation of the Detailed LDP and Implementation Arrangements.....	115
9.5	Estimated LDP Budget.....	118
<b>Chapter 10 - Gender-Specific Actions.....</b>		<b>119</b>
<b>Chapter 11 - Institutional Framework.....</b>		<b>121</b>
11.1	Ministry of Transport (MOT) .....	121
11.2	Project Management Unit 2 (PMU2).....	121
11.3	Provincial People's Committees (PPC).....	122
11.4	Provincial Department of Labour, War Invalids and Social Affairs (DOLISA) .....	122
11.5	Organization in charge of Compensation implementation, District People's Committee (DPC); District Compensation and Resettlement Board (DCARB) and Centre for Land Development Fund (CLDF).....	123
11.6	Commune People's Committee .....	124
11.7	Detailed Design Consultants (DD Consultant) /Project Supervision Consultant (PSC).....	124
11.8	Capacity of Local Agencies .....	125
<b>Chapter 12 - Implementation Schedule.....</b>		<b>126</b>
<b>Chapter 13 - Budget &amp; Financing .....</b>		<b>129</b>
<b>Chapter 14 - Monitoring &amp; Evaluation.....</b>		<b>134</b>
14.1	Internal Monitoring .....	134
14.2	External Monitoring.....	135
<b>Chapter 15 - Appendices .....</b>		<b>141</b>
Appendix 1: Detailed Impacts Tables .....		142
Appendix 2: Project Information Booklet (PIB) .....		152
Appendix 3: Rapid Replacement Cost Study Report .....		156
Appendix 4: Record of Public Consultations .....		225
Appendix 5: Draft Internal Monitoring Report Template.....		374
Appendix 6: Draft TOR External Monitor .....		380
Appendix 7: Sample Completed IOL Forms .....		387

## List of Tables

Table 1-1: List of Main Project Works .....	18
Table 1-2: Description of Bypass Location.....	18
Table 1-3: Locations Traversed by NH32 Upgrade .....	18
Table 2-1: Summary of Impacts by Location and Number of Households.....	21
Table 2-2: Land Acquisition by Category .....	22
Table 2-3: Impacts on Housing.....	24
Table 2-4: Affected Businesses .....	25
Table 2-5: Registration Status of Affected Businesses .....	25
Table 2-6: Loss of Secondary Structures.....	26
Table 2-7: Loss of Productive Trees .....	27
Table 2-8: Loss of Crops .....	28
Table 2-9: Relocation Needs for Affected Housing .....	29
Table 2-10: Severity of Impact on Residential Land.....	30
Table 2-11: Severity of Impact on Productive Land .....	30
Table 2-12: Percent Vulnerable Households .....	32
Table 2-13: Estimated Number of Vulnerable Households .....	32
Table 2-14: Affected Public Land.....	34
Table 2-15: Summary of Impacts by Location and Number of Ethnic Minority Households.....	34
Table 2-16: Loss of Land by Ethnic Minority Households .....	35
Table 2-18: Loss of Main Structures by Ethnic Minority Households.....	37
Table 2-19: Relocation Needs of Totally Affected Houses .....	39
Table 2-20 Affected Business Operations of Ethnic Minority Households.....	39
Table 3-1: SES Sample .....	41
Table 3-2: Population of the Immediate Project Area.....	41
Table 3-3: Ethnic Minority Population in the Immediate Project Areas .....	42
Table 3-4: Ethnic Minority Groups in the Immediate Project Areas by % Local Population .....	42
Table 3-5: Age-Sex Disaggregation of Survey Population .....	43
Table 3-6: Education Attainment of Household Members .....	44
Table 3-7: Main Occupation of Household Members .....	46
Table 3-8: Main Household Income Sources .....	48
Table 3-9: Membership of Mass Organizations (persons).....	50
Table 3-10: Grouping of Household Income Ranges .....	51
Table 3-11: Grouping of Household Income Ranges (as %).....	51
Table 3-12: Income Versus Expenditure.....	52
Table 3-13: Sources of Water for Drinking.....	53
Table 3-14: Household Self-Assessment of Water Quality .....	55
Table 3-15: Household Sanitation .....	56
Table 3-16: Household Sources of Energy for Lighting.....	57
Table 3-17: Household Sources of Energy for Cooking .....	58
Table 3-18: Household Assets.....	60
Table 3-19: Common Ailments During Previous 12 Months.....	62
Table 3-20: Household Division of Labour .....	63
Table 3-21: Household Division of Attending to Children and Elderly .....	63
Table 3-22: Household Division of Responsibility for Income, Decision Making and Property Registration.....	64
Table 3-23: Household Division of Attendance in Community Activities.....	64
Table 3-24: Surveyed Level of Support for the Project .....	65
Table 4-1: List of Consultation Meetings Conducted with Affected Communities .....	66
Table 4-2: Roles and Responsibilities for Disclosure, Consultation and Participation .....	72
Table 6-1: Matrix of Government National Laws, Province Decisions and ADB Policy .....	88
Table 7-1: Entitlement Matrix.....	98
Table 8-1: Degree of Impact on Housing and Residential Land .....	110

Table 9-1: Estimate of Livelihood Development Program Participants.....	112
Table 9-2: Sample Models and Associated Establishment Costs .....	117
Table 9-3: Estimated LDP Budget .....	118
Table 12-1: Indicative Schedule for Resettlement Plan Preparation and Implementation .....	128
Table 13-1: Estimated Resettlement Plan Budget .....	129
Table 14-1 Sample Monitoring and Evaluation Indicators .....	138
Table 15-1 : Construction Categories of Affected Houses .....	142
Table 15-3: Legal Status of Residential and Garden Land.....	147
Table 15-4: Legal Status of Paddy and Upland Rice Land.....	148
Table 15-6: Legal Status of Perennial Cropping Land .....	149
Table 15-8 List of RRCS Survey Participants .....	215
Table 15-9 Summary of Public Consultation Results .....	228
Table 15-10 CCEP - Consultation List - LAI CHAU.....	240

## Acronyms and Abbreviations

<b>ADB</b>	Asian Development Bank
<b>AP</b>	Affected Person/s
<b>AH</b>	Affected Household/s
<b>CEMA</b>	Committee for Ethnic Minority Affairs
<b>CPC</b>	Commune People's Committee
<b>DARD</b>	Department of Agriculture and Rural Development
<b>DOLISA</b>	Department of Labor, Invalids and Social Affairs
<b>DOT</b>	Department of Transport
<b>DPC</b>	District People's Committee
<b>EM</b>	Ethnic Minority
<b>GAP</b>	Gender Action Plan
<b>GOV</b>	Government of Vietnam
<b>HH</b>	Households
<b>HIV / AIDS</b>	Human immunodeficiency virus/ Acquired immune deficiency syndrome
<b>HTAP</b>	HIV and Human Trafficking Awareness and Prevention
<b>IEC</b>	Information, Education and Communication
<b>KAP</b>	Knowledge, Attitude, Practice (survey)
<b>MOLISA</b>	Ministry of Labor, Invalids and Social Affairs
<b>MOT</b>	Ministry of Transport
<b>MOU</b>	Memorandum of Understanding
<b>NGO</b>	Non-Government Organization
<b>PAC</b>	Provincial AIDS Centre
<b>PE</b>	Peer Educators
<b>PMU</b>	Project Management Unit
<b>PPC</b>	Provincial People's Committee
<b>PPTA</b>	Project Preparation Technical Assistance
<b>TOR</b>	Terms of Reference
<b>USD</b>	U.S. Dollar
<b>VAAC</b>	Vietnam Administration for HIV/AIDS Control
<b>VND</b>	Vietnam Dong
<b>WU</b>	Women's Union
<b>YU</b>	Youth Union

## Definition of Terms

### **Consent of affected ethnic minority (EM) or indigenous people (IP) community**

- This refers to a collective expression by the affected EM Peoples communities, through individuals and/or their recognized representatives, of broad community support for the project activities. Such broad community support may exist even if some individuals or groups object to the project activities. The consent from the affected EM communities will include the formal agreements reached with EM Peoples communities and/or EM Peoples' organizations.

### **Cut-off date**

- The cut-off date for eligibility for compensation, assistance and resettlement will be the date that notice of land recovery takes effect. The AHs will be informed of the cut-off date for each subproject component, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation, assistance and resettlement under the subproject.

### **Detailed Measurement Survey (DMS)**

- With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.

### **Affected persons (APs)**

- In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (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.

### **Entitlement**

- Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.

### **Eligibility**

- Means any person who has settled in the subproject area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, regardless of relocation – will be entitled to compensation and/or assistance.

### **Ethnic minority (EM)/ indigenous people (IP)**

- The term ethnic minority or indigenous people is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees
  - self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
  - collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
  - customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture;
  - a distinct language, often different from the official language of



the country or region.

In the case of Viet Nam, there is a high degree of consistency between the Vietnamese definition of ethnic minorities and ADB's definition of Indigenous People. The main point of divergence is that, in the case of ADB's policy, 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. National legislation, customary law, and any international conventions to which Viet Nam is a party are taken into account for application of the ADB policy.

**Income restoration**

- This is the re-establishment of sources of income and livelihood of the affected households.

**Income restoration program**

- A program designed with various activities that aim to support affected persons to recover their income/livelihood to pre-subproject levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.

**Inventory of losses**

- 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 subproject right-of-way (ROW) 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 DPs will be determined.

**Land acquisition**

- Refers to the process whereby an organization, household, individual, overseas Vietnamese 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.

**Meaningful consultation**

- A process that
  - (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle;
  - (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to DPs;
  - (iii) is undertaken in an atmosphere free of intimidation or coercion;
  - (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups;
  - (v) enables the incorporation of all relevant views of DPs and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

**Rehabilitation**

- This refers to additional support provided to AHs/DPs 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 pre-project living standards

and quality of life.

**Relocation**

- This is the physical relocation of an AH/DP from its pre-project place of residence and/or business.

**Replacement cost**

- The term used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.

**Replacement cost study**

- This refers to the process involved in determining replacement costs of affected assets based on empirical data.

**Resettlement**

- Means all social and economic impacts that are permanent or temporary and are
  - (i) caused by acquisition of land and other fixed assets
  - (ii) by change in the use of land
  - (iii) restrictions imposed on land, as a result of a project.

This includes all measures taken to mitigate any and all adverse impacts of a subproject on DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.

**Resettlement plan (RP)**

- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlements, actions, responsibilities, monitoring and evaluation.

**Severely affected household**

- This refers to affected households who will
  - (i) lose 10% or more of their total productive land and/or assets, or
  - (ii) have to relocate, or
  - (iii) lose 10% or more of their total income sources due to the subproject

**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 include:

- (i) female headed households with dependents:

Poor widows, with children under 16 years of age, breadwinner, or those whose husbands are in state of poor health

- (ii) disabled household heads

Household with members with disability. The level of disability significantly affects the income earning capacity of the household either directly on ability to engage in work or indirectly due to need to provide high level of care to disabled household member. Type of disability includes: disability caused by sickness/ill health, war invalids, soldiers in poor health, Agent Orange victims will be certified by the Commune/Ward People's Committee about the level of disability and considered granting the certification by Commune/Ward/ Townunder Government Decree No. 28/2012/ND-CP dated 10 April 2012;

- (iii) households falling under the generally accepted indicator for

poverty;

Should have Certificate of Poor Household issued by DPC. (Includes poor and near poor.)

(iv) children and the elderly households who are landless and with no other means of support;

Children under 16 years old or younger as the household heads (Under the Law No. 25/2004/QH11 on Protection, Care and Education of Children and Children Law 102/2016/QH13 dated 05 April 2016 which will become effective from 1 June, 2017) will be certified by the CPCs and the elderly from 60 years old and above who are household heads (under the Elder Law No. 39/2009/QH12 dated 23 November, 2009)

(v) indigenous people or ethnic minorities;

Husband and/or the Wife are/is ethnic minority or Family Book specified that the household belongs to the ethnic minority household. To be considered vulnerable the household should specifically be ethnic minority households (i) still being involved in traditional/shifting farming, subsistence agriculture or communal forest activities; or (ii) living in areas considered as having hard conditions; or (iii) living in a community still governed by traditional (*gialang*) patriarchs.

(vi) landless households

includes households without LURC or not eligible to get LURC or rural households who lost all their productive land or left with productive land which is below the average productive land in the area (i.e. no longer viable

(vii) policy beneficiary households

Other households with persons falling within the Government criteria of social assistance beneficiaries as set out in National Decree 136/2013/ND-CP dated 21/10/2013.

# Executive Summary

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1. **The project.** The Northern Mountain Roads Connectivity Project aims to enhance the access to the GMS corridors in the north-western Region through upgrading national and provincial highways where the economic and social development conditions, the transport network, the topography and the climate change effects are the most difficult in comparison with other regions in the country. Project works include upgrading of National Highway (NH) 32 in Lai Chau Province; National Highway (NH) 279 in Lao Cai Province; and Provincial Road (PR) 175 in Yen Bai Province. The project in Lai Chau Province will involve the upgrading of National Highway 32 from San Thang to Khau Co over a total length of 82.49km. The project will utilize 71km of existing alignment and construct one 11km bypass (Dong Pao-Ban Bo). NH 32 traverses 3 districts, Than Uyen, Tan Uyen and Tam Duong, covering 11 communes and 2 district-level towns.
2. **Land acquisition and resettlement impacts:** In Lai Chau Province, the project is expected to affect an estimated 389 households comprised on 1,810 people. The most common impact is loss of residential land (266 households, 1,065 persons) followed by loss of productive land (164 households, 673 persons) and impacts on businesses (73 households, 292 persons). None of the 48 households (192 persons) with affected houses are expected to require relocation. However, the resettlement plan anticipates that 20 households (83 persons) will have severe permanent impacts on their livelihoods. Other impacts include loss of trees, crops and secondary structures. Of the 389 affected households, 171 households are from ethnic minorities; of the 73 affected businesses, 16 businesses are ethnic minority households; and that of 20 severely households, there are 8 ethnic minority households
3. The project is expected to affect an estimated 171 ethnic minority households comprised of 684 people. The most common impact is loss of residential land (109 households) followed by impacts on houses (26 households), loss of productive land (82 households) and impacts on businesses (16 households). All those with fully affected houses have sufficient residual land upon which to rebuild and will not require relocation. The resettlement plan anticipates that 8 ethnic minority households will have severe permanent impacts on their livelihoods.
4. **Socio-economic context:** The population of the immediate project area is 70,312. There is a high proportion of ethnic minorities most of the project communes. Most communes have majority ethnic minority populations of 75% to 100%. The largest ethnic minority groups by proportion of the project area populations are: Thai (38%), Hmong (9%), Giay and Kho Mu (5% each) and Dao (4%). The most common main occupation of household members is agriculture. Women were equally engaged in occupations as men, and there was no significant difference between men and women within the occupation groups. The socio-economic survey estimates the proportion of vulnerable households as 11% female headed households and 9% poor or near-poor.
5. **Consultation, Participation and Disclosure.** Meaningful consultation is an integral element of RP preparation and implementation for this project RP. Information dissemination and consultations were conducted with affected households identified through the IOL. Twelve consultation meetings were held in all the affected communes January to February 2018. The information presented included general information about the project design and anticipated land requirements, types of land acquisition and resettlement impacts as well as approach to mitigation and policy principles. A total of 490 people participated consisting of 301 men and 189 women (39% of total). Salient features of the project, project impacts, mitigation measures and grievance redress were disclosed to affected households and relevant local Government agencies through

consultation meetings. A public information brochure (PIB) setting out key information was disseminated to potentially affected people at the time of the consultations. The agreed draft RP will be disclosed in the project areas as well as publically disclosed on the ADB website.

6. **Grievance Redress.** A Grievance Redress Mechanism (GRM) will be established for the project to address grievances and requests. The GRM is to be accessible, timely and effective in addressing issues of concern. The GRM consists of options to elevate grievances to higher levels as well as courts of law. APs may lodge a written complaint directly to the Department of Southeast Asia through the Resident Representative Office of Asian Development Bank (ADB) in Vietnam. If AP is not satisfied with the response of Southeast Asia Department, and only as a last option, APs can access ADB's Accountability Mechanism.
7. **Legal and Policy Framework.** The Resettlement Legal and Policy Framework for the project is based on laws of the Government of Vietnam and the ADB Safeguard Policy Statement (ADB, 2009). The overall objectives of the Project with respect to land acquisition and resettlement and ethnic minority peoples in the project areas are as follows: Land Acquisition and Resettlement -The objectives are to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. Ethnic Minority Peoples -To design and implement projects in a way that fosters full respect for ethnic minority peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the ethnic minority peoples themselves so that they (a) receive culturally appropriate social and economic benefits, (b) do not suffer adverse impacts as a result of projects, and (c) can participate actively in projects that affect them.
8. **Entitlements, Assistance and Benefits.** The Project compensation and entitlement policy is designed to cover compensation for lost land and non-land assets and provide assistance to restore or enhance livelihoods of all affected persons. They cover compensation for losses as well as assistance measures to ensure stable relocation and restoration of income generation capacities. Entitlements and eligibility adopted are based on GOV policies and decisions and ADB policies. Key elements include compensation at replacement cost, transitional assistance and livelihood restoration support.
9. **Relocation:** Relocation of housing is not expected for this project. There are five totally affected houses – all located in Tam Duong District. These five households have sufficient remaining land upon which to rebuild their houses. Entitlements to assist households that have fully affected houses that can be rebuilt on remaining land include: compensation for affected land and house at replacement cost; site preparation assistance; rental assistance during the time the house is being rebuilt; and material transport assistance for household goods.
10. **Livelihood restoration and development:**
  11. The Livelihood Development Program (LDP) is required to assist households experiencing severe loss of productive resources to restore their income generating capacity to at least pre-project levels. For vulnerable households, the LDP program is aimed at improving their living standards.
  12. Affected persons permanently losing 10% or more of their productive resources (such as farming land); vulnerable households, and ethnic minority households.
  13. The livelihood development strategy consists of monetary and material assistance along with training. In addition to compensation for lost property, various forms of monetary

and material assistance will be provided to APs whose livelihoods are affected simultaneously with payment of compensation including occupational change assistance of 3-4 times the value of acquired agricultural land, agricultural inputs as well as stabilization assistance if losing 10% or more of agricultural land. Affected businesses will also receive stabilization and material transport assistance.

14. The livelihood development program will primarily focus on diversification of farming through introduction of new farming techniques and improving skills in existing farm practices. The program will be built on existing state programs in rural livelihood development to build capacities amongst affected households so that they can effectively invest their compensation and assistance money in combination with other forms of support from the project. The main elements of the livelihood development strategy are training, model development, ongoing mentoring and monitoring combined with AP contributions based on detailed needs assessment. Implementation will be led by DOLISA and DARD. A detailed LDP document will be prepared as part of updating the RP.

**15. Gender Strategy.** The design and implementation of the RP will pay adequate attention to gender concerns, including specific measures addressing the needs of vulnerable women, gender-inclusive consultation, information disclosure, and grievance redress mechanisms, to ensure that both men and women receive adequate and appropriate compensation, resettlement assistance and assistance to restore their living standards. Gender sensitive measures included in the design and implementation of the RP include: (i) consultation and participation strategies and activities to ensure the meaningful participation of women; (ii) DCARBs to include representatives of the Women's Union; (iii) compensation provided to both spouses; (iv) priority for new land titles in the names of both spouses; (v) special attention paid to the needs of vulnerable female-headed households; and (vi) sex-disaggregated data incorporated in reporting as well as monitoring and evaluation.

16. Institutional arrangements:

- Ministry of Transport (MOT) is the Project Executing Agency for the Project, through the Project Management Unit 2 (PMU 2). MOT is also specifically responsible for working with ministerial or provincial level authority on resettlement policies, ensuring funds, and providing guidance on resettlement policy in cases which require clarification on application of policy on specific issues. Project Management Unit 2 (PMU2) is responsible for overall coordination in land acquisition and resettlement matters as well as technical matters regarding demarcation in the field as well as disbursement.
- Provincial People's Committees (PPC) will take the overall responsibility for the resettlement activities within their management authorities.
- Provincial Department of Labour, War Invalids and Social Affairs (DOLISA) and Department of Agriculture and Rural Development (DARD) will play lead roles in the design and implementation of the project's Livelihood Development Program (LDP) together with PMU2.
- Organization in charge of Compensation implementation, District People's Committee (DPC); District Compensation and Resettlement Board (DCARB) and Centre for Land Development Fund (CLDF) will be responsible for Implement land acquisition, compensation, support and other resettlement activities in the district according to the agreed RP.
- Commune People's Committees will support RP activities and participated in the DCARB as required.

- Detailed Design Consultants and the Project Supervision Consultant will include a social safeguards team that will provide technical assistance to PMU and the major stakeholders in the updating and implementation of the RP.

**17. Implementation schedule:** The Project will be implemented over the period of 5 years. Following detailed design, RP updating will be carried out by district. As soon as the updated RP is completed, it will be submitted by PMU to ADB for review and approval. All resettlement activities will be coordinated with the civil works schedule. Land acquisition and relocation of affected households cannot commence until the updated RP has been reviewed and agreed by ADB. PMU will not allow construction activities in specific sites until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and that the site is free of all encumbrances. The indicative schedule of key related activities is set out below. The schedule will be revised during updating of the RP.

Activities	2019	2020	2021	2022	2023
Project loan effective					
Corridor of works drawing available					
Land acquisition boundary demarcation					
Handover of land acquisition markers to DPCs					
Land acquisition decision issued by DPCs					
Detailed Measurement Survey					
Consultations with APs					
RP updating					
Submission/ approval updated RP					
Disclosure Updated RP					
Implementation of updated RP					
Disbursement of compensation and assistance					
Land Acquisition					
Implementation of Livelihood Dev't					
Civil works					
Internal Monitoring					
External Monitoring					

- 18. Budget and financing:** The Resettlement Plan budget is estimated at VND **79,037,714,396** (approximately USD 3,483,372.16). The budget covers direct costs covering entitlements required under the entitlement matrix (compensation, allowances and assistance), livelihood development program, resettlement assistance together with administration costs of 3.5% and contingency of 30% of direct costs. Compensation is to be based on the principle of replacement costs. During RP updating, an external appraiser will be engaged by PMU through the Project Supervision Consultant to conduct a replacement cost survey to determine compensation rates at replacement cost. Details of impacts will be verified during the detailed measurement survey to be conducted prior to updating of the RP.
- 19. Monitoring and Evaluation** The implementation of the RP will be monitored regularly to help ensure that it is implemented as planned and that mitigating measures designed to address adverse social impacts are adequate and effective. The monitoring will be done at two levels, internal monitoring to be done by the PMU, and external monitoring to be

undertaken by an external monitor. Monitoring reports will be prepared on a semi-annual basis.

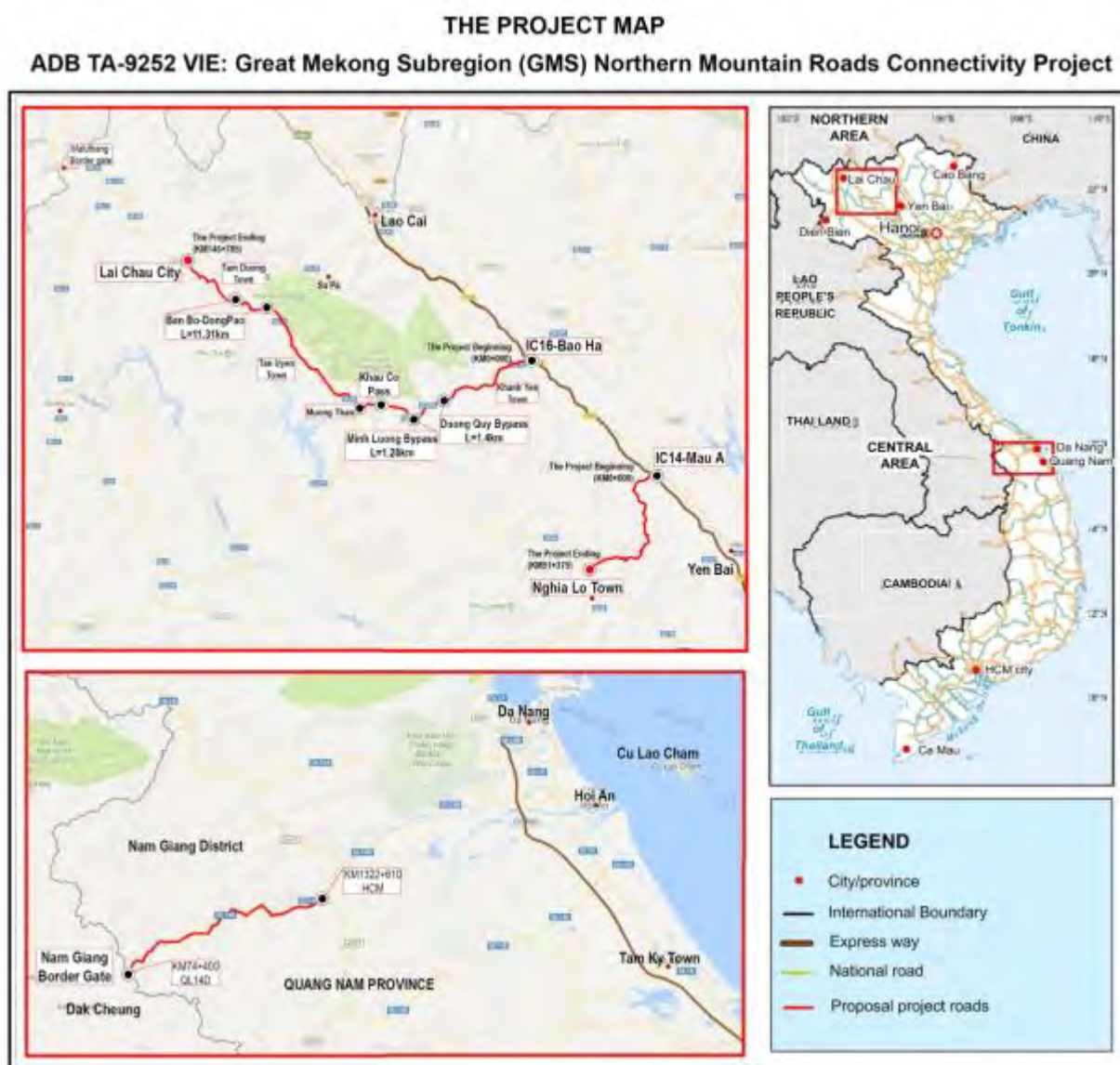
20. The RP has been prepared based on the preliminary design at the scale of 1/10000th and inventory of losses data. The RP will be updated when the detailed engineering design of the road is available and with DMS data and replacement cost study results and additional consultations.



# Chapter 1 - Introduction

## 1.1. The Northern Mountain Roads Connectivity Project

21. The Northern Mountain Roads Connectivity Project aims to enhance the access to the GMS corridors in the north-western Region through upgrading national and provincial highways where the economic and social development conditions, the transport network, the topography and the climate change effects are the most difficult in comparison with other regions in the country. Project works include upgrading of National Highway 32 in Lai Chau Province (82.49km from San Thang to Khau Co); National Highway 279 (63.88 km from intersection with NH 32 to Hanoi – Lao Cai Expressway); and Provincial Road 175 in Yen Bai Province (51.375km from intersection with NH32 to intersection with PR 151). A Map of the roads considered in the PPTA is set out below.



## 1.2. Project Components in Lai Chau Province

22. The project in Lai Chau Province will involve the upgrading of National Highway 32 from San Thang to Khau Co over a total length of 82.49km. The project will utilize 71km of existing alignment and construct one 11km bypass (Dong Pao-Ban Bo).

**Table 1-1: List of Main Project Works**

Highway	Location	Description	Length (km)
NH 32	Lai Chau Province.  From San Thang to Khau Co	Existing alignment plus 1 considered bypass: Dong Pao – Ban Bo Bypass (11km)	82.49

23. NH 32 traverses 3 districts, Than Uyen, Tan Uyen and Tam Duong, covering 11 communes and 2 district-level towns.

24. The Dong Pao – Ban Bo Bypass will have a total length of 11km passing through Ban Bo Commune, Ban Hon Commune, and Na Tam Commune.

**Table 1-2: Description of Bypass Location**

Bypass	Commune	Length (m)
Dong Pao - Ban Bo Bypass	Ban Bo	2200
	Ban Hon	300
	Na Tam	8500
	Total Length	11000

**Table 1-3: Locations Traversed by NH32 Upgrade**

Province	District	Commune/ Town
Lai Chau	Than Uyen	Mường Than
	Tan Uyen,	Pắc Ta
		Phúc Khoa
		Thân Thuộc
		Trung Đông
	Tam Duong	Than Uyên Town
		Bản Bo
		Bản Giang
		Bản Hon
		Bình Lư
		Nà Tăm
		Sơn Bình
		Tam Đường Town

25. The upgrading of roads to grade-IV roads in the mountainous areas, with a road cross section of 7.5m. The typical cross section consists of road surface of 7.5m and 5.5m for road shoulder and safety buffer to give a typical corridor of impact for land requirements

of 13m. An activity under the Project Ethnic Minority Development Plan for Lai Chau Province will include the construction of a small-scale farm bridge and access road at Na Tam Commune, Tam Duong District to improve access to the project road. The bridge was identified as a priority transport infrastructure need as the community's access to the highway is made difficult due to a small river with no bridge. The bridge will serve an estimated 120 households (approx. 480 persons) located in Na Tam and Na Ca Communes. The bridge and access road will cost an estimated VND 6,613 million (approx. USD 290,895). Further summary details are set out below.

**Table 1-4: Summary Information of Na Tam Farm Bridge and Access Road**

Location	Prov	Lai Chau
	Dist.	Tam Duong
	Communes	Na Tam
	Chainage	Km126+00
	Section	ADB-CR1
Existing Condition	Distance from project road	180 & 520
	Estimated numbers of households	120
	Existing Access	Not Available
Proposed Pedestrian/ Farm Bridge and Access Road Details	Bridge Location/ Coordination (WGS-84)	22.282841, 103.613977
	Bridge's length (m)	100
	Access/ approach Road (m)	350
	Bridge type	cable stay bridge, 2m overall width, 100m length for span;
	Access road	2m width, PCC pavement (C20) 10cm thickness, crushed base course 15cm;

(source: PPTA consultant)

26. The land acquisition and resettlement impacts for this activity is not yet known, but is expected to be minimal. During updating of the RP, the land acquisition impacts for this, will be assessed. The same principles and entitlements as set out in the Resettlement and Ethnic Minority Development Framework for this project will apply. Any associated resettlement impacts and mitigation measures will be covered under the updated RP.

### 1.3. Rationale for the Project and Description of the Project Area

27. In the recent past, ADB activities in the Transport sector in Viet Nam mainly focused on supporting the government to develop the key GMS expressway infrastructure. This network expansion either almost complete or is under implementation and further expressway expansion is increasingly being considered under public-private partnership/build-operate-transfer (PPP/BOT) modality. Attention needs to be broadened to other road priorities as put forward in the transport sector assessment, strategy, and road map. In Northwestern Viet Nam, the Noi Bai-Lao Cai expressway is part of the GMS Kunming-Hai Phong Transport Corridor that connects the Ha Noi region to Yunnan Province in the PRC. The next-tier road network connecting to these GMS corridors is still underdeveloped. Provinces in the corridors' proximity have not

fully benefitted from the improved GMS corridors and have generally developed at a slower pace than the rest of the country.

28. The project roads that are currently considered for further analysis under the project preparatory technical assistance (PPTA) include three highways (NH32, NH279 and upgraded PR175) in Yen Bai, Lai Chau and Lao Cai provinces connecting to Noi Bai-Lao Cai Expressway. All three roads are located in the most difficult terrain crossing high mountains or large rivers with lower class technical standards that do not meet the increasing transport demands and do not provide all-year accessibility. The proposed project roads are prone to climate change effects such as flash flooding and increasing temperature variations. The project will upgrade the design class, ensure standard is consistent over the entire length and integrate climate resiliency features (reinforced slope protection, increased drainage capacity, etc.) in the design of the proposed roads.

#### 1.4. Minimization of Impacts

29. Impacts have been minimized by exploring alternative designs and alignment options. The design approach maximizes use of existing road alignment and includes realignments only where needed to achieve project objectives.

#### 1.5. Introduction to the Resettlement Plan

30. The resettlement plan is a time-bound action plan prepared to identify all impacts associated with land acquisition for the project, assess the socio-economic context of affected people and present agreed measures to fully mitigate impacts.

## Chapter 2 - Land Acquisition and Resettlement Impacts

### 2.1 Description of the Inventory of Losses Survey

31. The Inventory of Losses survey was conducted on site from December 2017 to January 2018. Measurement of losses was based on project design information with a typical corridor of impact of 13m. Initial identification of land and property impacts was based on superimposed project design information (centerline, road widening requirement compared to existing road, etc) on local maps and compared against cadastral records. For sections that require additional widening due to the topographical conditions (e.g. next to the river, spring, etc.), the scope of land acquisition due to widening at the sections towards positive or negative talus was calculated with the coefficient of 1.5. The determination of land acquisition scope for new alignment sections is carried out by the cadastral officers of the communes and technical staff of the subcontractor.
32. For houses and structures, initial screening and identification was made based on review of household registration books managed by CPC against land identified as being affected, and ocular inspection. Detailed information on non-land household losses (structures, trees, crops, etc) was obtained through a household-based survey using a questionnaire and visual inspection. The household survey was undertaken by contracted surveyors together with the respective households and accompanied by local authorities.

### 2.2 Land Acquisition and Resettlement Impacts

33. In Lai Chau Province, the project is expected to affect an estimated 389 households comprised on 1,810 people. The most common impact is loss of residential land (266 households, 1,065 persons) followed by loss of productive land (164 households, 673 persons) and impacts on businesses (73 households, 292 persons). None of the 48 households (192 persons) with affected houses are expected to require relocation. However, the resettlement plan anticipates that 20 households (comprising 83 persons) will have severe permanent impacts on their livelihoods.

**Table 2-1: Summary of Impacts by Location and Number of Households**

District/ Commune	HH	Persons	Residential Land	Productive Land	House	Business	Require Relocation	Permanent Severe Impact on Livelihood
<b>Than Uyen district</b>	<b>41</b>	<b>177</b>	30	20	-	7		3
Phuc Than	41	177	30	20	-	7		3
<b>Tan Uyen district</b>	<b>168</b>	<b>762</b>	124	74	9	40		6
Tan Uyen town	42	169	33	3	4	8		1
Phuc Khoa	42	211	40	28	5	9		2
Pac Ta	35	166	20	22	-	9		2
Than Thuoc	38	161	26	16	-	13		1

District/ Commune	HH	Persons	Residential Land	Productive Land	House	Business	Require Relocation	Permanent Severe Impact on Livelihood
Trung Dong	11	55	5	5	-	1		0
<b>Lai Chau City</b>	<b>38</b>	<b>163</b>	20	6	<b>6</b>	<b>15</b>		2
San Thang	18	81	6	4	3	5		1
Dong Phong ward	20	82	14	2	3	10		1
<b>Tam Duong district</b>	<b>142</b>	<b>708</b>	<b>92</b>	64	<b>33</b>	<b>11</b>		9
Ban Giang	61	287	40	17	11	5		2
Ban Bo	23	125	16	11	13	3		2
Ban Hon	38	179	32	16	7	3		2
Na Tam	20	117	4	20	2	-		3
Tam Duong Town	0	0	0	0	0	0	0	0
Binh Lu	0	0	0	0	0	0	0	0
<b>Total</b>	<b>389</b>	<b>1,810</b>	<b>266</b>	<b>164</b>	<b>48</b>	<b>73</b>		<b>20</b>

(IOL)

### 2.2.1 Impacts on Land

34. An estimated 18.3ha of land is expected to be acquired for the project. Tam Duong is the district with the largest land losses (12.9ha) due to the intended bypass. The largest category of affected land is forestry land (9.1ha), followed by paddy (3.9ha), perennial crop land (3.7ha), residential land (1.0ha) (comprised of 0.1ha urban residential land and 0.9ha rural residential land) and annual cropping land (0.7ha). (Loss of public land, totalling 9.6ha – primarily road right of way, is covered separately in this chapter.) The locations with the greatest land losses will be Ban Bo, Ban Hon and Na Tam communes due to the Dong Pao – Ban Bo Bypass with a total length of 11km. Tam Duong Town and Binh Lu Commune are not expected to have any land acquisition impacts.

**Table 2-2: Land Acquisition by Category**

No .	District/Com mune	Unit	Urban Resid ential Land	Rural residenti al land	Paddy land	Annual crop land	Perenni al crop land	Forest land	Total
I	Than Uyen district	HH		30	-	10	20	15	
		Area		565.80		1,300	11,700	10,905	24,471
1. 1	Phuc Than commune	HH		30	-	10	20	15	
		Area		565.80		1,300	11,700	10,905	24,471
II	Tan Uyen district	HH	33	91	43	1	44	39	
		Area	849.10	2,134.45	9,886	100	5,247	8,547	26,764
2. 1	Tan Uyen town	HH	33		1	1	1	-	
		Area	849.10		30	100	30		1,009

No .	District/Commune	Unit	Urban Residential Land	Rural residential land	Paddy land	Annual crop land	Perennial crop land	Forest land	Total
2.2	Phuc Khoa commune	HH		40	12	-	28	-	
		Area		1229.20	1,956		4,144.00		<b>7,329</b>
2.3	Pac Ta commune	HH		20	30	-	2	15	
		Area		485.00	7,900		14	5,955	<b>14,354</b>
2.4	Than Thuoc commune	HH		26	-	-	10	19	
		Area		337.25			60	1,292	<b>1,689</b>
2.5	Trung Dong commune	HH		5	-	-	3	5	
		Area		83.00			999	1,300	<b>2,382</b>
III	Lai Chau City	HH	<b>14</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>2</b>	
		Area	428.00	193.50	<b>205</b>	<b>530</b>	<b>1,626</b>	<b>130</b>	<b>3,112</b>
3.1	San Thang commune	HH		6	2	3	3	1	
		Area		193.50	194	530	1,626	100	<b>2,644</b>
3.2	Dong Phong ward	HH	14		1	-	-	1	
		Area	428.00		10.50			30	<b>469</b>
IV	Tam Duong district	HH		<b>92</b>	<b>31</b>	<b>12</b>	<b>31</b>	<b>60</b>	
		Area		<b>5711.00</b>	<b>28,447</b>	<b>4,875</b>	<b>18,187</b>	<b>71,700</b>	<b>128,919</b>
4.1	Ban Giang commune	HH		40	4	9	15	12	
		Area		2121.00	386.67	3,175	8,235	3,108	<b>17,026</b>
4.2	Ban Bo commune	HH		16	7	1	1	8	
		Area		1412.00	1,400	1,340	25	1,552	<b>5,729</b>
4.3	Ban Hon commune	HH		32	-	2	10	20	
		Area		1942.00		360	9,510	4,640	<b>16,452</b>
4.4	Na Tam commune	HH		4	20	-	5	20	
		Area		236.00	26,660		416.67	62,400	<b>89,713</b>
	Tam Duong Town	HH							<b>0</b>
		Area							<b>0</b>
	Binh Lu	HH							<b>0</b>
		Area							<b>0</b>
<b>Total</b>		<b>HH</b>	<b>47</b>	<b>219</b>	<b>77</b>	<b>26</b>	<b>98</b>	<b>116</b>	
		<b>Area</b>	<b>1,277.1</b>	<b>8,604.8</b>	<b>38,537.2</b>	<b>6,805.0</b>	<b>36,759.7</b>	<b>91,282.0</b>	<b>183,266</b>

(IOL)

35. Note: paddy land is used for growing rice; annual cropping land is used for growing annual or seasonal crops such as vegetables, maize, sugar cane, legumes; perennial land is used for growing perennial plants and crops such tea, coffee, fruit trees; forest land is production forest (typically upland, sloping) used for growing timber trees, cinnamon and certain types of fruit trees.

## 2.2.2 Impacts on Main Structures

36. There is a total of 48 households (192 persons) with affected 49 houses. Of these, 5 are fully affected (5 type-1 and 0 type-2). The fully affected houses are located in 2 communes of Tam Duong District (Ban Bo and Ban Hon). Affected houses consist of 2 villas; 2 Multi-floors house with concrete roof; 21 Brick house with tile roof; 7 House on stilts/ Traditional house; 16 Grade-IV wooden house; and 1 temporary structures.



37. The IOL distinguishes two main types of houses. Type-1 are houses associated with the claim on the affected land. Whereas type-2 houses are extra houses built on the same affected land plot. Type-2 houses typically include houses of married children built on the same plot as the parents – the owners of house type-1 on the plot. While both types are subject to compensation for the house along with resettlement assistance if relocation is required, compensation for land is provided to the holder of the LURC for the land. For planning purposes, it is assumed that the affected houses are the soles residences of the households living there.

38. More information is provided on resettlement impacts in section 2.4 below.

**Table 2-3: Impacts on Housing**

District/ Commune	House #1				House #2				TOTAL	
	Totally affected		Partially affected		Totally affected		Partially affected			
	Hou se	Area	Hou se	Area	Hou se	Area	Hou se	Area	Ho use	Area
Than Uyen district	-		-		0		0		-	-
Phuc Than	-		-		0		0		-	-
Tan Uyen district	-		8	112	0		1	5	9	117
Tan Uyen town	-		4	37.5	0		0		4	37.5
Phuc Khoa	-		4	74.5	0		1	5	5	79.5
Pac Ta	-		-		0		0		-	0
Than Thuoc	-		-		0		0		-	0
Trung Dong	-		-		0		0		-	0
Lai Chau City	-		6	56	0		0		6	56
San Thang	-		3	41	0		0		3	41
Dong Phong ward	-		3	15	0		0		3	15
Tam Duong district	5	298	27	571	0		2	19	34	888
Ban Giang	-	-	10	206	0		1	14	11	220
Ban Bo	4	238	8	222	0		1	5	13	465
Ban Hon	1	60	6	103	0		0		7	163
Na Tam	-	-	3	40	0		0		3	40
Total	5	298	41	739	0	0	3	24	49	1061

(IOL)

39. The most common construction types are brick house with tile roof (21 houses), grade-IV wooden house (16 houses), and house on stilts/ traditional house (7 houses). A list of the affected house construction categories is set out below:

<u>Contruction Type</u>	<u>Number of Houses</u>
- Villa	2
- Multi-storey house with concrete roof	2
- Brick house with tile roof	21
- House on stilts/ Traditional house	7
- Grade-IV wooden house	16
- Temporary house	1
- Total	49

40. Details of categories of affected houses by construction type and location are set out in Appendix 1.



### 2.2.3 Impacts on Businesses

41. There are 73 affected businesses. Fourty of these are associated with affected houses, with the business being either located in the house (12 house-cum-shops) or the household business is conducted immediately in front of the house (28 households). The latter are mostly small-scale trading conduct under the eaves of the house. In addition, there are 33 roadside traders affected. These cases typically operate from moveable tables and stands.

**Table 2-4: Affected Businesses**

District/Commune	House-cum-shop	Business in front of affected house	Roadside vendors	Total Affected Businesses
<b>Than Uyen district</b>	<b>0</b>	<b>1</b>	<b>6</b>	<b>7</b>
Phuc Than commune	0	1	6	7
<b>Tan Uyen district</b>	<b>5</b>	<b>19</b>	<b>16</b>	<b>40</b>
Tan Uyen town	2	4	2	8
Phuc Khoa commune	3	5	2	10
Pac Ta commune	0	4	5	9
Than Thuoc commune	0	5	7	13
Trung Dong commune	0	1	0	1
<b>Lai Chau City</b>	<b>4</b>	<b>7</b>	<b>4</b>	<b>15</b>
San Thang commune	2	2	1	5
Dong Phong ward	2	5	3	10
<b>Tam Duong district</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>11</b>
Ban Giang commune	3	1	1	5
Ban Bo commune	0	0	3	3
Ban Hon commune	0	0	3	3
Na Tam commune	0	0	0	0
<b>Total</b>	<b>12</b>	<b>28</b>	<b>33</b>	<b>73</b>

(IOL)

Of the households with affected businesses, 58 are formally registered and 15 unregistered.

**Table 2-5: Registration Status of Affected Businesses**

District/Commune	No. of affected business households	Have business registration	
		Yes	No
<b>Than Uyen district</b>	<b>7</b>	<b>6</b>	<b>1</b>
Phuc Than	7	6	1
<b>Tan Uyen district</b>	<b>40</b>	<b>35</b>	<b>5</b>
Tan Uyen town	8	7	1
Phuc Khoa	9	9	0
Pac Ta	9	9	0
Than Thuoc	13	9	4
Trung Dong	1	1	0
<b>Lai Chau City</b>	<b>15</b>	<b>11</b>	<b>4</b>
San Thang	5	3	2
Dong Phong ward	10	8	2

District/ Commune	No. of affected business households	Have business registration	
		Yes	No
<b>Tam Duong district</b>	<b>11</b>	<b>6</b>	<b>5</b>
Ban Giang	5	3	2
Ban Bo	3	1	2
Ban Hon	3	2	1
Na Tam	0	0	0
<b>Total</b>	<b>73</b>	<b>58</b>	<b>15</b>

(IOL)

42. The impacts are expected to be temporary in nature. As no relocation is required for affected houses, the 40 households with businesses associated with affected houses are anticipated to be able to recommence their businesses once their houses are repaired and business space rearranged. Impacts on roadside vendors are likewise expected to be temporary. During updating of the resettlement plan, detailed consideration will need to be given to reorganizing sites for their continued trading while roadworks are ongoing.

#### 2.2.4 Secondary Structures, Trees and Crops

43. Various types of secondary structures will be affected. The most common types of such losses are paved yards (affecting 232 households), fences and gates (affecting 103 and 89 households, respectively). Two graves owned by 01 HH (Kinh group) will be affected and required to be relocated. All graves will be moved to the cemetery of the communes as planned for the new rural target program. A summary of the loss of secondary structures is presented below for the whole district. A detailed table by commune is in Appendix 1.

**Table 2-6: Loss of Secondary Structures**

Item		Than Uyen district		Tan Uyen district		Lai Chau City		Tam Duong district		Total	
		HHs	Qty	HHs	Qty	HHs	Qty	HHs	Qty	HHs	Qty
Kitchen	m2	-		-		3	28	12	164	15	192
Shed	m2	-		2	7	-		19	300	21	307
Electric meter	pce	7	7	25	26	13	14	19	19	64	66
Water meter	pce	6	6	12	12	20	20	6	6	44	44
Fence	m2	5	93	30	436	19	679	49	1,638	103	2,846
Gate	m2	3	13	27	184	22	205	37	203	89	605
Toilets/ bath house	m2	-		1	10	2	8	8	46	11	64
Built grave	grave	-		-		-		1	2	1	2
Well	well	-		7	7	-		5	5	12	12
Water tank	m2	-		4	17	1	15	5	13	10	45
Water pipe	m	7	83	16	48	11	64	13	650	47	844
Yard	m2	32	431	122	2,139	16	235	62	1,419	232	4,223
Pond	m2	-		1	5	-		5	390	6	395

(IOL)

44. An estimated 2,416 productive trees will be lost affecting up to 251 households comprising 1,004 persons. Of which, 78 HHs (320 persons) lost 435 timber trees and

173 HHs (684 persons) have 1981 fruit trees affected. The area with the greatest losses are Ban Giang. A summary of trees lost by location is set out below.

**Table 2-7: Loss of Productive Trees**

District/ Commune	Unit	Timber tree	Fruit tree
<b>Than Uyen district</b>	HH	<b>11</b>	<b>10</b>
	Tree	<b>19</b>	<b>70</b>
Phuc Than commune	HH	11	10
	Tree	19	70
<b>Tan Uyen district</b>	HH	<b>36</b>	<b>80</b>
	Tree	<b>88</b>	<b>559</b>
Tan Uyen town	HH	5	19
	Tree	12	224
Phuc Khoa commune	HH	8	31
	Tree	22	217
Pac Ta commune	HH	17	22
	Tree	45	91
Than Thuoc commune	HH	5	5
	Tree	8	6
Trung Dong commune	HH	1	3
	Tree	1	21
<b>Lai Chau City</b>	HH	<b>3</b>	<b>11</b>
	Tree	<b>4</b>	<b>110</b>
San Thang commune	HH	2	8
	Tree	2	99
Dong Phong ward	HH	1	3
	Tree	2	11
<b>Tam Duong district</b>	HH	<b>28</b>	<b>72</b>
	Tree	<b>324</b>	<b>1,242</b>
Ban Giang commune	HH	14	30
	Tree	181	855
Ban Bo commune	HH	4	12
	Tree	14	106
Ban Hon commune	HH	9	23
	Tree	117	199
Na Tam commune	HH	1	7
	Tree	12	82
<b>Total</b>	HH	<b>78</b>	<b>173</b>
	Tree	<b>435</b>	<b>1,981</b>

45. An estimated total of 4.64ha of annual crops and paddy will be lost. Losses are greatest in Na Tam and Pac Ta Communes. Of which, 38,150m<sup>2</sup> of rice belongs to 127 HHs affected, 723m<sup>2</sup> of affected vegetables area owned by 34 HHs and 7,574 m<sup>2</sup> of other crops affected of 41 HHs.

**Table 2-8: Loss of Crops**

District/ Commune	Unit	Rice (m2)	Vegetable (m2)	Others (maize, cassava ... ) (m2)
Than Uyen district	HH	-	1	1
	Qty		60	6
Phuc Than commune	HH	-	1	1
	Qty		60	6
Tan Uyen district	HH	43	11	5
	Qty	9,880	72	26
Tan Uyen town	HH	1	5	1
	Qty	30	38	6
Phuc Khoa commune	HH	12	5	4
	Qty	1,950	28	20
Pac Ta commune	HH	30	1	-
	Qty	7,900	6	
Than Thuoc commune	HH	-	-	-
	Qty			
Trung Dong commune	HH	-	-	-
	Qty			
Lai Chau City	HH	3	4	5
	Qty	108	31	365
San Thang commune	HH	2	4	3
	Qty	97	31	350
Dong Phong ward	HH	1	-	2
	Qty	11		15
Tam Duong district	HH	61	18	30
	Qty	28,162	560	7,177
Ban Giang commune	HH	4	6	19
	Qty	97	388	3,318
Ban Bo commune	HH	7	3	4
	Qty	1,400	45	2,629
Ban Hon commune	HH	-	8	4
	Qty		122	130
Na Tam commune	HH	50	1	3
	Qty	26,665	5	1,100

District/ Commune	Unit	Rice (m2)	Vegetable (m2)	Others (maize, cassava ...) (m2)
Total	HH	107	34	41
	Qty	38,150	723	7,574

(IOL)

## 2.3 Legal Status of Affected Land

46. The legal status of affected land is based on the eligibility for land user rights certificates (LURC). Households surveyed in the IOL were asked if their land has already been issued a LURC, is in the process of being issued a LURC, or has no LURC (including not in the process of being issued). Not having a LURC may be due to ineligibility or not having yet applied even though potentially eligible. Ineligibility may be based on such factors as land being used is state or encroached land. The adjudication on the legal status will be finalized during updating of the resettlement plan.
47. The numbers of households without LURC for affected plots are: residential and garden land (18 households – spread out over 4 districts); paddy land, annual cropping land (1 household each – in Tam Duong District); perennial crops land (5 households – 4 in Tam Duong District and 1 in Tan Uyen District). Details of the types of plots by legal status and location are set out in Appendix 1.

## 2.4 Severity of Impact

48. There is a total of 20 households severely affected due to permanent loss of 10% or more of their productive resources, and five households with fully affected houses. No relocation will be required for affected houses and the impacts on businesses are expected to be temporary.
49. There are five totally affected houses (of 5 households, 20 persons). All are located in Tam Duong District – four in Ban Bo Commune and 1 in Ban Hon Commune. All have sufficient residual land on which to rebuilt their houses and will not require relocation.

**Table 2-9: Relocation Needs for Affected Housing**

District/ Commune	Totally affected House		Sufficient Residual Land to Rebuild	
	HH	Area	Yes	No
<b>Than Uyen district</b>	-			
Phuc Than	-			
<b>Tan Uyen district</b>	-			
Tan Uyen town	-			
Phuc Khoa	-			
Pac Ta	-			
Than Thuoc	-			
Trung Dong	-			
<b>Lai Chau City</b>	-			
San Thang	-			
Dong Phong ward	-			
<b>Tam Duong district</b>	5	298	5	-
Ban Giang	-			-

District/ Commune	Totally affected House		Sufficient Residual Land to Rebuild	
	HH	Area	Yes	No
Ban Bo	4	238	4	-
Ban Hon	1	60	1	-
Na Tam	-			
<b>Total</b>	<b>5</b>	<b>298</b>	<b>5</b>	<b>-</b>

(IOL)

50. The impacts on businesses are expected to be temporary in nature. As no relocation is required for affected houses, the households with businesses associated with affected houses are anticipated to be able to recommence their businesses once their houses are repaired and business space rearranged. Impacts on roadside vendors are likewise expected to be temporary. During updating of the resettlement plan, detailed consideration will need to be given to reorganizing sites for their continued trading while roadworks are ongoing.

51. All the 266 affected residential land plots are marginally affected, meaning the residual portion is viable for continued residential use.

**Table 2-10: Severity of Impact on Residential Land**

District/Commune	Totally	Partially	Total
<b>Than Uyen district</b>	<b>0</b>	30	30
Phuc Than	0	30	30
<b>Tan Uyen district</b>	<b>0</b>	124	124
Tan Uyen town	0	33	33
Phuc Khoa	0	40	40
Pac Ta	0	20	20
Than Thuoc	0	26	26
Trung Dong	0	5	5
<b>Lai Chau City</b>	<b>0</b>	20	20
San Thang	0	6	6
Dong Phong ward	0	14	14
<b>Tam Duong district</b>	<b>0</b>	92	92
Ban Giang	0	40	40
Ban Bo	0	16	16
Ban Hon	0	32	32
Na Tam	0	4	4
<b>Total</b>	<b>0</b>	<b>266</b>	<b>266</b>

(IOL)

52. Productive land is considered severe if 10% or more is lost. Of the 164 losing various forms of productive land, 20 households (83 person) are severely affected and all of these would lose 10% to 30%.

**Table 2-11: Severity of Impact on Productive Land**

District/Commune	Productive land					Total
	Under 10%	10-30%	30-50%	50-70%	Over 70%	
<b>Than Uyen district</b>	<b>17</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	20

District/Commune	Productive land					Total
	Under 10%	10-30%	30-50%	50-70%	Over 70%	
Phuc Than commune	17	3	0	0	0	20
<b>Tan Uyen district</b>	<b>68</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>74</b>
Tan Uyen town	2	1	0	0	0	3
Phuc Khoa commune	26	2	0	0	0	28
Pac Ta commune	20	2	0	0	0	22
Than Thuoc commune	15	1	0	0	0	16
Trung Dong commune	5	0	0	0	0	5
<b>Lai Chau City</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>
San Thang commune	3	1	0	0	0	4
Dong Phong ward	1	1	0	0	0	2
<b>Tam Duong district</b>	<b>55</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>64</b>
Ban Giang commune	15	2	0	0	0	17
Ban Bo commune	9	2	0	0	0	11
Ban Hon commune	14	2	0	0	0	16
Na Tam commune	17	3	0	0	0	20
<b>Total</b>	<b>144</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>164</b>

(IOL)

#### 2.4.1 Vulnerable households

53. The socio-economic survey (SES) collected information on vulnerability of households across six categories that may experience greater challenges in restoring their living standards than others or may need additional assistance to improve their living standards.
54. Based on the SES survey sample, 11% of affected households are female headed households, 56% are ethnic minorities, 3% are households with disabled household head, 1% is a single-elder household, and 9% are poor or near-poor. Locations with higher than average poverty rates were Phuc Khoa (11%), Dong Phong Ward (14%) and most of the Tam Duong District communes – Ban Bo (20%), Ban Hon (17%), Na Tam (32%). Son Luong (48%), Mo Vang (45%), and An Luong (29%). Fifty-six percent of the SES sample were ethnic minorities.
55. Being poor or near-poor is based on the Government-set national poverty line of an average monthly per capital income together with consideration of deprivation of access to social services. A poor household in rural areas is one that satisfies either of the two following norms: (i) Having a monthly per capita income of VND 700,000 or lower; or (ii) Having a monthly per capita income of between over VND 700,000 and VND 1.000. 000 and deprived of at least 3 indicators measuring deprivation of access to basic social services. A poor household in urban areas is one that satisfies either of the two following norms: Having a monthly per capita income of VND 900,000 or lower; or Having a monthly per capita income of between over VND 900,000 and VND 1.300.000 and deprived of at least 3 indicators measuring deprivation of access to basic social services. A near-poor household in rural areas is the one that has a monthly per capita income of between over VND 700.000 and VND 1,000,000 and is deprived of less than 3 indicators measuring deprivation of access to basic social services. A near-poor household in an urban area is the one that has a monthly per capita income of between over VND 900.000 and VND 1,300,000 and is deprived of less than 3 indicators

measuring deprivation of access to basic social services. (Decision No 59/2015/QĐ-TTg issued by Prime minister)

**Table 2-12: Percent Vulnerable Households**

District/ Commune	Female-head HHs	Ethnic Minority	Disabled people	Poor/ near-poor HHs	Single elder HHs	Policy beneficiary HHs
<b>Than Uyen district</b>	<b>10%</b>	<b>50%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
Phuc Than	10%	50%	0%	0%	0%	0%
<b>Tan Uyen district</b>	<b>18%</b>	<b>20%</b>	<b>3%</b>	<b>3%</b>	<b>3%</b>	<b>0%</b>
Tan Uyen town	44%	0%	0%	0%	11%	0%
Phuc Khoa	11%	0%	11%	11%	0%	0%
Pac Ta	13%	13%	0%	0%	0%	0%
Than Thuoc	13%	13%	0%	0%	0%	0%
Trung Dong	0%	100%	0%	0%	0%	0%
<b>Lai Chau City</b>	<b>27%</b>	<b>20%</b>	<b>0%</b>	<b>7%</b>	<b>0%</b>	<b>0%</b>
San Thang	25%	38%	0%	0%	0%	0%
Dong Phong ward	29%	0%	0%	14%	0%	0%
<b>Tam Duong district</b>	<b>2%</b>	<b>94%</b>	<b>4%</b>	<b>17%</b>	<b>0%</b>	<b>2%</b>
Ban Giang	6%	83%	0%	0%	0%	0%
Ban Bo	0%	100%	0%	20%	0%	0%
Ban Hon	0%	100%	8%	17%	0%	0%
Na Tam	0%	100%	5%	32%	0%	5%
<b>Total</b>	<b>11%</b>	<b>56%</b>	<b>3%</b>	<b>9%</b>	<b>1%</b>	<b>1%</b>

(SES Survey)

56. The number of vulnerable households is estimated (extrapolated) based on percentage of vulnerable households in the SES sample multiplied by the actual number of households per location. The results are presented below.

**Table 2-13: Estimated Number of Vulnerable Households**

District/ Commune	Female-head HHs	Ethnic Minority	Disabled people	Poor/ near-poor HHs	Single elder HHs	Policy beneficiary HHs	Total Vulnerable HHs (unique)
<b>Than Uyen district</b>	<b>1</b>	<b>11</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>12</b>
Phuc Than	1	11	-	0	0	-	12
<b>Tan Uyen district</b>	<b>7</b>	<b>22</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>31</b>
Tan Uyen town	4	0	-	0	1	-	5
Phuc Khoa	1	0	-	1	0	-	2
Pac Ta	1	12	-	0	0	-	13
Than Thuoc	1	5	-	0	0	-	6



District/ Commune	Female-head HHs	Ethnic Minority	Disabled people	Poor/ near-poor HHs	Single elder HHs	Policy beneficiary HHs	Total Vulnerable HHs (unique)
Trung Dong	0	5	-	0	0	-	5
<b>Lai Chau City</b>	<b>4</b>	<b>8</b>	<b>-</b>	<b>1</b>	<b>0</b>	<b>-</b>	<b>13</b>
San Thang	2	7	-	0	0	-	9
Dong Phong ward	2	1	-	1	0	-	4
<b>Tam Duong district</b>	<b>0</b>	<b>130</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>130</b>
Ban Giang	0	46	-	0	0	-	46
Ban Bo	0	19	-	0	0	-	19
Ban Hon	0	35	-	0	0	-	35
Na Tam	0	30	-	0	0	-	30
<b>Total</b>	<b>12</b>	<b>171</b>	<b>-</b>	<b>2</b>	<b>1</b>	<b>-</b>	<b>186</b>

57. During the updating of the resettlement plan, the number of vulnerable households will be confirmed during the Detailed Measurement Survey. Individual vulnerable households will be then identified for required assistance and support.

## 2.5 Impacts on Public Assets

58. A total of 9.6ha of public land (road right of way) will be utilized for the project. The land is mostly road right of way except for 2.1ha of public forest in Na Tam Commune.

**Table 2-14: Affected Public Land**

District/ Commune	Land Type	Total
<b>Than Uyen district</b>		<b>4,500</b>
Phuc Than commune	Road ROW	4,500
<b>Tan Uyen district</b>		<b>43,163</b>
Tan Uyen town	Road ROW	8,800
Phuc Khoa commune	Road ROW	9,883
Pac Ta commune	Road ROW	10,312
Than Thuoc commune	Road ROW	1,285
Trung Dong commune	Road ROW	12,883
<b>Lai Chau City</b>		<b>6,898</b>
San Thang commune	Road ROW	5,169
Dong Phong ward	Road ROW	1,729
<b>Tam Duong district</b>		<b>41,836</b>
Ban Giang commune	Road ROW	2,477
Ban Bo commune	Road ROW	12,844
Ban Hon commune	Road ROW	5,163
Na Tam commune	State forest	21,352
<b>Total</b>		<b>96,397</b>

59. The only affected public structures are drainage along the existing road to be upgraded.

## 2.6 Land Acquisition Impacts on Ethnic Minorities

60. This section presents disaggregated resettlement impact data with respect to ethnic minority households.

61. The project is expected to affect an estimated 171 ethnic minority households comprised of 684 people. The 171 ethnic minority households are among the total 389 affected households. The most common impact is loss of residential land (109 households) followed by impacts on houses (26 households), loss of productive land (82 households) and impacts on businesses (16 households). All those with fully affected houses have sufficient residual land upon which to rebuild and will not require relocation. The resettlement plan anticipates that 8 ethnic minority households will have severe permanent impacts on their livelihoods.

**Table 2-15: Summary of Impacts by Location and Number of Ethnic Minority Households**

District/ Commune	HH	Persons	Residential Land	Productive Land	House	Business	Require Relocation	Permanent Severe Impact on Livelihood
<b>Than Uyen district</b>	<b>11</b>	<b>44</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>		<b>0</b>
Phuc Than	11	44	8	5	0	1		0
<b>Tan Uyen district</b>	<b>22</b>	<b>88</b>	<b>13</b>	<b>20</b>	<b>0</b>	<b>3</b>		<b>1</b>
Tan Uyen town	0	0	0	0	0	0		0

District/ Commune	HH	Persons	Residential Land	Productive Land	House	Business	Require Relocation	Permanent Severe Impact on Livelihood
Phuc Khoa	0	0	0	0	0	0		0
Pac Ta	12	48	6	11	0	2		1
Than Thuoc	5	20	3	5	0	1		0
Trung Dong	5	20	4	4	0	0		0
<b>Lai Chau City</b>	<b>8</b>	<b>32</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>3</b>		<b>2</b>
San Thang	7	28	4	6	1	3		2
Dong Phong ward	1	4	1	0	0	0		0
<b>Tam Duong district</b>	<b>130</b>	<b>520</b>	<b>83</b>	<b>56</b>	<b>25</b>	<b>9</b>		<b>5</b>
Ban Giang	46	184	32	12	6	3		3
Ban Bo	19	76	16	4	10	3		0
Ban Hon	35	140	31	10	7	3		0
Na Tam	30	120	4	30	2	0		2
<b>Total</b>	<b>171</b>	<b>684</b>	<b>109</b>	<b>82</b>	<b>26</b>	<b>16</b>	<b>0</b>	<b>8</b>

62. A total of 0.6ha of residential land belong to 109 ethnic minority households will be acquired. A total of 82 ethnic minority households will lose some form of productive land. An estimated 3.8ha of productive land belonging to ethnic minority households will be acquired. Productive land comprises paddy, annual cropping, perennial, other agricultural land, and forestry land. The largest loss will be in Tham Duong District. Most of the affected productive land is productive forest and paddy.

**Table 2-16: Loss of Land by Ethnic Minority Households**

District/ Commune		Urban Land	Rural residen tial land	Paddy land	Annual crop land	Perenni al crop land	Forest land	Total
<b>Total</b>	<b>HH</b>	<b>1</b>	<b>108</b>	<b>34</b>	<b>14</b>	<b>28</b>	<b>51</b>	<b>171</b>
	<b>M2</b>	<b>24</b>	<b>5,946</b>	<b>8,585</b>	<b>3,435</b>	<b>5,407</b>	<b>20,126</b>	<b>43,523</b>
<b>Than Uyen district</b>	<b>HH</b>		<b>8</b>	<b>-</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>11</b>
	<b>M2</b>		<b>236</b>	<b>-</b>	<b>130</b>	<b>1,270</b>	<b>800</b>	<b>2,436</b>
Phuc Than commune	HH		8	-	1	5	5	11
	M2		236		130	1,270	800	2,436
<b>Tan Uyen district</b>	<b>HH</b>	<b>-</b>	<b>13</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>16</b>	<b>22</b>
	<b>M2</b>	<b>-</b>	<b>237</b>	<b>-</b>	<b>-</b>	<b>14</b>	<b>2,355</b>	<b>2,606</b>
Tan Uyen town	HH			-	-	-	-	-
	M2							-
Phuc Khoa	HH		-	-	-	-	-	-

District/ Commune		Urban Land	Rural residen tial land	Paddy land	Annual crop land	Perenni al crop land	Forest land	Total
commune								
	M2							-
Pac Ta commune	HH		6	-	-	1	10	12
	M2		111			14	2,000	2,125
Than Thuoc commune	HH		3	-	-	-	5	5
	M2		54				95	149
Trung Dong	HH		4	-	-	-	1	5
	M2		72				260	332
<b>Lai Chau City</b>	<b>HH</b>	<b>1</b>	<b>4</b>	<b>-</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>8</b>
	<b>M2</b>	<b>24</b>	<b>97</b>	<b>-</b>	<b>330</b>	<b>542</b>	<b>100</b>	<b>1,093</b>
San Thang	HH		4	-	2	1	1	7
	M2		97		330	542		969
Dong Phong ward	HH	1		-	-	-	-	1
	M2	24						24
<b>Tam Duong district</b>	<b>HH</b>		<b>83</b>	<b>34</b>	<b>11</b>	<b>21</b>	<b>29</b>	<b>130</b>
	<b>M2</b>		<b>5,376</b>	<b>8,585</b>	<b>2,975</b>	<b>3,581</b>	<b>16,871</b>	<b>37,388</b>
Ban Giang	HH		32	3	8	9	5	46
	M2		1,806	330	2,575	2,584	1,295	8,591
Ban Bo	HH		16	1	1	2	4	19
	M2		1,412	5	40	50	776	2,283
Ban Hon	HH		31	-	2	5	10	35
	M2		1,922		360	530	2,320	5,132
Na Tam	HH		4	30	-	5	10	30
	M2		236	8,250		417	12,480	21,383

63. Of the 109 ethnic minority households losing residential land, no plots are fully affected. Of the 82 ethnic minority households losing productive land, 8 will experience severe loss of 10% or more of total productive land holdings.

**Table 2-17: Severity of Impact on Affected Land for Ethnic Minority Household**

District/ Commune	EM HHs	Residential		Productive					Total Severely Affected
		Fully	Partial	< 10%	10-30%	30-50%	50-70%	>70%	
Than Uyen district	11	0	8	0	0	0	0	0	0
Phuc Than commune	11	0	8	5	0	0	0	0	0
<b>Tan Uyen</b>	<b>22</b>	<b>0</b>	<b>13</b>	<b>19</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>



District/ Commune	House #1				House #2				Total	
	Totally affected		Partially affected		Totally affected		Partially affected			
	HH	m2	HH	m2	HH	m2	HH	m2	HH	m2
Phuc Than commune	0	0	0	0	0	0	0	0	0	0
<b>Tan Uyen district</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Tan Uyen town	0	0	0	0	0	0	0	0	0	0
Phuc Khoa commune	0	0	0	0	0	0	0	0	0	0
Pac Ta commune	0	0	0	0	0	0	0	0	0	0
Than Thuoc commune	0	0	0	0	0	0	0	0	0	0
Trung Dong commune	0	0	0	0	0	0	0	0	0	0
<b>Lai Chau City</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>20</b>
San Thang commune	0	0	1	20	0	0	0	0	1	20
Dong Phong ward	0	0	0	0	0	0	0	0	0	0
<b>Tam Duong district</b>	<b>5</b>	<b>298</b>	<b>20</b>	<b>473</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>771</b>
Ban Giang commune	0	0	6	129	0	0	0	0	6	129
Ban Bo commune	4	238	6	201	0	0	0	0	10	439
Ban Hon commune	1	60	6	103	0	0	0	0	7	163
Na Tam commune	0	0	2	40	0	0	0	0	2	40
<b>Total</b>	<b>5</b>	<b>298</b>	<b>21</b>	<b>493</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>791</b>

**Table 2-19: Relocation Needs of Totally Affected Houses**

District/ Commune	Totally affected House		Sufficient Residual Land to Rebuild	
	HH	m2	Yes	No
<b>Than Uyen district</b>	<b>0</b>	<b>0</b>		
Phuc Than commune	0	0		
<b>Tan Uyen district</b>	<b>0</b>	<b>0</b>		
Tan Uyen town	0	0		
Phuc Khoa commune	0	0		
Pac Ta commune	0	0		
Than Thuoc commune	0	0		
Trung Dong commune	0	0		
<b>Lai Chau City</b>	<b>0</b>	<b>0</b>	<b>0</b>	
San Thang commune	0	0	0	
Dong Phong ward	0	0	0	
<b>Tam Duong district</b>	<b>5</b>	<b>298</b>	<b>5</b>	
Ban Giang commune	0	0	0	
Ban Bo commune	4	238	4	
Ban Hon commune	1	60	1	
Na Tam commune	0	0	0	
<b>Total</b>	<b>5</b>	<b>298</b>	<b>5</b>	

65. There are 16 ethnic minority households with affected small businesses, in which 09 households have business registration and 07 households without business registration. The impacts on businesses are expected to be temporary in nature. As no relocation is required for affected houses, the households with businesses associated with affected houses are anticipated to be able to recommence their businesses once their houses are repaired and business space rearranged. Impacts on roadside vendors are likewise expected to be temporary. During updating of the resettlement plan, detailed consideration will need to be given to reorganizing sites for their continued trading while roadworks are ongoing.

**Table 2-20 Affected Business Operations of Ethnic Minority Households**

No.	District/Commune	No. of affected business households	Have business registration	
			Yes	No
<b>I</b>	<b>Than Uyen district</b>	1	1	0
1.1	Phuc Than commune	1	1	0

No.	District/Commune	No. of affected business households	Have business registration	
			Yes	No
<b>II</b>	<b>Tan Uyen district</b>	<b>3</b>	<b>3</b>	<b>0</b>
2.1	Tan Uyen town	0	0	0
2.2	Phuc Khoa commune	0	0	0
2.3	Pac Ta commune	2	2	0
2.4	Than Thuoc commune	1	1	0
2.5	Trung Dong commune	0	0	0
<b>III</b>	<b>Lai Chau City</b>	<b>3</b>	<b>1</b>	<b>2</b>
3.1	San Thang commune	3	1	2
3.2	Dong Phong ward	0	0	0
<b>IV</b>	<b>Tam Duong district</b>	<b>9</b>	<b>4</b>	<b>5</b>
4.1	Ban Giang commune	3	1	2
4.2	Ban Bo commune	3	1	2
4.3	Ban Hon commune	3	2	1
4.4	Na Tam commune	0	0	0
	<b>Total</b>	<b>16</b>	<b>9</b>	<b>7</b>

(IOL)



## Chapter 3 - Socio-Economic Information

### 3.1 Introduction to the SES

66. This chapter provides an overview of the socio-economic setting of the project area as well as provide baseline information of affected households. The information is based on the results on a socio-economic survey and secondary sources, such as government statistics.

67. The socio-economic survey (SES) was conducted together with the inventory of losses based on a sample of the household surveys from December 2017 to January 2018. The SES survey covered 31% of affected households and 100% of severely affected households.

**Table 3-1: SES Sample**

District/ Commune	No. of AHs	No. of SAHs	No. of SES HHs	% SES	Number of SES SAHs	% SES SAHs
<b>Than Uyen district</b>	<b>41</b>	<b>3</b>	<b>10</b>	<b>22%</b>	<b>3</b>	<b>100%</b>
Phuc Than commune	41	3	10	22%	3	100%
<b>Tan Uyen district</b>	<b>168</b>	<b>6</b>	<b>40</b>	<b>21%</b>	<b>6</b>	<b>100%</b>
Tan Uyen town	42	1	9	17%	1	100%
Phuc Khoa commune	42	2	9	36%	2	100%
Pac Ta commune	35	2	8	11%	2	100%
Than Thuoc commune	38	1	8	21%	1	100%
Trung Dong commune	11	0	6	18%	0	100%
<b>Lai Chau City</b>	<b>38</b>	<b>2</b>	<b>15</b>	<b>34%</b>	<b>2</b>	<b>100%</b>
San Thang commune	18	1	8	33%	1	100%
Dong Phong ward	20	1	7	35%	1	100%
<b>Tam Duong district</b>	<b>142</b>	<b>9</b>	<b>54</b>	<b>44%</b>	<b>9</b>	<b>100%</b>
Ban Giang commune	61	2	18	43%	2	100%
Ban Bo commune	23	2	5	65%	2	100%
Ban Hon commune	38	2	12	37%	2	100%
Na Tam commune	20	3	19	40%	3	100%
<b>Total</b>	<b>389</b>	<b>20</b>	<b>119</b>	<b>31%</b>	<b>20</b>	<b>100%</b>

### 3.2 Demographics of the Project Area

68. The population of the immediate project areas is 70,312 with an average household size of 4.00 persons per household. The areas with the largest populations are Tan Uyen Town (13,402), Phuc Than Commune (10,114), Trung Dong Commune (7,074), Pac Ta (6,319) and Dong Phong Ward (5,777). The remaining communes have populations under 5,000.

**Table 3-2: Population of the Immediate Project Area**

District/Commune	No. of HHs	No. of persons	Ave HH size
<b>Than Uyen district</b>	<b>3,691</b>	<b>10,114</b>	<b>2.74</b>
Phuc Than	3,691	10,114	2.74
<b>Tan Uyen district</b>	<b>7,938</b>	<b>34,721</b>	<b>4.37</b>

District/Commune	No. of HHs	No. of persons	Ave HH size
Tan Uyen town	3,366	13,402	3.98
Phuc Khoa	1,005	4,357	4.34
Pac Ta	1,331	6,319	4.75
Than Thuoc	844	3,569	4.23
Trung Dong	1,392	7,074	5.08
<b>Lai Chau City</b>	<b>2,742</b>	<b>10,366</b>	<b>3.78</b>
San Thang	1,229	4,589	3.73
Dong Phong ward	1,513	5,777	3.82
<b>Tam Duong district</b>	<b>3190</b>	<b>15,111</b>	<b>4.74</b>
Ban Giang	783	3,705	4.73
Ban Bo	1,164	5,175	4.45
Ban Hon	557	2,647	4.75
Na Tam	686	3,584	5.22
<b>Total</b>	<b>17,561</b>	<b>70,312</b>	<b>4.00</b>

(Source: Commune records)

69. There is a high proportion of ethnic minorities most of the project communes. All communes have majority ethnic minority populations of 75% to 100%, with the exception of Tan Uyen Town, San Thang Commune and Dong Phong Ward, which have 44%, 45% and 18% ethnic minority populations, respectively.

**Table 3-3: Ethnic Minority Population in the Immediate Project Areas**

District/Commune	Total HHs	Ethnic Minority HHs	Ethnic Minority HHs as % of Population
<b>Than Uyen district</b>	<b>3,691</b>	<b>3,476</b>	<b>94%</b>
Phuc Than	3,691	3,476	94%
<b>Tan Uyen district</b>	<b>7,938</b>	<b>5,556</b>	<b>70%</b>
Tan Uyen town	3,366	1,488	44%
Phuc Khoa	1,005	767	76%
Pac Ta	1,331	1,147	86%
Than Thuoc	844	793	94%
Trung Dong	1,392	1,361	98%
<b>Lai Chau City</b>	<b>2,742</b>	<b>829</b>	<b>30%</b>
San Thang	1,229	553	45%
Dong Phong ward	1,513	276	18%
<b>Tam Duong district</b>	<b>3,190</b>	<b>2,844</b>	<b>89%</b>
Ban Giang	783	735	94%
Ban Bo	1,164	874	75%
Ban Hon	557	547	98%
Na Tam	686	688	100%
<b>Total</b>	<b>17,561</b>	<b>12,705</b>	<b>72%</b>

(Source: Commune records)

70. The largest ethnic minority groups by proportion of the project area populations are: Thai (38%), Hmong (9%), Giay and Kho Mu (5% each) and Dao (4%). Thai represent the majorities in Than Thuoc (93%), Phuc Than (77%), Trung Dong (69%) and Pac Ta (55%).

**Table 3-4: Ethnic Minority Groups in the Immediate Project Areas by % Local Population**

District/Commune	Thai	Giay	Dao	Hmong	Kho Mu	Others
<b>Than Uyen district</b>	77%	0%	2%	15%	0%	0%

District/ Commune	Thai	Giay	Dao	Hmong	Kho Mu	Others
Phuc Than	77%	0%	2%	15%	0%	0%
<b>Tan Uyen district</b>	40%	2%	5%	11%	12%	1%
Tan Uyen town	17%	0%	4%	12%	10%	2%
Phuc Khoa	13%	12%	3%	20%	24%	0%
Pac Ta	55%	0%	15%	2%	14%	0%
Than Thuoc	93%	0%	0%	0%	0%	1%
Trung Dong	69%	0%	0%	16%	13%	0%
<b>Lai Chau City</b>	3%	7%	1%	0%	0%	19%
San Thang	2%	2%	2%	0%	0%	38%
Dong Phong ward	4%	11%	0%	0%	0%	3%
<b>Tam Duong district</b>	18%	16%	6%	6%	0%	17%
Ban Giang	0%	64%	19%	11%	0%	0%
Ban Bo	48%	0%	2%	5%	0%	2%
Ban Hon	0%	0%	0%	7%	0%	91%
Na Tam	0%	0%	0%	0%	0%	1%
<b>Total</b>	38%	5%	4%	9%	5%	6%

(Source: Commune records)

71. In the overall SES household population, females represent slightly over half of the population (51%). However, in the age groups 31-40 years, the percentage is lower at 46%. Women in the age-group 18-30 are 50% of the population and above that for most project communes. This age-group should be monitored given higher susceptibility to unsafe migration.

**Table 3-5: Age-Sex Disaggregation of Survey Population**

	Age	<18	18-30	31-40	41-50	51-60	>60	Total	% F 18-30
<b>Than Uyen district</b>									
Phuc Than	M	4	6	5	3	1	0	19	
	F	3	7	4	3	4	1	22	54%
<b>Tan Uyen district</b>									
Tan Uyen town	M	2	5	1	1	2	4	15	
	F	2	5	0	2	4	4	17	50%
Phuc Khoa	M	2	6	3	3	2	1	17	
	F	3	3	5	3	1	1	16	33%
Pac Ta	M	1	4	3	1	3	1	13	
	F	6	8	4	1	3	2	24	67%
Than Thuoc	M	4	3	6	0	1	0	14	
	F	4	5	4	0	1	1	15	63%
Trung Dong	M	3	5	2	2	3	2	17	
	F	3	7	1	2	4	0	17	58%
<b>Lai Chau City</b>									
San Thang	M	3	5	5	1	4	0	18	

	Age	<18	18-30	31-40	41-50	51-60	>60	Total	% F 18-30
	F	7	3	5	1	2	2	20	38%
Dong Phong ward	M	2	4	2	4	0	1	13	
	F	4	5	3	3	0	1	16	56%
<b>Tam Duong district</b>									
Ban Giang	M	8	19	3	12	1	1	44	
	F	9	19	3	9	2	1	43	50%
Ban Bo	M	3	6	0	3	1	0	13	
	F	0	7	0	4	0	0	11	54%
Ban Hon	M	8	12	5	4	1	1	31	
	F	7	7	4	3	1	2	24	37%
Na Tam	M	13	16	7	5	9	4	54	
	F	19	14	3	7	10	5	58	47%
<b>Cumulative</b>	<b>M</b>	<b>53</b>	<b>91</b>	<b>42</b>	<b>39</b>	<b>28</b>	<b>15</b>	<b>268</b>	
	<b>F</b>	<b>67</b>	<b>90</b>	<b>36</b>	<b>38</b>	<b>32</b>	<b>20</b>	<b>283</b>	
	<b>% F</b>	<b>56%</b>	<b>50%</b>	<b>46%</b>	<b>49%</b>	<b>53%</b>	<b>57%</b>	<b>51%</b>	

(SES survey)

### 3.3 Education, Livelihood and Participation in Community Organization

#### 3.3.1 Education attainment

72. The SES survey gathered information on the highest education attainment of household members. For most, the highest education attainment was primary and secondary school (18% and 27%, respectively) while 11% had completed high school. The average of those who responded as being illiterate was 13%. Women were twice and likely as men to be illiterate (18% versus 9% for men). Within the group of those who reported being illiterate, women occupied 69% of that group. Illiteracy levels were significant in most of the surveyed communes.

**Table 3-6: Education Attainment of Household Members**

District/ Commune	Sex	Illiterate	Primary school	Secondary school	Not finish High school	High school	Vocational college	University and above	Other	Total
Than Uyen district										
Phuc Than	M	0%	11%	26%	5%	42%	11%	0%	5%	100%
	F	9%	5%	23%	14%	14%	5%	23%	9%	100%
Tan Uyen District										
Tan Uyen Town	M	0%	0%	27%	7%	40%	7%	0%	20%	100%
	F	12%	6%	35%	0%	24%	6%	12%	6%	100%
Phuc Khoa	M	0%	24%	35%	12%	12%	0%	18%	0%	100%
	F	6%	19%	31%	13%	13%	6%	6%	6%	100%
Pac Ta	M	0%	15%	31%	8%	23%	0%	23%	0%	100%

District/ Commune	Sex	Illiterate	Primary school	Secondary school	Not finish High school	High school	Vocational college	University and above	Other	Total
	F	0%	25%	29%	4%	0%	4%	21%	17%	100%
Than Thuoc	M	0%	14%	21%	0%	29%	7%	7%	21%	100%
	F	0%	7%	40%	7%	20%	7%	13%	7%	100%
Trung Dong	M	12%	24%	41%	6%	6%	0%	6%	6%	100%
	F	35%	24%	12%	0%	12%	0%	12%	6%	100%
Lai Chau city										
San Thang	M	0%	11%	33%	17%	0%	6%	17%	17%	100%
	F	10%	5%	25%	15%	0%	10%	10%	25%	100%
Dong Phong ward	M	8%	0%	38%	23%	0%	8%	0%	23%	100%
	F	0%	6%	63%	0%	0%	0%	13%	19%	100%
Tam Duong District										
Ban Giang	M	16%	25%	16%	2%	23%	0%	7%	11%	100%
	F	9%	28%	19%	12%	7%	0%	14%	12%	100%
Ban Bo	M	23%	23%	38%	0%	0%	0%	0%	15%	100%
	F	45%	9%	27%	9%	9%	0%	0%	0%	100%
Ban Hon	M	13%	19%	19%	3%	13%	3%	0%	29%	100%
	F	38%	25%	8%	0%	8%	4%	4%	13%	100%
Na Tam	M	11%	22%	39%	6%	6%	2%	2%	13%	100%
	F	34%	21%	19%	5%	2%	0%	0%	19%	100%
<b>Sex distribution within each education level</b>	<b>M</b>	<b>31%</b>	<b>49%</b>	<b>53%</b>	<b>47%</b>	<b>66%</b>	<b>50%</b>	<b>35%</b>	<b>50%</b>	<b>49%</b>
	<b>F</b>	<b>69%</b>	<b>51%</b>	<b>47%</b>	<b>53%</b>	<b>34%</b>	<b>50%</b>	<b>65%</b>	<b>50%</b>	<b>51%</b>
<b>Distribution of HH members by education level</b>	<b>M</b>	<b>9%</b>	<b>18%</b>	<b>29%</b>	<b>6%</b>	<b>15%</b>	<b>3%</b>	<b>6%</b>	<b>14%</b>	<b>100%</b>
	<b>F</b>	<b>18%</b>	<b>17%</b>	<b>25%</b>	<b>7%</b>	<b>7%</b>	<b>3%</b>	<b>10%</b>	<b>13%</b>	<b>100%</b>
	<b>Sum</b>	<b>13%</b>	<b>18%</b>	<b>27%</b>	<b>7%</b>	<b>11%</b>	<b>3%</b>	<b>8%</b>	<b>13%</b>	<b>100%</b>

(SES survey)

### 3.3.2 Livelihood

73. The survey found that the most common main occupation of household members was agriculture (42%) followed by working in the public sector (12%) and service/business (9%). Women were equally engaged in occupations as men, and there was no significant difference between men and women within most of the occupation groups in which people were engaged in significant numbers, except for hired labour and freelancer where men were mostly engaged.

**Table 3-7: Main Occupation of Household Members**

District/ Commune	Sex	Agriculture	Livestock breeding	Business/ Service	Restaurant	Worker	Public sector	Private sector	Housewife	Hired labor	Freelancer	Other	Total
Than Uyen District													
Phuc Than	M	3	0	1	0	0	2	0	0	0	8	2	16
	F	4	0	2	0	0	7	0	0	2	0	4	19
Tan Uyen District													
Tan Uyen Town	M	0	0	1	0	1	2	0	0	0	3	8	15
	F	1	0	2	0	0	3	0	2	0	2	5	15
Phuc Khoa	M	5	0	2	0	0	4	0	0	0	0	2	13
	F	3	0	4	0	0	3	0	1	0	0	1	12
Pac Ta	M	3	0	3	1	0	3	0	0	0	1	0	11
	F	2	0	4	1	0	5	0	1	0	0	6	19
Than Thuoc	M	0	0	3	0	0	2	0	0	0	2	2	9
	F	0	0	2	0	0	2	0	1	0	3	2	10
Trung Dong	M	7	0	0	0	0	1	0	0	3	1	2	14
	F	9	0	0	0	0	0	0	0	0	2	1	12
Lai Chau city													
San Thang	M	2	1	4	0	0	2	0	0	1	0	4	14
	F	5	2	2	0	0	1	0	0	0	0	6	16
Dong Phong ward	M	0	0	4	0	1	0	0	0	1	2	3	11
	F	0	1	4	0	0	2	0	0	1	1	3	12
Tam Duong District													
Ban Giang	M	22	0	0	0	0	2	1	0	4	1	7	37
	F	23	0	0	0	0	2	1	0	1	1	5	33
Ban Bo	M	7	0	0	0	0	0	0	0	2	0	2	11
	F	6	0	1	0	0	0	0	0	1	0	1	9
Ban Hon	M	11	0	0	0	0	3	1	0	0	1	7	23
	F	14	0	0	0	0	3	0	0	0	0	2	19
Na Tam	M	29	0	0	0	1	2	0	0	4	3	6	45

District/ Commune	Sex	Agriculture	Livestock breeding	Business/ Service	Restaurant	Worker	Public sector	Private sector	Housewife	Hired labor	Freelancer	Other	Total
	F	30	1	0	0	0	0	0	2	1	2	11	47
Total	M	89	1	18	1	3	23	2	0	15	22	45	219
	F	97	4	21	1	0	28	1	7	6	11	47	223
	Σ	186	5	39	2	3	51	3	7	21	33	92	442
	As % Total	42%	1%	9%	0%	1%	12%	1%	2%	5%	7%	21%	100%
	% F	52%	80%	54%	50%	0%	55%	33%	100%	29%	33%	51%	

(SES survey)

74. The following table shows household primary income sources. The largest income source is agriculture (29% of households), followed by salary (20% of households), livestock (15% of households), hired labour (13% of households).

**Table 3-8: Main Household Income Sources**

District/ Commune	Unit	Agriculture	Trading	Business/ Service	Manual labor	Salary	Transport	Livestock breeding	Social allowance	Real estate	Support from relatives	Hired labor	Others	Total
Than Uyen district	HH	3	0	2	0	5	1	1	0	1	0	2	0	15
	%	20%	0%	13%	0%	33%	7%	7%	0%	7%	0%	13%	0%	100%
Phuc Than	HH	3	0	2	0	5	1	1	0	1	0	2	0	15
	%	20%	0%	13%	0%	33%	7%	7%	0%	7%	0%	13%	0%	100%
Tan Uyen district	HH	11	15	5	0	18	0	3	1	0	0	5	4	62
	%	18%	24%	8%	0%	29%	0%	5%	2%	0%	0%	8%	6%	100%
Tan Uyen town	HH	0	3	2	0	7	0	1	1	0	0	3	2	19
	%	0%	16%	11%	0%	37%	0%	5%	5%	0%	0%	16%	11%	100%
Phuc Khoa	HH	6	4	0	0	2	0	1	0	0	0	0	1	14
	%	43%	29%	0%	0%	14%	0%	7%	0%	0%	0%	0%	7%	100%
Pac Ta	HH	0	3	2	0	5	0	1	0	0	0	0	0	11
	%	0%	27%	18%	0%	45%	0%	9%	0%	0%	0%	0%	0%	100%
Than Thuoc	HH	0	5	1	0	2	0	0	0	0	0	1	0	9
	%	0%	56%	11%	0%	22%	0%	0%	0%	0%	0%	11%	0%	100%
Trung Dong	HH	5	0	0	0	2	0	0	0	0	0	1	1	9
	%	56%	0%	0%	0%	22%	0%	0%	0%	0%	0%	11%	11%	100%
Lai Chau City	HH	3	3	5	1	5	3	5	1	0	1	2	3	32
	%	9%	9%	16%	3%	16%	9%	16%	3%	0%	3%	6%	9%	100%
San Thang	HH	3	0	3	0	3	2	3	0	0	0	1	2	17
	%	18%	0%	18%	0%	18%	12%	18%	0%	0%	0%	6%	12%	100%
Dong Phong ward	HH	0	3	2	1	2	1	2	1	0	1	1	1	15
	%	0%	20%	13%	7%	13%	7%	13%	7%	0%	7%	7%	7%	100%
Tam Duong district	HH	46	1	0	0	15	0	24	3	0	0	19	2	110
	%	42%	1%	0%	0%	14%	0%	22%	3%	0%	0%	17%	2%	100%



District/ Commune	Unit	Agriculture	Trading	Business/ Service	Manual labor	Salary	Transport	Livestock breeding	Social allowance	Real estate	Support from relatives	Hired labor	Others	Total
Ban Giang	HH	15	0	0	0	5	0	8	0	0	0	6	0	<b>34</b>
	%	44%	0%	0%	0%	15%	0%	24%	0%	0%	0%	18%	0%	100%
Ban Bo	HH	5	1	0	0	1	0	1	0	0	0	2	0	<b>10</b>
	%	50%	10%	0%	0%	10%	0%	10%	0%	0%	0%	20%	0%	100%
Ban Hon	HH	9	0	0	0	7	0	6	0	0	0	2	0	<b>24</b>
	%	38%	0%	0%	0%	29%	0%	25%	0%	0%	0%	8%	0%	100%
Na Tam	HH	17	0	0	0	2	0	9	3	0	0	9	2	<b>42</b>
	%	40%	0%	0%	0%	5%	0%	21%	7%	0%	0%	21%	5%	100%
<b>Combined</b>	<b>HH</b>	<b>63</b>	<b>19</b>	<b>12</b>	<b>1</b>	<b>43</b>	<b>4</b>	<b>33</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>28</b>	<b>9</b>	
	<b>%</b>	<b>29%</b>	<b>9%</b>	<b>5%</b>	<b>0%</b>	<b>20%</b>	<b>2%</b>	<b>15%</b>	<b>2%</b>	<b>0%</b>	<b>0%</b>	<b>13%</b>	<b>4%</b>	<b>100%</b>

(SES survey)

### 3.3.3 Participation in Mass Organization

75. Households participate in a variety of local mass organizations and participation is high. The most common participation is the Youth Union (39 persons), Women's Union (34 persons) and Farmers' Union (33 persons).

**Table 3-9: Membership of Mass Organizations (persons)**

District/ Commune	Women' s Union	Youth Union	Farmer Assoc.	Veteran Assoc.	Other	Total Member ship	SES Sample (HHs)
<b>Than Uyen district</b>	<b>8</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>17</b>	<b>10</b>
Phuc Than	8	5	1	1	2	17	10
<b>Tan Uyen district</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>6</b>	<b>11</b>	<b>40</b>
Tan Uyen town	5	2	1	2	8	18	9
Phuc Khoa	5	1	2	1	1	10	9
Pac Ta	4	5	3	1	3	16	8
Than Thuoc	7	3	1	0	5	16	8
Trung Dong	0	4	4	1	1	10	6
<b>Lai Chau City</b>	<b>8</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>21</b>	<b>15</b>
San Thang	3	2	3	1	0	9	8
Dong Phong ward	5	4	2	0	1	12	7
<b>Tam Duong district</b>	<b>16</b>	<b>26</b>	<b>27</b>	<b>3</b>	<b>6</b>	<b>78</b>	<b>54</b>
Ban Giang	4	10	4	0	0	18	18
Ban Bo	0	2	2	0	0	4	5
Ban Hon	7	4	8	1	5	25	12
Na Tam	5	10	13	2	1	31	19
<b>Total</b>	<b>34</b>	<b>39</b>	<b>33</b>	<b>6</b>	<b>15</b>	<b>127</b>	<b>119</b>

(SES Survey)

### 3.4 Living Standards

76. Close to two-thirds of surveyed households (64%) reported earning an average monthly income of over VND 5 million. This was followed by 35% in the VND 3-5 million range; 0% in the VND 1-3 million range and 2% with less than VND 1 million per month. All areas reported proportions of households over the average for incomes over VND 5 million, except for communes in Tham Duong District, which had higher proportions in the VND3-5 million range.

**Table 3-10: Grouping of Household Income Ranges**

District/ Commune	<1 million VND	1 - under 3 million VND	3 -5 million VND	>5 million VND	Total
<b>Than Uyen district</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>9</b>	<b>10</b>
Phuc Than	0	0	1	9	10
<b>Tan Uyen district</b>	<b>1</b>	<b>0</b>	<b>7</b>	<b>31</b>	<b>39</b>
Tan Uyen town	0	0	2	7	9
Phuc Khoa	1	0	0	7	8
Pac Ta	0	0	1	7	8
Than Thuoc	0	0	3	5	8
Trung Dong	0	0	1	5	6
<b>Lai Chau City</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>15</b>
San Thang	0	0	0	8	8
Dong Phong ward	0	0	0	7	7
<b>Tam Duong district</b>	<b>1</b>	<b>0</b>	<b>33</b>	<b>20</b>	<b>54</b>
Ban Giang	0	0	11	7	18
Ban Bo	0	0	3	2	5
Ban Hon	1	0	4	7	12
Na Tam	0	0	15	4	19
Total	2	0	41	75	118
	2%	0%	35%	64%	100%

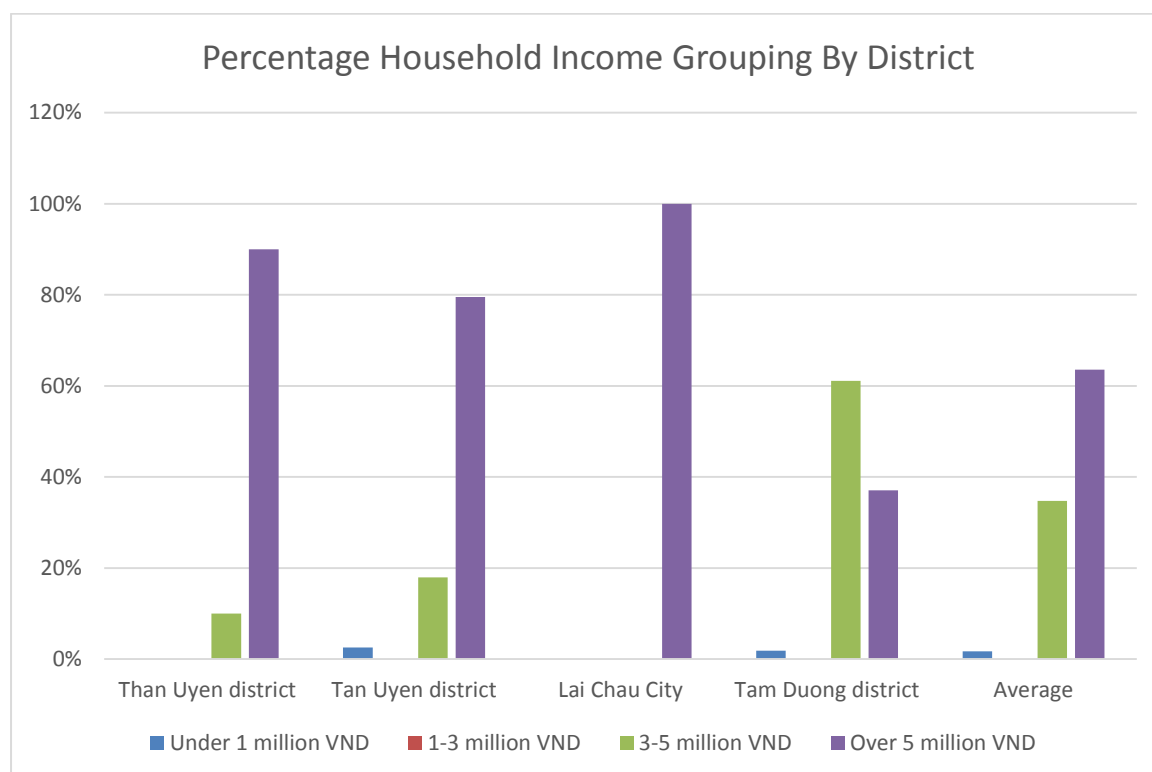
(SES survey)

**Table 3-11: Grouping of Household Income Ranges (as %)**

District/ Commune	<1 million VND	1 - under 3 million VND	3 -5 million VND	>5 million VND	Total
<b>Than Uyen district</b>	<b>0%</b>	<b>0%</b>	<b>10%</b>	<b>90%</b>	<b>100%</b>
Phuc Than	0%	0%	10%	90%	100%
<b>Tan Uyen district</b>	<b>3%</b>	<b>0%</b>	<b>18%</b>	<b>79%</b>	<b>100%</b>
Tan Uyen town	0%	0%	22%	78%	100%
Phuc Khoa	13%	0%	0%	88%	100%
Pac Ta	0%	0%	13%	88%	100%
Than Thuoc	0%	0%	38%	63%	100%
Trung Dong	0%	0%	17%	83%	100%
<b>Lai Chau City</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
San Thang	0%	0%	0%	100%	100%
Dong Phong ward	0%	0%	0%	100%	100%
<b>Tam Duong district</b>	<b>2%</b>	<b>0%</b>	<b>61%</b>	<b>37%</b>	<b>100%</b>

District/ Commune	<1 million VND	1 - under 3 million VND	3 -5 million VND	>5 million VND	Total
Ban Giang	0%	0%	61%	39%	100%
Ban Bo	0%	0%	60%	40%	100%
Ban Hon	8%	0%	33%	58%	100%
Na Tam	0%	0%	79%	21%	100%
Average	2%	0%	35%	64%	100%

(SES survey)



77. A majority reported that their income was sufficient to meet expenditure. Seventy-nine percent reported having enough income to save; income met expenditure for 6%; and 15% reported that their income was not enough for expenditure.

**Table 3-12: Income Versus Expenditure**

District/ Commune	HH Sample	Income > expenditure		Income = expenditure		Income < expenditure	
		HHs	%	HHs	%	HHs	%
Than Uyen district	10	9	90%	1	10%	0	0%
Phuc Than	10	9	90%	1	10%	0	0%
Tan Uyen district	39	28	72%	2	5%	9	23%
Tan Uyen town	9	8	89%	0	0%	1	11%

District/ Commune	HH Sample	Income > expenditure		Income = expenditure		Income < expenditure	
		HHs	%	HHs	%	HHs	%
Phuc Khoa	8	7	88%	0	0%	1	13%
Pac Ta	8	6	75%	0	0%	2	25%
Than Thuoc	8	3	38%	1	13%	4	50%
Trung Dong	6	4	67%	1	17%	1	17%
<b>Lai Chau City</b>	<b>15</b>	<b>13</b>	<b>87%</b>	<b>0</b>	<b>0%</b>	<b>2</b>	<b>13%</b>
San Thang	8	7	88%	0	0%	1	13%
Dong Phong ward	7	6	86%	0	0%	1	14%
<b>Tam Duong district</b>	<b>54</b>	<b>43</b>	<b>80%</b>	<b>4</b>	<b>7%</b>	<b>7</b>	<b>13%</b>
Ban Giang	18	17	94%	0	0%	1	6%
Ban Bo	5	5	100%	0	0%	0	0%
Ban Hon	12	8	67%	3	25%	1	8%
Na Tam	19	13	68%	1	5%	5	26%
<b>Total</b>	<b>118</b>	<b>93</b>	<b>79%</b>	<b>7</b>	<b>6%</b>	<b>18</b>	<b>15%</b>

(SES)

### 3.4.1 Water, Energy Sources, Sanitation, Assets and Health

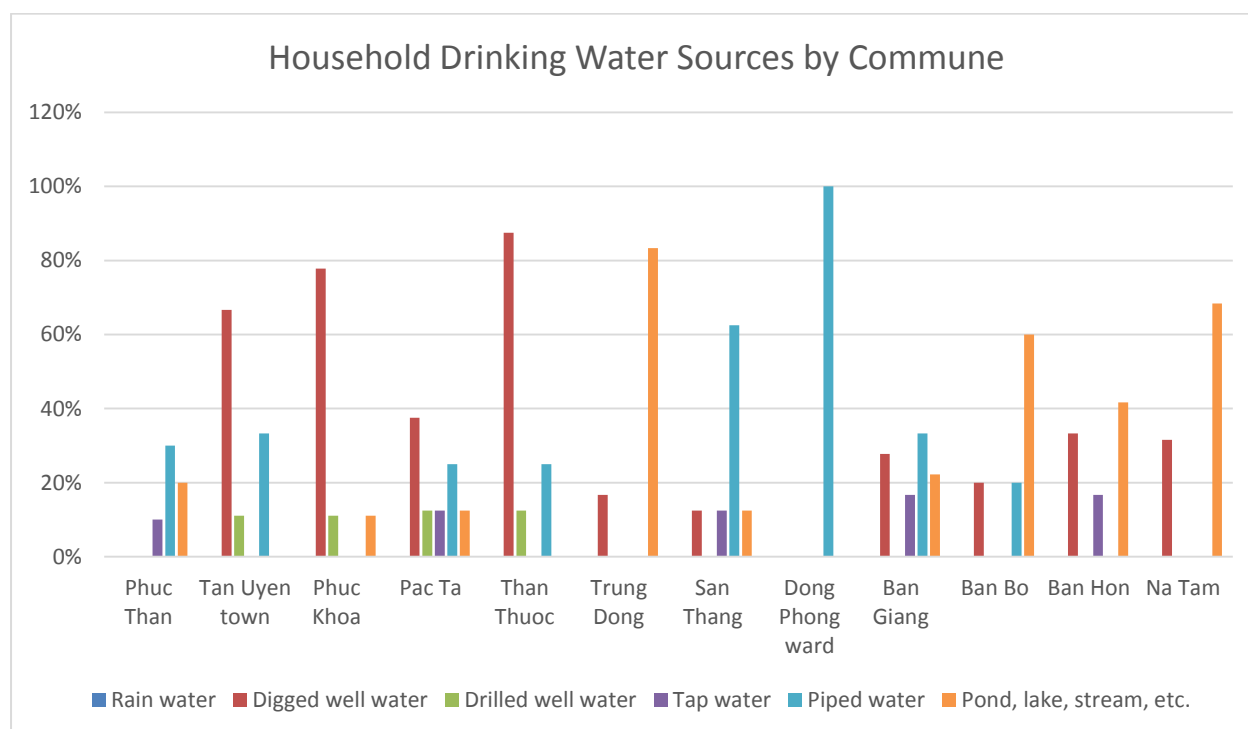
78. There is a very mixed variety of water sources for drinking across the project communes. Piped water is most common in the Lai Chau City of San Thang Commune and Dong Phong Ward, but not used by households in Phuc Khoa, Trung Dong, Ban Hon and Na Tam. In these areas, streams are a common water source. Wells, especially dug wells are common in Than Thuoc, Phuc Khoa and Tan Uyen.

**Table 3-13: Sources of Water for Drinking**

District/ Commune	Unit	Rainwater	Dug well water	Drilled well water	Tap water	Piped water	Pond, river, lake
Than Uyen district	HHs	0	0	0	1	3	2
	%	0%	0%	0%	10%	30%	20%
Phuc Than	HHs	0	0	0	1	3	2
	%	0%	0%	0%	10%	30%	20%
Tan Uyen district	HHs	0	24	4	1	7	7
	%	0%	60%	10%	3%	18%	18%
Tan Uyen town	HHs	0	6	1	0	3	0
	%	0%	67%	11%	0%	33%	0%
Phuc Khoa	HHs	0	7	1	0	0	1
	%	0%	78%	11%	0%	0%	11%
Pac Ta	HHs	0	3	1	1	2	1
	%	0%	38%	13%	13%	25%	13%
Than Thuoc	HHs	0	7	1	0	2	0
	%	0%	88%	13%	0%	25%	0%
Trung Dong	HHs	0	1	0	0	0	5
	%	0%	17%	0%	0%	0%	83%
Lai Chau City	HHs	0	1	0	1	12	1
	%	0%	7%	0%	7%	80%	7%

District/ Commune	Unit	Rainwater	Dug well water	Drilled well water	Tap water	Piped water	Pond, river, lake
San Thang	HHs	0	1	0	1	5	1
	%	0%	13%	0%	13%	63%	13%
Dong Phong ward	HHs	0	0	0	0	7	0
	%	0%	0%	0%	0%	100%	0%
<b>Tam Duong district</b>	<b>HHs</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>5</b>	<b>7</b>	<b>25</b>
	<b>%</b>	<b>0%</b>	<b>30%</b>	<b>0%</b>	<b>9%</b>	<b>13%</b>	<b>46%</b>
Ban Giang	HHs	0	5	0	3	6	4
	%	0%	28%	0%	17%	33%	22%
Ban Bo	HHs	0	1	0	0	1	3
	%	0%	20%	0%	0%	20%	60%
Ban Hon	HHs	0	4	0	2	0	5
	%	0%	33%	0%	17%	0%	42%
Na Tam	HHs	0	6	0	0	0	13
	%	0%	32%	0%	0%	0%	68%

(SES survey)



79. Households self-assessment of the quality of their water is mixed. A large majority find their water quality either good or acceptable. However, there are significant proportions that consider their water quality poor: Phuc Than (20%), Tan Uyen and Phuc Khoa (11%), Lai Chau City areas (13-14%), and for most communes in Tam Duong District the poor-quality assessment rates is 6%-8%.

**Table 3-14: Household Self-Assessment of Water Quality**

District/ Commune	Unit	Good	Accept - able	Not good	Total
Than Uyen district	HHs	3	5	2	10
	%	30%	50%	20%	100%
Phuc Than	HHs	3	5	2	10
	%	30%	50%	20%	100%
Tan Uyen district	HHs	22	16	2	40
	%	55%	40%	5%	100%
Tan Uyen town	HHs	6	2	1	9
	%	67%	22%	11%	100%
Phuc Khoa	HHs	5	3	1	9
	%	56%	33%	11%	100%
Pac Ta	HHs	4	4	0	8
	%	50%	50%	0%	100%
Than Thuoc	HHs	5	3	0	8
	%	63%	38%	0%	100%
Trung Dong	HHs	2	4	0	6
	%	33%	67%	0%	100%
Lai Chau City	HHs	8	5	2	15
	%	53%	33%	13%	100%
San Thang	HHs	5	2	1	8
	%	63%	25%	13%	100%
Dong Phong ward	HHs	3	3	1	7
	%	43%	43%	14%	100%
Tam Duong district	HHs	22	27	3	52
	%	42%	52%	6%	100%
Ban Giang	HHs	6	10	1	17
	%	35%	59%	6%	100%
Ban Bo	HHs	3	2	0	5
	%	60%	40%	0%	100%
Ban Hon	HHs	2	9	1	12
	%	17%	75%	8%	100%
Na Tam	HHs	11	6	1	18
	%	61%	33%	6%	100%

(SES Survey)

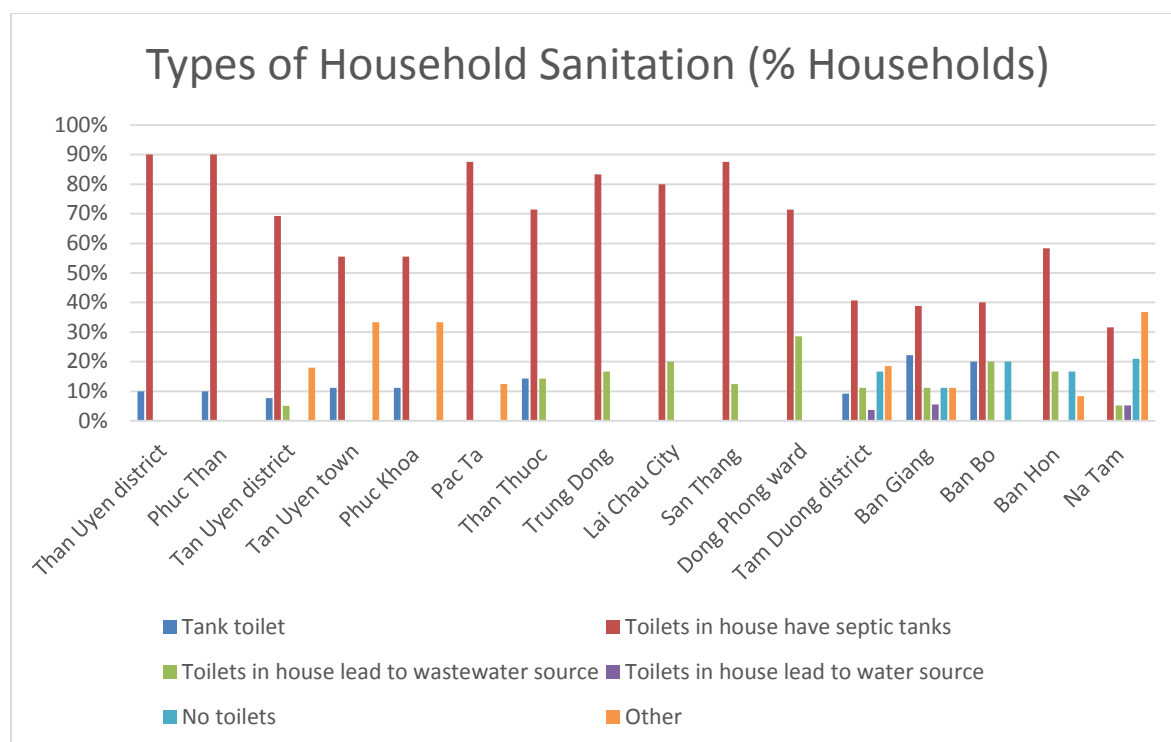
80. Toilets inside with houses with a septic tank is the most common form of household sanitation in all areas. This is the main type in all locations, except Tam Duong District communes. In these areas toilets in the house with outflow to waste water or having no toilet is also common.

**Table 3-15: Household Sanitation**

District/ Commune	Unit	Tank toilet	Toilets beyond fish pond	Public toilets	Toilets in house have septic tanks	Toilets in house lead to wastewater source	Toilets in house lead to water source	No toilets	Other
Than Uyen district	HHs	1	0	0	9	0	0	0	0
	%	10%	0%	0%	90%	0%	0%	0%	0%
Phuc Than	HHs	1	0	0	9	0	0	0	0
	%	10%	0%	0%	90%	0%	0%	0%	0%
Tan Uyen district	HHs	3	0	0	27	2	0	0	7
	%	8%	0%	0%	69%	5%	0%	0%	18%
Tan Uyen town	HHs	1	0	0	5	0	0	0	3
	%	11%	0%	0%	56%	0%	0%	0%	33%
Phuc Khoa	HHs	1	0	0	5	0	0	0	3
	%	11%	0%	0%	56%	0%	0%	0%	33%
Pac Ta	HHs	0	0	0	7	0	0	0	1
	%	0%	0%	0%	88%	0%	0%	0%	13%
Than Thuoc	HHs	1	0	0	5	1	0	0	0
	%	14%	0%	0%	71%	14%	0%	0%	0%
Trung Dong	HHs	0	0	0	5	1	0	0	0
	%	0%	0%	0%	83%	17%	0%	0%	0%
Lai Chau City	HHs	0	0	0	12	3	0	0	0
	%	0%	0%	0%	80%	20%	0%	0%	0%
San Thang	HHs	0	0	0	7	1	0	0	0
	%	0%	0%	0%	88%	13%	0%	0%	0%
Dong Phong ward	HHs	0	0	0	5	2	0	0	0
	%	0%	0%	0%	71%	29%	0%	0%	0%
Tam Duong district	HHs	5	0	0	22	6	2	9	10
	%	9%	0%	0%	41%	11%	4%	17%	19%
Ban Giang	HHs	4	0	0	7	2	1	2	2
	%	22%	0%	0%	39%	11%	6%	11%	11%
Ban Bo	HHs	1	0	0	2	1	0	1	0
	%	20%	0%	0%	40%	20%	0%	20%	0%
Ban Hon	HHs	0	0	0	7	2	0	2	1
	%	0%	0%	0%	58%	17%	0%	17%	8%
Na Tam	HHs	0	0	0	6	1	1	4	7
	%	0%	0%	0%	32%	5%	5%	21%	37%

(SES Survey)





81. Virtually all households are connected to the national electricity grid. Only one household is sourcing their electricity from a private grid.

**Table 3-16: Household Sources of Energy for Lighting**

District/ Commune	Unit	National grid	Private grid	Private generator	Gas/petrol	Gas cylinder
Than Uyen district	HHs	10	0	0	0	0
	%	100%	0%	0%	0%	0%
Phuc Than	HHs	10	0	0	0	0
	%	100%	0%	0%	0%	0%
Tan Uyen district	HHs	40	0	0	0	0
	%	100%	0%	0%	0%	0%
Tan Uyen town	HHs	9	0	0	0	0
	%	100%	0%	0%	0%	0%
Phuc Khoa	HHs	9	0	0	0	0
	%	100%	0%	0%	0%	0%
Pac Ta	HHs	8	0	0	0	0
	%	100%	0%	0%	0%	0%
Than Thuoc	HHs	8	0	0	0	0
	%	100%	0%	0%	0%	0%
Trung Dong	HHs	6	0	0	0	0
	%	100%	0%	0%	0%	0%
Lai Chau City	HHs	14	1	0	0	0
	%	93%	7%	0%	0%	0%
San Thang	HHs	7	1	0	0	0

District/ Commune	Unit	National grid	Private grid	Private generator	Gas/petrol	Gas cylinder
	%	88%	13%	0%	0%	0%
Dong Phong ward	HHs	7	0	0	0	0
	%	100%	0%	0%	0%	0%
Tam Duong district	HHs	52	0	0	0	0
	%	100%	0%	0%	0%	0%
Ban Giang	HHs	18	0	0	0	0
	%	100%	0%	0%	0%	0%
Ban Bo	HHs	5	0	0	0	0
	%	100%	0%	0%	0%	0%
Ban Hon	HHs	12	0	0	0	0
	%	100%	0%	0%	0%	0%
Na Tam	HHs	17	0	0	0	0
	%	100%	0%	0%	0%	0%

(SES Survey)

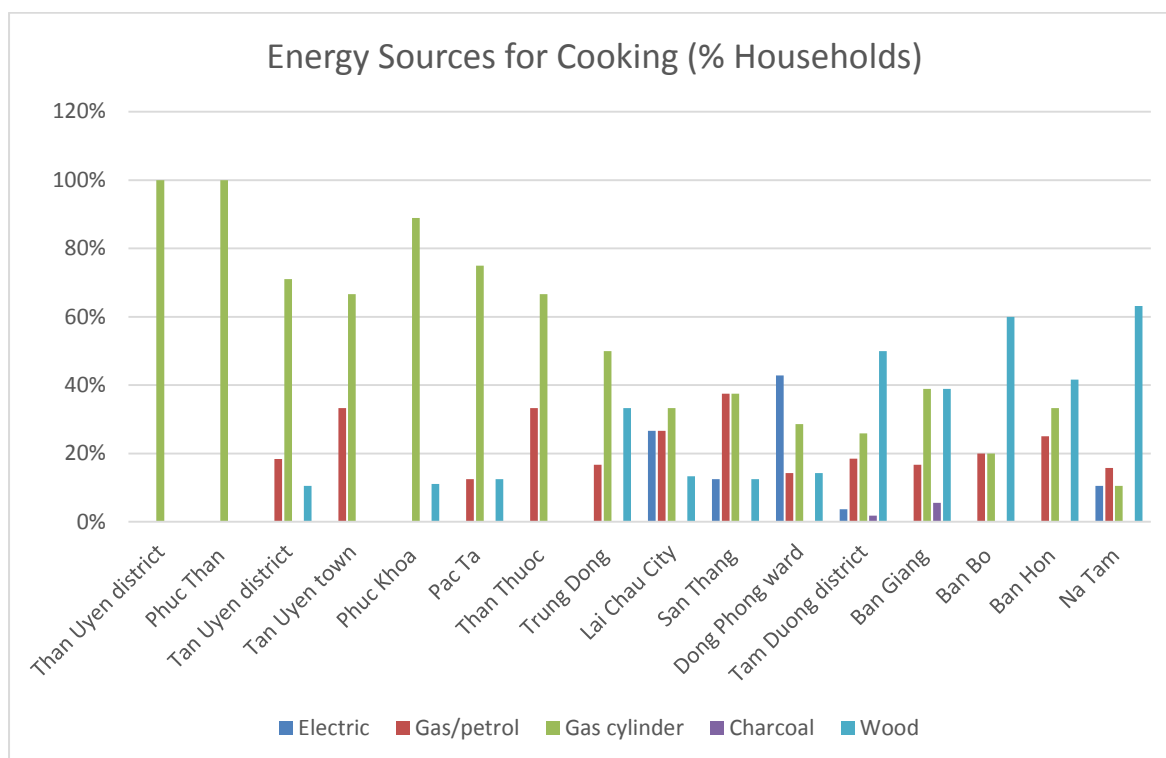
82. The most common forms of energy for cooking are gas cylinder in most areas. However, in Tam Duong District communes, wood is the most common fuel. Other common cooking energy sources are kerosene and electricity.

**Table 3-17: Household Sources of Energy for Cooking**

District/Commune	Unit	Electric	Gas/ kerosine	Gas cylinder	Charcoal	Wood	Other
Than Uyen district	HHs	0	0	10	0	0	0
	%	0%	0%	100%	0%	0%	0%
Phuc Than	HHs	0	0	10	0	0	0
	%	0%	0%	100%	0%	0%	0%
Tan Uyen district	HHs	0	7	27	0	4	0
	%	0%	18%	71%	0%	11%	0%
Tan Uyen town	HHs	0	3	6	0	0	0
	%	0%	33%	67%	0%	0%	0%
Phuc Khoa	HHs	0	0	8	0	1	0
	%	0%	0%	89%	0%	11%	0%
Pac Ta	HHs	0	1	6	0	1	0
	%	0%	13%	75%	0%	13%	0%
Than Thuoc	HHs	0	2	4	0	0	0
	%	0%	33%	67%	0%	0%	0%
Trung Dong	HHs	0	1	3	0	2	0
	%	0%	17%	50%	0%	33%	0%

District/Commune	Unit	Electric	Gas/ kerosine	Gas cylinder	Charcoal	Wood	Other
Lai Chau City	HHs	4	4	5	0	2	0
	%	27%	27%	33%	0%	13%	0%
San Thang	HHs	1	3	3	0	1	0
	%	13%	38%	38%	0%	13%	0%
Dong Phong ward	HHs	3	1	2	0	1	0
	%	43%	14%	29%	0%	14%	0%
Tam Duong district	HHs	2	10	14	1	27	0
	%	4%	19%	26%	2%	50%	0%
Ban Giang	HHs	0	3	7	1	7	0
	%	0%	17%	39%	6%	39%	0%
Ban Bo	HHs	0	1	1	0	3	0
	%	0%	20%	20%	0%	60%	0%
Ban Hon	HHs	0	3	4	0	5	0
	%	0%	25%	33%	0%	42%	0%
Na Tam	HHs	2	3	2	0	12	0
	%	11%	16%	11%	0%	63%	0%

(SES Survey)



83. The SES collected information on household assets to use a relative household wealth proxy indicator for baseline data, presented below.

**Table 3-18: Household Assets**

District/ Commune	Unit	Bicycle	Motorbike	Car	TV	Fridge	Washing machine	Air-conditioner	Gas/Electric stove	Electric Cooker	Computer	Mobile phone	Valuable wood furniture
Than Uyen district	HHs	3	9	2	9	9	5	0	10	10	5	10	5
	%	30%	90%	20%	90%	90%	50%	0%	100%	100%	50%	100%	50%
Phuc Than	HHs	3	9	2	9	9	5	0	10	10	5	10	5
	%	30%	90%	20%	90%	90%	50%	0%	100%	100%	50%	100%	50%
Tan Uyen district	HHs	12	37	3	38	37	28	4	39	38	19	39	24
	%	30%	93%	8%	95%	93%	70%	10%	98%	95%	48%	98%	60%
Tan Uyen town	HHs	4	6	1	8	8	6	1	8	8	3	8	6
	%	44%	67%	11%	89%	89%	67%	11%	89%	89%	33%	89%	67%
Phuc Khoa	HHs	3	9	2	9	8	8	2	9	8	6	9	6
	%	33%	100%	22%	100%	89%	89%	22%	100%	89%	67%	100%	67%
Pac Ta	HHs	1	8	0	8	8	6	1	8	8	2	8	5
	%	13%	100%	0%	100%	100%	75%	13%	100%	100%	25%	100%	63%
Than Thuoc	HHs	3	8	0	8	8	8	0	8	8	5	8	5
	%	38%	100%	0%	100%	100%	100%	0%	100%	100%	63%	100%	63%
Trung Dong	HHs	1	6	0	5	5	0	0	6	6	3	6	2
	%	17%	100%	0%	83%	83%	0%	0%	100%	100%	50%	100%	33%
Lai Chau City	HHs	8	15	4	15	15	13	2	15	15	8	15	11
	%	53%	100%	27%	100%	100%	87%	13%	100%	100%	53%	100%	73%
San Thang	HHs	4	8	4	8	8	7	1	8	8	4	8	7
	%	50%	100%	50%	100%	100%	88%	13%	100%	100%	50%	100%	88%
Dong Phong ward	HHs	4	7	0	7	7	6	1	7	7	4	7	4
	%	57%	100%	0%	100%	100%	86%	14%	100%	100%	57%	100%	57%
Tam Duong district	HHs	17	50	0	46	23	5	0	45	47	3	51	10
	%	31%	93%	0%	85%	43%	9%	0%	83%	87%	6%	94%	19%

District/ Commune	Unit	Bicycle	Motorbike	Car	TV	Fridge	Washing machine	Air-conditioner	Gas/ Electric stove	Electric Cooker	Computer	Mobile phone	Valuable wood furniture
Ban Giang	HHs	4	17	0	15	9	2	0	16	18	1	17	3
	%	22%	94%	0%	83%	50%	11%	0%	89%	100%	6%	94%	17%
Ban Bo	HHs	1	4	0	4	3	0	0	4	5	0	4	1
	%	20%	80%	0%	80%	60%	0%	0%	80%	100%	0%	80%	20%
Ban Hon	HHs	5	11	0	11	8	3	0	10	11	2	11	3
	%	42%	92%	0%	92%	67%	25%	0%	83%	92%	17%	92%	25%
Na Tam	HHs	7	18	0	16	3	0	0	15	13	0	19	3
	%	37%	95%	0%	84%	16%	0%	0%	79%	68%	0%	100%	16%

(SES)

84. The most common reported ailment during the previous 12-month period was cold and flu followed by respiratory diseases. The rates were similar across the project areas.

**Table 3-19: Common Ailments During Previous 12 Months**

District/ Commune	Unit	Flu	Respiratory disease	Digestive and intestinal diseases	Other
Than Uyen district	HHs	7	3	2	1
	%	70%	30%	20%	10%
Phuc Than	HHs	7	3	2	1
	%	70%	30%	20%	10%
Tan Uyen district	HHs	32	3	5	1
	%	84%	8%	13%	3%
Tan Uyen town	HHs	7	1	2	0
	%	78%	11%	22%	0%
Phuc Khoa	HHs	8	1	1	0
	%	100%	13%	13%	0%
Pac Ta	HHs	6	0	2	1
	%	75%	0%	25%	13%
Than Thuoc	HHs	6	0	0	0
	%	86%	0%	0%	0%
Trung Dong	HHs	5	1	0	0
	%	83%	17%	0%	0%
Lai Chau City	HHs	7	3	2	1
	%	58%	25%	17%	8%
San Thang	HHs	2	1	1	1
	%	33%	17%	17%	17%
Dong Phong ward	HHs	5	2	1	0
	%	83%	33%	17%	0%
Tam Duong district	HHs	32	15	8	2
	%	60%	28%	15%	4%
Ban Giang	HHs	10	8	1	1
	%	59%	47%	6%	6%
Ban Bo	HHs	3	1	1	0
	%	60%	20%	20%	0%
Ban Hon	HHs	6	2	0	0
	%	50%	17%	0%	0%
Na Tam	HHs	13	4	6	1
	%	68%	21%	32%	5%

(SES Survey)

### 3.5 Gender

85. In the project areas, both men and women are actively engaged in the workforce. The most common livelihood activities were farming with general labour also a common income source.

86. Women in the project areas are very busy, carrying a large part of family work to care of duties within the home as well as earning a living. Some responsibilities fall to a greater extent on women alone, such as cooking and taking care of children and the elderly in the family. In other activities, both husbands and wives mostly share such as farming, forestry work and conducting retail or service businesses as noted in tables above related in occupations.
87. Most of household decision-making was reported by surveyed households to be shared between husbands and wives. However, where one or the other is the main decision maker, it tended to be the husband. Land registration in the name of both spouses is not uniform. There remains a sizable proportion of households in some areas for which land is registered in the name of husbands only.
88. Adult women in the surveyed households had been afforded much less opportunities for formal education than men. Women in surveyed households have significantly lower education attainments than men and are over represented in the proportion of illiterate adults. (Refer to table related to education attainment above.)
89. The tables below show the gender division of labour within surveyed households.

**Table 3-20: Household Division of Labour**

Houseworks	Shopping			Cooking			Cleaning house		
	M	F	B	M	F	B	M	F	B
Phuc Than	0%	80.0%	20%	0%	70%	30%	0%	60%	40%
Tan Uyen	0%	88.9%	11.1%	0%	100%	0%	0%	88.9%	11.1%
Phuc Khoa	0%	77.8%	22.2%	0%	77.8%	22.2%	0%	77.8%	22.2%
Pac Ta	12.5%	62.5%	25%	0%	75%	25%	0%	75%	25%
Than Thuoc	0%	50%	50%	0%	50%	50%	0%	50%	50%
Trung Dong	0%	83.3%	16.7%	0%	100%	0%	0%	66.7%	33.3%
San Thang	14.3%	28.6%	57.1%	12.5%	50%	37.5%	0%	75%	25%
Dong Phong	0%	57.1%	42.9%	0%	57.1%	42.9%	0%	57.1%	42.9%
Ban Giang	0%	61.1%	38.9%	0%	61.1%	38.9%	0%	61.1%	38.9%
Ban Bo	0%	60%	40%	0%	60%	40%	0%	60%	40%
Ban Hon	0%	81.8%	18.2%	0%	83.3%	16.7%	0%	83.3%	16.7%
Na Tam	5.3%	57.9%	36.8%	0%	78.9%	21.1%	5.6%	77.8%	16.7%
<b>Total</b>	<b>2.6%</b>	<b>65.8%</b>	<b>31.6%</b>	<b>0.8%</b>	<b>72.3%</b>	<b>26.9%</b>	<b>0.8%</b>	<b>70.3%</b>	<b>28.8%</b>

**Table 3-21: Household Division of Attending to Children and Elderly**

Houseworks	Taking care of children, elder			Taking children to school			Tutoring children		
	M	F	B	M	F	B	M	F	B
Phuc Than	0%	55.6%	44.4%	0%	60%	40%	0%	60%	40%
Tan Uyen	0%	33.3%	66.7%	0%	0%	100%	0%	0%	100%
Phuc Khoa	0%	50%	50%	0%	33.3%	66.7%	0%	33.3%	66.7%
Pac Ta	0%	25%	75%	20%	20%	60%	0%	20%	80%
Than Thuoc	0%	12.5%	87.5%	0%	28.6%	71.4%	0%	28.6%	71.4%
Trung Dong	0%	50%	50%	0%	33.3%	66.7%	0%	33.3%	66.7%
San Thang	0%	37.5%	62.5%	16.7%	0%	83.3%	0%	33.3%	66.7%
Dong Phong	0%	16.7%	53.3%	0%	40%	60%	0%	40%	60%
Ban Giang	0%	41.2%	58.8%	0%	40%	60%	0%	30.8%	69.2%
Ban Bo	0%	0%	100%	0%	0%	100%	0%	0%	100%

Houseworks	Taking care of children, elder			Taking children to school			Tutoring children		
	M	F	B	M	F	B	M	F	B
Ban Hon	0%	54.5%	45.5%	10%	30%	60%	10%	30%	60%
Na Tam	0	42.1%	57.9%	13.3%	13.3%	73.3%	14.3%	14.3%	71.4%
<b>Total</b>	<b>0%</b>	<b>37.4%</b>	<b>62.6%</b>	<b>6.2%</b>	<b>25.9%</b>	<b>67.9%</b>	<b>3.9%</b>	<b>27.3%</b>	<b>68.8%</b>

**Table 3-22: Household Division of Responsibility for Income, Decision Making and Property Registration**

Houseworks	Working to generate income			Making important decisions			Property registration		
	M	F	B	M	F	B	M	F	B
Phuc Than	0%	20%	80%	10%	20%	70%	20%	20%	60%
Tan Uyen	16.7%	33.3%	50%	22.2%	22.2%	55.6%	33.3%	22.2%	44.4%
Phuc Khoa	0%	11.1%	88.9%	33.3%	11.1%	55.6%	55.6%	11.1%	33.3%
Pac Ta	0%	0%	100%	37.5%	0%	62.5%	62.5%	0%	37.5%
Than Thuoc	0%	12.5%	87.5%	12.5%	0%	87.5%	12.5%	0%	87.5%
Trung Dong	0%	0%	100%	50%	0%	50%	50%	16.7%	33.3%
San Thang	37.5%	0%	62.5%	50%	0%	50%	25%	12.5%	62.5%
Dong Phong	0%	14.3%	85.7%	14.3%	28.6%	57.1%	14.3%	28.6%	57.1%
Ban Giang	22.2%	5.6%	72.2%	33.3%	5.6%	61.1%	66.7%	0%	33.3%
Ban Bo	0%	0%	100%	40%	0%	60%	60%	0%	40%
Ban Hon	0%	0%	100%	50%	0%	50%	50%	0%	50%
Na Tam	0%	0%	100%	57.9%	0%	42.1%	57.9%	0%	42.1%
<b>Total</b>	<b>6.9%</b>	<b>6.9%</b>	<b>86.2%</b>	<b>36.1%</b>	<b>6.7%</b>	<b>57.1%</b>	<b>45.4%</b>	<b>7.6%</b>	<b>47.1%</b>

**Table 3-23: Household Division of Attendance in Community Activities**

Houseworks	Meeting at residential cluster			Participating in community activities			Attending funerals, weddings		
	M	F	B	M	F	B	M	F	B
Phuc Than	10%	50%	40%	10%	20%	70%	0%	20%	80%
Tan Uyen	44.4%	22.2%	33.3%	22.2%	22.2%	55.6%	11.1%	22.2%	66.7%
Phuc Khoa	55.6%	22.2%	22.2%	22.2%	22.2%	55.6%	22.2%	11.1%	66.7%
Pac Ta	25%	0%	75%	25%	0%	75%	12.5%	0%	87.5%
Than Thuoc	12.5%	0%	87.5%	12.5%	0%	87.5%	0%	0%	100%
Trung Dong	66.7%	0%	33.3%	50%	0%	50%	16.7%	16.7%	66.7%
San Thang	50%	0%	50%	25%	0%	75%	50%	0%	50%
Dong Phong	42.9%	28.6%	28.6%	0%	66.7%	33.3%	0%	42.9%	57.1%
Ban Giang	31.3%	6.3%	62.5%	16.7%	5.6%	77.8%	16.7%	11.1%	72.2%
Ban Bo	40%	20%	40%	0%	0%	100%	0%	20%	80%
Ban Hon	33.3%	16.7%	50%	25%	8.3%	66.7%	8.3%	8.3%	83.3%
Na Tam	57.9%	0%	42.1%	31.6%	0%	68.4%	33.3%	0%	66.7%
<b>Total</b>	<b>39.3%</b>	<b>12.8%</b>	<b>47.9%</b>	<b>21.2%</b>	<b>10.2%</b>	<b>68.6%</b>	<b>16.1%</b>	<b>11%</b>	<b>72.9%</b>



### 3.6 Support for the Project

90. 384 HHs out of 389 HHs present their support to project. There was a very high level of support reported by surveyed households. Ninety-three percent totally support, 7% partially support and 2 persons (<1%) did not support the project.

**Table 3-24: Surveyed Level of Support for the Project**

District/ Commune	No. of surveyed AHs	Totally support		Partially support		No support	
		HH	%	HH	%	HH	%
<b>Than Uyen district</b>	39	<b>38</b>	<b>97%</b>	<b>1</b>	<b>3%</b>	<b>0</b>	<b>0%</b>
Phuc Than	39	38	97%	1	3%	0	0%
<b>Tan Uyen district</b>	165	<b>161</b>	<b>98%</b>	<b>4</b>	<b>2%</b>	<b>0</b>	<b>0%</b>
Tan Uyen town	42	42	100%	0	0%	0	0%
Phuc Khoa	43	41	95%	2	5%	0	0%
Pac Ta	34	34	100%	0	0%	0	0%
Than Thuoc	36	35	97%	1	3%	0	0%
Trung Dong	10	9	90%	1	10%	0	0%
<b>Lai Chau City</b>	38	<b>27</b>	<b>71%</b>	<b>10</b>	<b>26%</b>	<b>1</b>	<b>3%</b>
San Thang	18	12	67%	6	33%	0	0%
Dong Phong ward	20	15	75%	4	20%	1	5%
<b>Tam Duong district</b>	142	<b>130</b>	<b>92%</b>	<b>11</b>	<b>8%</b>	<b>1</b>	<b>1%</b>
Ban Giang	61	59	97%	2	3%	0	0%
Ban Bo	23	22	96%	1	4%	0	0%
Ban Hon	38	32	84%	5	13%	1	3%
Na Tam	20	17	85%	3	15%	0	0%
<b>Total</b>	<b>384</b>	<b>356</b>	<b>93%</b>	<b>26</b>	<b>7%</b>	<b>2</b>	<b>1%</b>

(IOL)

# Chapter 4 - Consultation, Participation and Disclosure

## 4.1 Information dissemination, consultation and participation requirements

91. Meaningful consultation is an integral element of RP preparation and implementation for this project RP. Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultations commenced during the preparation of the resettlement plan with consultations held before, during and after the implementation of the IOL and SES. Consultations, including individual consultations will continue during preparation of and after approval of the updated resettlement plan.
92. This process enables communities and affected persons to be fully informed about the decisions that will affect their way of life and living standards. Importantly, it also provides opportunities for them to participate in the decision making on matters that will directly affect them. This is not only consistent with principles of transparency and fairness, but ensures better outcomes in the design and implementation of mitigation measures.

## 4.2 Information dissemination and consultation during the preparation of the Resettlement Plan

93. Information dissemination and consultations were conducted with affected households identified through the IOL.
94. Twelve consultation meetings were held in all the affected communes 29 January to 5 February 2018. The meetings were facilitated by social safeguards and environmental safeguards consultants. Attendance included potentially affected households, representatives of local authorities and mass organizations. The information presented included general information about the project design and anticipated land requirements, types of land acquisition and resettlement impacts as well as approach to mitigation and policy principles. A total of 490 people participated consisting of 301 men and 189 women (39% of total). Summaries of these consultation meetings along with issues raised are in presented below.

**Table 4-1: List of Consultation Meetings Conducted with Affected Communities**

Commune	Date	Participants	No. Attendendees		
			Total	Male	Female
Lai Chau Province					
1. Ban Bo	Feb 1, 2018	Potentially affected households; - Representatives of local authorities: Commune People's Committee chairpersons, commune cadastral official Project consultants.	25	17	8
2. Phuc	Feb 2.	Potentially affected households:	49	29	20

Commune	Date	Participants	No. Attendendees		
			Total	Male	Female
Khoa	2018	Representatives of local authorities: Chairman of the People's Committee, Party Secretary, cadastral staff of the commune. Project consultants.			
3. Tan Uyen town	Feb 3, 2018	Potentially affected households; Representatives of local authorities: Vice Chairman of Commune People's Committee, Chairman of Fatherland Front Committee, Land Administration- construction official. Project consultants.	51	27	24
4. Na Tam	Jan. 31, 2018	Potentially affected households; - Representative of local authorities: Vice Chairman of Commune People's Committee, Vice Chairman of Commune Council. Project consultants.	22	22	0
5. Ban Hon	January 30, 2018	Potentially affected households; - Representatives of local authorities: Vice Chairman of Commune People's Committee, Chair of Fatherland Front Committee, Land Administration- construction official. Project consultants.	42	30	12
6. Ban Giang	January 30, 2018	Potentially affected households; - Representative of local government: Secretary of Commune Party Committee, Commune Cadastral chief officer, Project consultants.	74	44	30
7. Pac Ta - Tan Uyen district	Feb 5, 2018	Potentially affected households; - Representative of local authorities :Commune People's Committee Chairman, Commune People's Committee Office Project consultants.	41	21	20
8. Trung Dong	Feb 5, 2018	Potentially affected households; - Representative of local authorities: Commune Vice Chairman, Commune Land Officials Project consultants.	14	11	3
9. Than Thuoc - Tan Uyen District	Feb 3, 2018	Potentially affected households; - Representatives of local authorities: Commune People's Committee, Commune Cadastral official. Project consultants.	38	24	14
10. Dong Phong Ward	Jan. 29, 2018	Potentially affected households; - Representatives of local authorities: Chairman of Commune People's Committee, Land Administration to build commune. Project consultants.	54	34	20
11. Phuc Than ,Tan Uyen	Feb 1, 2018	Potentially affected households; - Representatives of local authorities: Chairman of Commune People's	48	22	26

Commune	Date	Participants	No. Attendendees		
			Total	Male	Female
District		Committee, Commune Land Administration, Office staff - Statisticians Project consultants.			
12. San Thang	Jan 29, 2018	Potentially affected households; - Representatives of local authorities: Chairman of Commune People's Committee, Commune Land Administration , Office staff - Statisticians Project consultants.	32	20	12

95. Issues raised by attendees at the meetings included resettlement related matters, such as adequate compensation, livelihood restoration, and transparency in resettlement planning. There were also some environment and design related comments. The issues raised along with responses and how these issues are addressed by the project is summarized below. A more detailed record is presented in Appendix 4.

**Table 4-2: Summary of feedback from public consultation meetings**

Issue Raised	Responses/ How the Issue is Addressed in the Project
<b>Resettlement Related</b>	
Compensation needs to be reasonable	Fair compensation for land and non-land losses: Compensation will be at replacement cost based on a replacement cost study to be undertaken when the RP is being updated. Land and non-land assets will be compensated at replacement costs. Assistance will be provided for culturally appropriate reburial on a plot provided by the project. If the remaining portion of land is unviable, the entire parcel of land will be acquired in accordance with Government regulations.
- It is necessary to provide support to people living on roadside trading (disrupting and limiting trading). (General Comment)	As for business households along the road, if they are affected, in addition to compensation for affected assets at replacement cost, market price, they will be provided with supports for disrupted/affected business.
during implementation, measuring land and property needs to be transparent and equitable. (General Comment)	DMS of the affected assets will be carried out by the district land fund development center staff and commune officers, village leaders and representatives of the affected households. Copies of DMS records will be handed over to the affected households for checking and keeping.
Life stabilization assistance needed. (General Comment)	An allowance package will be provided for the affected households losing land, in which there is also life stabilization assistance.
Livelihood support should focus on supporting trees (orange, macadamia), livestock (chicken, etc.) suitable with local conditions. (Ban Hon Commune)	Livelihood restoration program will be designed with land-based activities, livestock husbandry and non-agricultural activities.

Issue Raised	Responses/ How the Issue is Addressed in the Project
Perennial crops (tea) need more support e.g. more seedling. (Ban Giang Commune)	Affected trees and crops will be compensated at their economic value brought by the trees.
- Solid houses and class 4 houses have been built on agricultural land (not yet converted) along the section through Cluster 24. (Dong Phong Ward)	Houses built on agricultural land will also be compensated at 100% of the replacement cost without deducting depreciation and salvageable materials if the structures are built before the project cut-off date.
<b>Design Related</b>	
- The construction of a bypass should be considered to reduce traffic density through the town. (Tan Uyen town)	The construction of bypass through Tan Uyen town or upgrading based on existing road is being considered by the consulting unit.
- The construction should avoid a cemetery located at Km108 +500. (Na Tam commune)	The basic design has been carried out avoiding this cemetery area.
- The construction should not affect the power pole newly constructed on the left side of the road. (San Thang Commune)	The affected public structures will be compensated. The displacement of electric poles will be carried out by the specialized unit.
- It is necessary to arrange access paths to people's production areas to ensure agricultural production. (Pac Ta Commune)	Regarding access paths to the production areas, if they are affected by the project, they will be compensated at the principle of restoration. In case the construction of the road causes obstacles to the accessibility to the production areas, the project will have to construct a new access path to the production areas.

### 4.3 Information Disclosure

96. The resettlement plan (draft and updated versions) are required to be publically disclosed and information from the resettlement plans disclosed to affected people in a timely manner and in an accessible and understandable form.

#### 4.3.1 Disclosure of the draft resettlement plan

97. Salient features of the project, project impacts, mitigation measures and information about the GRM were disclosed to affected households and relevant local Government agencies through consultation meetings presented above. A public information brochure (PIB) setting out key information was disseminated to potentially affected people at the time of the consultations. A copy of the PIB is attached as Appendix 2.
98. The agreed draft RP will be disclosed in the project areas as well as publically disclosed on the ADB website. An updated PIB setting out key principles, forms of assistance, grievance redress mechanism (with contact information) and an updated project schedule will also be publically posted in each commune following approval of the draft resettlement plan.

#### 4.3.2 Disclosure of the updated resettlement plan

99. During RP updating, relevant information will be conveyed and disclosed to affected people, communities in the project areas as well as relevant Government agencies through public consultations and public information brochures. The agreed updated RP

will be disclosed to affected people, and communities as well as be publically disclosed on ADB website.

## 4.4 Resettlement Plan Consultation, Communication and Disclosure Plan

### 4.4.1 Modes of communication and consultation

100. Various means of communication can be applied depending of the communication objectives as well as constraints in time or resources. The following participation techniques can be used:

- **Information Dissemination and Information Sharing Using Media:** this technique can be used to inform the stakeholders on project status, action taken, results of activities and similar. This technique can use either written (information brochures, fact sheets, newsletter, newspaper, radio, and website). Public notice boards, such as at district and commune offices can be used to publically post written information. Public information, education and communication printed material, should incorporate posters and brochures which drawings and diagrams.
- **Consultation and Discussion Meetings:** These involve face-to-face meetings with stakeholders. Public or small group meetings targeting the community should be held in convenient locations and times to promote participation. Community level meetings have the advantage of overcoming gaps in literacy capabilities and enable the use of local ethnic languages.
- **Information Gathering:** quantitative and qualitative information about projects, needs, best practices, etc., can be gathered either in written form (i.e. questionnaire surveys) or in face to face interactions (meetings, focus group discussions). When dealing with information elicited from community representatives, use culturally appropriate techniques such as focus group discussions; women's gatherings etc., in local language; and ensure that information is collected separately from different segments of community (elders, youth, women etc.);
- **Two-way knowledge and information exchange:** should be applied throughout the project with all key stakeholder representatives and potentially affected or involved communities.

101. Communication needs to recognize the language needs of different audiences. There are 18 ethnic minority groups residing in the provinces of the project areas making up a significant proportion of the local populations. While Vietnamese is commonly spoken in addition to their own ethnic languages, levels of understanding, ability to converse as well as read Vietnamese vary considerably. Literacy in local ethnic languages is not common. Community meetings should take consideration of this, using appropriate vocabulary and local languages. Public information, education and communication printed material, should incorporate posters and brochures which drawings and diagrams. Additional resources will be provided for local interpreters of local ethnic languages. The project will allocate costs to engage local interpreters from the community for each main ethnic group on an intermittent basis for the duration of the project. (Further information on support with communication for ethnic minority people is provided in the Ethnic Minority Development Plan.)

102. Gender participation needs to be promoted across all project communications. Invitation notices to such meetings should indicate the names of both spouses. Attention should be given to the need for separate women's meetings on critical issues, such as resettlement and livelihood restoration. The level of women's participation in meetings should monitored and consideration given to conducting dedicated meetings for women if participation levels are low.

#### **4.4.2 Roles and responsibilities of communication and consultation**

103. The requirements for consultation and disclosure along with roles and timing are presented in the table below.

**Table 4-3: Roles and Responsibilities for Disclosure, Consultation and Participation**

Issue	Target Audience	Means of Communication	Responsible	Timing
<b>Following Approval of Draft RP</b>				
Disclosure of agreed RP	Affected households, communities in project areas; Stakeholders.	Dissemination of RP to all DPCs/ CPCs in project areas and agencies involved in RP implementation. Public posting of updated PIB in CPC notice boards. Public consultation meetings	PMU/ DONRE/ DPCs  DPCs/ CPCs  DPC/ CPC/ CEMA	Following formal approval and concurrence from Government and ADB
	General public	Public disclosure on ADB's website  Uploading on MOT website	ADB  MOT	
<b>During Updating of RP</b>				
Resettlement	Relocating AHs	Group and individual discussions with relocating AHs on options details and assistance entitlements.	CLFD, CPC	Following DMS
Livelihood development	AHs eligible for LDP	Group and individual discussions on LDP strategy, including proposed options. Needs and preference assessment. (Feedback informs final design of LDP.)	LDPSC, LDPMB, DPC	Following DMS
Entitlements, eligibility and compensation rates	AHs	Public consultation meetings. Distribution of the PIB to APs	CLFD, CPC with support from PMU	Following DMS and replacement cost study



Issue	Target Audience	Means of Communication	Responsible	Timing
Disclosure of draft updated RP and entitlements	Affected households	Posting the compensation and support plan in commune and village public areas. This plan covers all project entitlements for APs as well details of GRM. AP feedback on compensation plans to be collected and recorded at least 20 days following disclosure	CLFD	
Disclosure of agreed updated RP	Affected households; Communities in project areas.	Translated resettlement plan publically accessible in local People's Committee Office, uploaded on ADB website and MOT website.	-PMU, CLFD with support of PSC Consultant. -PIB disseminated by CPCs. -ADB for uploading	Upon final approval of updated RP
Implementation schedule of resettlement plan and civil works	Affected households	Public consultation meetings	CLFD, PMU, CPCs	Ongoing prior to implementation and upon significant change in implementation schedule.
Compensation disbursement schedule	Affected households	Notices to individual households	DCARB and local PCs	Minimum 1 week prior to disbursement
Relocation arrangements	Households required to relocate	Group discussions and individual consultations as needed.	DCARB	Commencing upon final approval of updated RP until resettlement satisfactorily completed.
Disclosure of periodic External Resettlement Monitoring	Public, local authorities,	Uploaded on ADB website.	ADB	Upon submission of periodic monitoring

<b>Issue</b>	<b>Target Audience</b>	<b>Means of Communication</b>	<b>Responsible</b>	<b>Timing</b>
Reports	mass organizations	Translated versions made available at District PC offices for public access upon request.	PMU, DPCs	reports (semi-annual)
Disclosure of periodic Internal Monitoring Reports	Public	Uploaded on ADB website.	ADB	Upon submission of periodic monitoring reports by PMU (semi-annual)

Note: DD Consultant = Detailed Design Consultant; DCARB = District Compensation, Assistance and Resettlement Board; DOLISA = Department of Labour, Invalids, and Social Affairs; PMU = Project Management Unit; EIA = Environment Impact Assessment; EMP = Environment Management Plan; LDP = Livelihood Development Plan; PIB = public information booklet; WU=Women's Union.

# Chapter 5 - Grievance Redress

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## 5.1 Project Grievances

104. A project grievance can be defined as an actual or perceived project-related problem that gives ground for complaint by an affected person (AP). As a general policy, the EA (Ministry of Transport - MOT) and IA (Project Management Unit No.2- PMU2) will work proactively to prevent grievances through the implementation of impact mitigation measures and community liaison activities that anticipate and address potential issues before they become grievances. Nonetheless, it is possible that unanticipated impacts may occur if the mitigation measures are not properly implemented or unforeseen issues occur.
105. To address complaints, a project grievance redress mechanism (GRM) will be developed in accordance with ADB requirements and Government procedures. A GRM is a systematic process for receiving, recording, evaluating and addressing AP's project-related grievances transparently and in a reasonable period. The GRM will be established by PMU2 prior to the commencement of any land acquisition or resettlement activities, and will operate during the pre- construction, construction and operation phases.

## 5.2 Grievance Redress Mechanism

106. The proposed GRM integrates resettlement, environment and technical issues into a single structure. The structure considers Vietnamese laws and provisions for complaint handling as well as nuances of the operating environment and cultural attitudes toward lodging complaints. Specifically, the structure enables the GRM to:
- provide a predictable, transparent, and credible process to all parties, resulting in outcomes that are seen as fair, effective, and lasting;
  - build trust as an integral component of broader community relations activities; and
  - enable a systematic identification of issues or problems, facilitating corrective actions and pre-emptive engagement.
107. The proposed GRM includes the following elements:
- a grievance receipt and registration system to provide ways for community members to register complaints and confirm they have been received;
  - grievance eligibility assessment to determine if the issues raised in the complaint fall within the mandate of the GRM and if the complaints are legitimate;
  - grievance assessment and investigation to clarify concerns raised in the complaint, to gather information on the situation, and to identify how the issues might be resolved;
  - joint problem-solving, in which all relevant project stakeholders engage in a dialogue and action planning to resolve the problem;
  - grievance tracking, including maintenance of written records of grievances, monitoring, public information disclosure and reporting to the affected people; and
  - grievance closure, including community feedback and confirmation of resolution of the problem.
108. APs are entitled to lodge complaints regarding any aspect of affected environment, land acquisition and resettlement, such as noise, pollution, entitlements, rates and payment and procedures for resettlement, income restoration programs, etc.

109. The principles and procedures of the GRM are based on provisions of the Land Law No. 45/2013/QH13, dated 29/11/2013; Law on Grievances No. 02/2011/QH13, dated 11/11/2011; Law on Denunciations No. 03/2011/QH13, dated 11/11/2011; Law on Receiving of Residents No. 42/2013/QH13, dated 25/11/2013; Decree No. 75/2012/ND-CP, dated 03/10/2012 of the Government Stipulating Detailed Regulations on Some Articles of Law on Grievance 2011; Decree No. 76/2012/ND-CP, dated 03/10/2012 of the Government Stipulating Detailed Regulations on Some Articles of Law on Denunciation 2011; Circular No. 06/2013/TT-TTTP, dated 30/9/2012 of the Government Inspectorate Stipulating Procedures of Denunciation Settlement, Circular No. 07/2014/TT-TTTP, dated 31/10/2014 of the Government Inspectorate Stipulating Procedures of Settling Grievances, Denunciating Letters and Letters of Requests; ADB's SPS (2009) and ADB's Public Communications Policy (2011). According to the Land Law No. 45/2013/QH13, a grievance must be submitted within 90 days of the time they receive the decision of land acquisition or become aware of the actions of the administrative action in question. In circumstances, such as sickness, natural calamity, or required to work or study in a distant location or other objective constraints, that time will not be counted within the 90 days mentioned above.
110. The GRM consists of several escalating stages. Complaint resolution and decision making are undertaken by PMU2's Environmental and Social Unit (ESU) in consultation with the District Grievance Redress Units of Than Uyen, Tan Uyen, Lai Chau City, Tam Duong (Lai Chau Province), Van Yen, Van Chan (Yen Bai Province), Van Ban (Lao Cai Province) then by a Provincial-level Grievance Redress Committee (GRC) of respective provinces, if required. The roles and responsibilities of PMU2 ESU, DGRU/CGRU and GRC are presented below.
111. **Environment and Social Unit of PMU2 (PMU2 ESU):** The unit consists of social and environmental staff at PMU2, supported by staff members, preferably one or two members based in respective Districts. Staff of PMU2 ESU will (i) receive all complaints from APs seeking access to the GRM; (ii) register the complaints; (iii) determine complaint eligibility; (iv) send confirmation of eligibility to the complainant; (v) forward the complaint to relevant contractor (during construction) or facility operator (during operation), DGRU/CGRU and GRU; (vi) follow up with the DGRU/CGRU and the GRC on status of complaint redress; (vii) investigate the complaint and identify corrective actions that are within the mandate of MOT; (viii) inform AP on the proposed corrective action; (ix) track and record all decisions taken; (x) maintain a complaint registration, tracking and monitoring system; and (xi) report to MOT, respective districts (07) and provinces(03) on the implementation and result of the corrective action plans.
112. **District/City Grievance Redress Units (DGRU/CGRU) (07):** The Unit consists of 6 officers of six relevant District/City divisions: Center for Land Fund Development, Natural Resources and Environment, Inspectorate, Finance, Construction, and Resident Receiving Office. The Units are chaired by the Vice Chairmen of 07 respective District People's Committees/City People's Committee. The DGRU/CGRU will (i) determine eligibility of complaints relating to resettlement and environment, (ii) conduct an assessment of complaints that relate to resettlement and environment, (iii) send confirmation of eligibility to the AP in case the complaint is related to resettlement and environment, with copy to PMU2 ESU; (iv) identify the corrective action plan and send it to the AP with copy to PMU2 ESU for further processing; (v) execute the plan and report the implementation, result of the plan implementation to PMU2 ESU; (vi) participate in GRC meetings if invited; (vii) monitor implementation of grievance resolution processes under their jurisdiction.
113. **The Grievance Redress Committees of respective Provinces of Lai Chau, Yen Bai and Lao Cai (GRC):** The Committee consists of 5 officers of five relevant provincial

departments: Natural Resources and Environment, Inspectorate, Finance, Construction, and Resident Receiving Office. The Committee is chaired by the Vice Chairman of respective PPC. The Committee will (i) determine eligibility of appeals; (ii) conduct the assessment of appeals; (iii) send confirmation letter of eligibility to the AP with a copy to PMU2 ESU; (iv) identify corrective action plans for appeals; (v) manage and supervise the implementation of the plan; and (iv) inform PMU2 ESU on the decision of the corrective action plan.

114. The GRM stages are presented below.

115. Stage 1: Submission of complaint.

- a. The AP submits a written complaint to PMU2 ESU staff, or as letter, or email (with attached signed letter). Contact details of PMU2 ESU will be posted at the construction sites. A registered and legally recognized civil society organization (CSO) with valid representation authorization may file a complaint on behalf of an AP through PMU2 ESU.
- b. Complaints can also be sent directly to the works contractor (during construction through a hotline number that will be posted for construction-related matters (such as noise, dust, access to property and other matters) which require immediate action, or to the operator (during the operation phase). Contractors are required to register the complaint, and report to PMU2 ESU on complaints received and actions taken.

116. Stage 2: Registration, Eligibility Assessment, Confirmation of Eligibility [max. 5 working days]

- a. PMU2 ESU registers the complaint in a grievance registry and identifies the nature of the complaint. If the complaint relates to resettlement (case 1), PMU2 ESU forwards the complaint to the relevant DGRU/CGRU for further processing. If the complaint relates to other matters such as environment, project design, damage to property or others (case 2), PMU2 ESU proceeds to the next step.
- b. The DGRU/CGRU (case 1) or PMU2 ESU (case 2) determines whether the complaint is eligible for the GRM using the screening procedure.
- c. If the complaint is deemed ineligible, the complainant is informed of the decision and the reasons for ineligibility.
- d. If the complaint is deemed eligible, the DGRU/CGRU (case 1) or PMU2 ESU (case 2) identifies how the complaints should be investigated and addressed and who will be responsible for these actions, and informs the relevant parties accordingly. Options include: (i) the works contractor (during construction phase); (ii) the operator (during operation phase); (iii) the Center for Land Fund Development; (iv) the DGRU/CGRU; (iv) PMU2 ESU; (v) others.
- e. The DGRU/CGRU (case 1) or PMU2 ESU (case 2) sends a confirmation of eligibility to the complainant, with copy to PMU2 ESU for case 1. The letter provides information on when a decision will be made regarding the complaint, and the main agency in charge of addressing the complaint.

117. Stage 3: Assessment and Identification of Action [max. 10 working days]

- a. If the complaint is eligible, the entity identified under Stage 2(d) conducts an assessment and gathers information about the complaint to determine how it might be resolved.
- b. If outside experts or technical information is needed, the entity identified under Stage 2(d) may seek such guidance and may request all parties concerned (including the complainant, as relevant) to participate in the grievance redress process.
- c. The entity identified under Stage 2 (d), in consultation with PMU2 ESU, drafts a time-

- bound action plan including responsibilities for plan implementation.
- d. The entity identified under Stage 2(d) submits the assessment letter including time-bound action plan to the complainant. PMU2 ESU is copied in the letter.
118. Stage 4: Confirmation by AP, or First Appeal [max. 10 working days]
- The complainant confirms in writing consent with the proposed action plan to execute immediately the action plan.
  - The complainant may submit an appeal to GRC of respective Provinces in the following cases: (i) no response is provided within 30 days after acknowledgement of the complaint; (ii) the complainant disagrees with the decision under Stage 3.
119. Stage 5: Review, Eligibility Assessment and Confirmation of Appeal by GRC of respective Provinces [max. 5 working days]
- The GRC informs PMU2 ESU/concerned DGRU/CGRU that the complainant appealed the decision, and requests all relevant documents and issued decisions from PMU2 ESU/concerned DGRU/CGRU. The GRC, in consultation with the DGRU/CGRU determines whether the appeal is eligible using their own screening procedure.
  - If the appeal is deemed ineligible, the complainant is informed of the decision and the reasons for ineligibility.
  - If the appeal is deemed eligible, the GRC identifies who and how the complaint should be investigated and addressed, and informs the relevant parties accordingly.
  - The GRC sends a confirmation of eligibility to the complainant with copy to PMU2 ESU for registration. The letter provides information on when a decision will be made regarding the complaint, and the main agency in charge of addressing the complaint.
120. Stage 6: Assessment and Identification of Action by GRC [max 10 working days]
- If the complaint is eligible, the entity identified under Stage 5 (c) conducts an assessment and gathers information about the appeal to determine how it might be resolved.
  - If outside experts or technical information is needed, the entity identified under Stage 5 (c) may seek such guidance and may request all parties concerned (including the complainant, as relevant) to participate in the grievance redress process. For cases involving ethnic minority complainants, CEMA will participate as a party to the assessment and decision making process.
  - The entity identified under Stage 5 (c), in consultation with PMU2 ESU, drafts a time-bound action plan including responsibilities for plan implementation.
  - The entity identified under Stage 5 (c) submits the assessment letter including time-bound action plan to the complainant. The DGRU/CGRU and PMU2 ESU are copied in the letter.
121. Stage 7: Confirmation by AP, or Second Appeal [max 10 working days]
- The complainant confirms agreement in writing with the Decision and the proposed action plan.
  - The complainant may appeal to the local court in the following cases: (i) no response is provided within the 30 days after acknowledgement of the appeal; (ii) the complainant disagrees with the decision in Stage 6. In fact, at any time in the GRM the AP may appeal to the local court system if they so choose.
  - If the AP is not satisfied with the outcome of the GRM, they may send their grievance directly to ADB's Southeast Asia Department (SERD) through ADB Viet Nam Resident Mission. If the AP is not satisfied with the responses of SERD, APs can

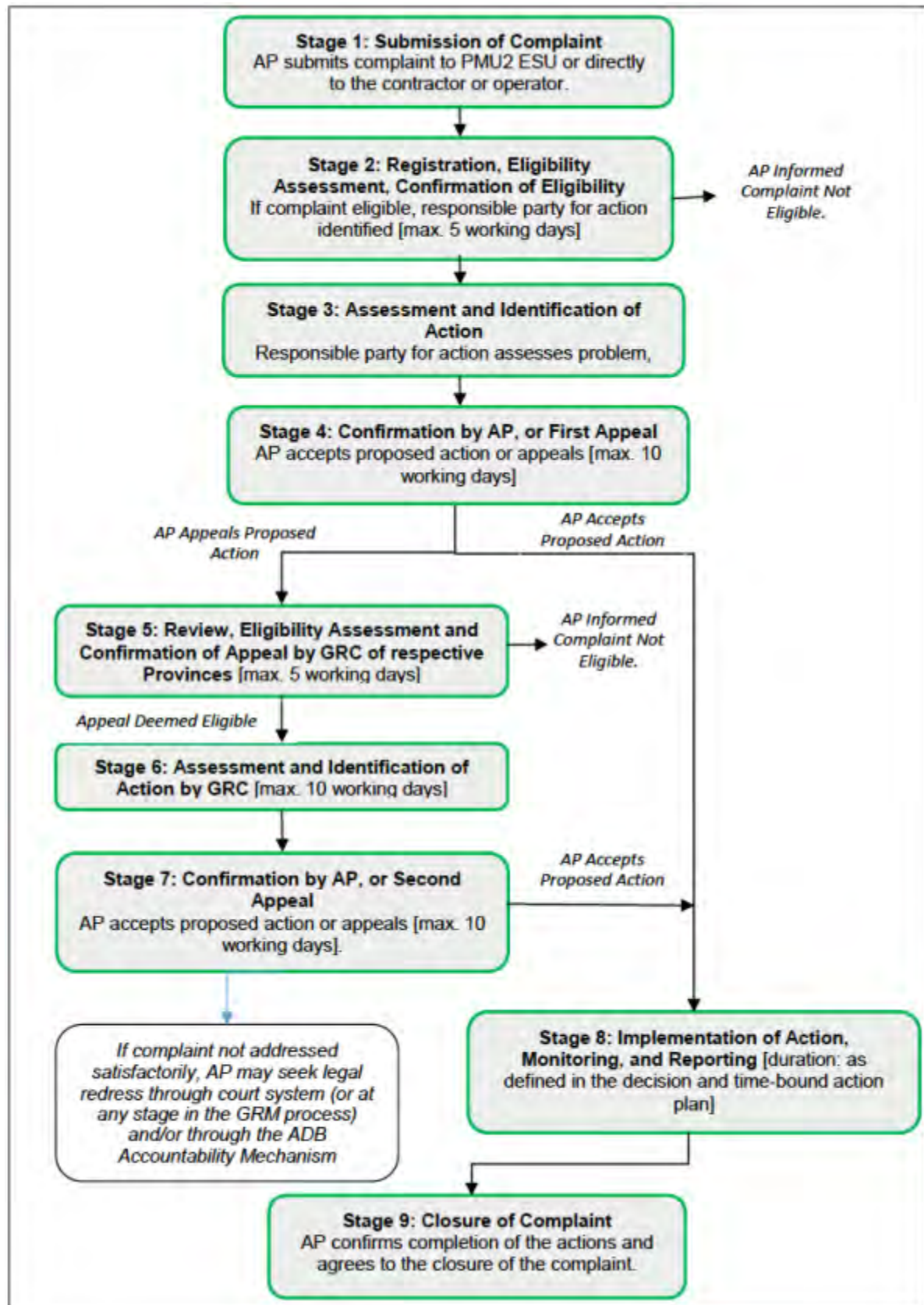
access ADB's Accountability Mechanism via <https://www.adb.org/site/accountability-mechanism/main><sup>1</sup>.

122. Stage 8: Implementation of Action, Monitoring, and Reporting [duration: as defined in the Decision and time-bound action plan]
- a. Implementation of the Decision and action plan commences, with close collaboration of relevant project stakeholders depending on the type of complaint.
  - b. PMU2 ESU monitors the implementation of actions and records findings, to be filed through the grievance administration system. As part of the monitoring process, PMU2 ESU consults the relevant project stakeholders, as needed.
123. Stage 9: Closure of Complaint
- a. When the decision/actions are implemented and when monitoring is completed, PMU2 ESU prepares a final report which is shared with the complainant, DGRU/CGRU and GRC, and filed.
  - b. The complainant confirms completion of the actions and *agrees* to the closure of the complaint. The grievance dossier is closed and filed in the project archive.
124. The AP will not have to pay any fee for his/her case (official or unofficial). APs will be encouraged to use the above GRM. However, the GRM does not impede access to the country's judicial or administrative remedies by APs, at any stage, if they so wish.

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<sup>1</sup> Vietnamese version: <https://www.adb.org/vi/documents/accountability-mechanism-policy-2012>

Figure 1. Project GRM





## Chapter 6 - Legal and Policy Framework

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125. The Resettlement Plan (RP) is prepared based on the provisions of the policy and legal framework of the Government of Vietnam and Asian Development Bank (ADB SPS 2009 Safeguard Requirements 2 and 3 and cross-cutting policy themes included in OM/F1/OP updated in October 2013). The RP follows the approved Resettlement and Ethnic Minority Development Framework (REMDF) which concerns all subprojects under this investment program and requires compliance with the following safeguard objectives:

- Land Acquisition and Resettlement: (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 in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.
- Ethnic Minority Peoples: (i) to design and implement projects in a way that fosters full respect for ethnic minority peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the ethnic minority peoples themselves, and (ii) so that ethnic minority peoples receive culturally appropriate social and economic benefits, and do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them.

### 6.1 Government of Vietnam Laws, Regulations and Policies Pertaining to Land Acquisition, Compensation, Assistance, Resettlement and Ethnic Minority Peoples

126. The Constitution of the Socialist Republic of Vietnam adopted in 2013 confirms that ownership and protection of ownership of citizens of their houses. According to the Constitution 2013, land in Vietnam belongs to the population as a whole, and is administered by the state on the public's behalf, citizens and organizations rely upon land-use rights, but do not own land. The law allows the state to acquire land used by citizens for a wide range of purposes, including national defense and security, national interest, public interest and economic development.

127. Ownership rights in Vietnam are mainly land use rights, which means that they have the right to use but can not own the land. The right to use includes the right to a land use right certificate (LURC) granted by the State, the user has the right to sell, lease, exchange, mortgage and leave the right to use and expel others out of the land that they have the LURC. The State may grant land use rights and users may obtain legal use rights through rent, inheritance or grant from family members and purchase. LURCs are necessary for the recognition of the rights of users and the guarantee of their right to use, real estate transactions, access to credit and legal protection of land use rights.

128. Some types of legal title may have land use rights. The State may grant user rights through allocation or lease and some rights require users to pay fees or rent. Under the law, the type of "land user" includes: (1) domestic organizations (political organizations and people's armed forces units), which the State allocates, leases land or recognizes land use rights; (2) economic organizations are permitted to transfer land use rights; (3) communities granted with land or recognized by the State on land use right; (4) domestic households and individuals are allocated or leased land by the State, and are recognized on land use rights or entitled to transfer such rights; (5) religious organizations are granted and recognized land use rights by the State; (6) foreign

diplomatic missions have land leased by the State; (7) some Vietnamese residing overseas are allocated or leased with land; (8) Foreign organizations and individuals investing in Vietnam may have land leased by the State.

129. In addition, the government also promulgated a number of laws, decrees and regulations to create a legal framework for land acquisition, assistance, compensation and resettlement. The main documents include:

**a. Law and Ordinance**

- (i) Land Law 2013, No.45/2013/QH13 approved by the National Assembly on 29/11/2013;
- (ii) Law on Complaints (2011) No.02/2011/QH13 approved by the National Assembly dated 21/11/2011;
- (iii) Construction Law No.50/2014/QH13 dated 18/6/2014;
- (iv) The Ordinance No. 34/2007/PL-UBTVQH11 of the National Assembly dated April 20, 2007 on exercise of democracy in communes, wards and townships and contents to be publicized to people including: "Investment projects and works, order of priority, implementation schedule, schemes on compensation, support for land clearance and resettlement related to projects and works in the commune area".

**b. Government's Decree**

- (i) Decree No. 01/2017/ND-CP dated 06/01/2017 amending and supplementing a number of decrees guiding the Land Law, such as Decree No.43/2014/ND-CP issued on May 15, 2014 detailing a number of articles of the Land Law; Decree No. 44/2014/ND-CP dated May 15, 2014 on promulgation of land prices and Decree No.47/2014/ND-CP dated 15/05/2014 on compensation, support and resettlement at land acquisition by the State;
- (ii) Decree No.43/2014/ND-CP dated 15 May 2014 by the Government specifying the implementation of a number of articles of the Land Law No.45/2013/QH13;
- (iii) Decree No.44/2014/ND-CP dated 15 May 2014 by the Government providing land price;
- (iv) Decree No.104/2014/ND-CP dated 14/11/2014 on Land price framework;
- (v) Decree No. 45/2014 dated 15 May 2014 by the Government providing for the collection of land use fees;
- (vi) Decree No. 46/2014/ND-CP dated 15 May 2014 by the Government providing for collection rental fee for land and water surface;
- (vii) Decree No.47/2014 dated 15 May 2014 by the Government providing for compensation, assistance and resettlement when land is acquired by the State;
- (viii) Decree No.84/2013/ND-CP dated 25/7/2013 on development and management of resettlement housing;
- (ix) Decree No.46/2015 dated 12/5/2015 on administering the quality and maintenance of building structures;
- (x) Decree No.16/2016/ND-CP dated 16 March 2016 on the management and use of official development assistance (ODA) and preferential loans by donors;

- (xi) Decree No.75/2012 / ND-CP dated 03/10/2012 detailing some articles of the Law on Complaints
- (xii) Decree No.123/2017/ND-CP dated 14th November 2017 of the Government amending and supplementing a number of articles of the Decrees regulating the collection of land use fees, collection of land rent, water surface rent.

#### **c. Decision**

- (i) Decision No.1956/QD-TTg of November 17, 2009 of the Prime Minister approving the scheme on vocational training for rural laborers up to 2020
- (ii) Decision 63/2015/QD-TTg dated 10 September 2015 on vocational training and job referral policy for labors who are impacted by agricultural land acquisition.

#### **d. Circular**

- (i) Circular No.23/2014/TT-BTNMT dated 19 May 2014 by the Ministry of Natural Resources and Environment regulating land use right certificates, house own right and other land-related assets.
- (ii) Circular No.24/2014/BTNMT dated 19 May 2014 of the Ministry of Natural Resources and Environment regarding the cadastral records.
- (iii) Circular No.25/2014/BTNMT dated May 19, 2014 of MONRE regulating cadastral map.
- (iv) Circular No.28/2014/BTNMT dated 02/6/2014 of MONRE regulating land statistics and inventory and establishing maps on current status of land use.
- (v) Circular 29/2014/BTNMT dated 02/6/2014 of MONRE regulating in details the preparation and adjustment on land use planning;
- (vi) Circular 30/2014/BTNMT dated 02/6/2014 of Ministry of Natural Resources and Environment's on land allocation, lease, change of land use purpose and land recovery;
- (vii) Circular 36/2014/TT-BTNMT dated 30/6/2014 of MONRE on detailed methodology for valuation of land, construction, adjustment for land price, specific valuation of land and consultancy for land valuation.
- (viii) Circular No.37/2014/TT-BTNMT dated 30/6/2014 by Ministry of Natural Resources and Environment providing regulations on compensation, assistance and resettlement when land is acquired by the State;
- (ix) Circular No.76 dated June 16, 2014 of the Ministry of Finance guiding some provisions in Decree No.45/2014/ND-CP on the collection of land use tax;
- (x) Circular No.77 dated June 16, 2014 of the Ministry of Finance guiding Decree No. 46/2014/ND-CP on land rent, water surface rent;
- (xi) Circular 74/2015/TT-BTC dated 15 May 2015 of the MOF guiding preparation of cost estimation, using and settling costs for compensation, assistance and resettlement implementation when land is acquired by the State;
- (xii) Circular No.02/2015/TT-BTNMT dated January 27, 2015 of the Ministry of Natural Resources and Environment guiding in detail some provisions of Decree No.

43/2014/ND-CP and Decree No.44/2014/ND-CP dated 15/5/2014 of the Government;

- (xiii) Circular 07/2014/TT-TTCTP dated 31 October 2014 on procedures for settling complaints and denunciations.
- (xiv) Circular No.333/2016/TT-BTC dated 26/12/2016 to revise Circular No.77/2014/TT-BTC dated June 16, 2014, guiding a number of articles of Decree No. 46/2014/ND-CP dated May 15, 2014 of the Government stipulating the collection of land rents and water surface rents.
- (xv) Circular No.332/2016/TT-BTC dated 26/12/2016 for amending and supplementing a number of articles of Circular No. 76/2014/TT-BTC dated June 16, 2014 of the Ministry of Finance guiding a number of articles of Decree No. 45/2014/ND-CP dated 15 June 2014 by the Government regulating the collection of land use fees.

**e. Decisions of Lai Chau province**

- (i) PPC Decision 33/2014/QĐ-UBND dated 5 November 2014 of Lai Chau PPC Issuing Matters Regarding Compensation, Resettlement, Order and Administration Implementing Compensation, Assistance and Resettlement in Lai Chau Province.
- (ii) Decision No.39/2016/QĐ-UBND dated 28/10/2016 of Lai Chau PPC for determining the level of deduction, contents of spending and levels of spending for the organization of implementation of compensation, support and resettlement when the State acquires land in the province; Decision No. 19/2017/QĐ-UBND dated 17th July 2017 of Lai Chau PPC for amending, editing item 2, Article 3 of Regulations attached in the Decision No.39/2016/QĐ-UBND dated 28th October 2016.
- (iii) Decision No.30/2017/QĐ-UBND dated 14/8/2017 of Lai Chau PPC to issue together with this Decision the compensation unit prices for houses and buildings on land, plants and domestic animals and other assets affixed to land when the State acquires land in Lai Chau province
- (iv) Other regulations for adjustment and amendment of Lai Chau provincial authority.

**f. Law and regulations of the Government of Vietnam pertain to Ethnic Minority Peoples**

- (i) The Constitution of the Socialist Republic of Vietnam adopted on 28 November 2013 recognizes the equality of all ethnic groups under one nation, the right to maintain their unique culture and language as well as the obligation of the State to promote equitable development of the living conditions of ethnic minority. The Constitution defines indigenous people based on the following criteria: (i) a language other than the national language; (ii) has long lived on that land, or has a relationship with that land; and a long-standing social organization; (iii) self-sufficient production system; and (iv) distinct cultural identities and identified as a distinct cultural group recognized by neighboring ethnic groups. Article 5 of Constitution 2013 recognizes the following general principles:
- (ii) The Land Law of 2013 (No.45/2013/QH13) enacted on 10/12/2013 recognizes the right of communities residing together, sharing the same customs and practices or same family line to have land use rights recognized by the State. It also states that such communities have rights to use land compensated for acquired land and non-land assets. The same law states that ethnic minority communities can be allocated or have long term and stable use of agricultural land recognized in order to preserve national identities associated with the traditions and customs of the people. (In the

project affected areas, ethnic minority households tend to have individual rather than collective land use rights).

- (iii) The Government of Viet Nam has issued various policies on ethnic minority development issues, which can be divided into three groups of basic policy solutions, namely, (i) relating to facilitating agricultural settlement for ethnic minority people (ii) relating to facilitating the overall socio-economic development of the ethnic minority people in the uplands; and, (iii) relating to land allocation and land use in upland areas formerly inhabited by ethnic minorities.

## 6.2 ADB Policies and Requirements

- 130. The ADB Safeguard Policy Statement (2009) consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment. The objectives of the IR policy are to: (i) where possible, avoid involuntary resettlement; (ii) explore design alternatives to avoid or reduce impacts; (iii) restore livelihoods and (iv) improve living standards of poor and vulnerable households. The IP policy objectives are to: (i) design and implement projects that foster full respect for IP's identity, dignity, human rights, livelihood systems and cultural uniqueness as defined by IPs themselves; and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them.
- 131. The ADB Policy on Gender and Development (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. The new safeguard policy and requirements also reiterates the importance of including gender issues in the preparation of safeguards documents at all stages to 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 restoration/improvement of their living standards; and to ensure that women will receive project benefits. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (March 2005), and (ii) Accountability Mechanism (2003).
- 132. 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. Moreover, the Policy also applies to involuntary resettlement actions conducted by the borrower/client in anticipation of ADB support.
- 133. Subprojects financed by ADB that are financed by the Government or other sources, 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 displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
  - ii. Carry out meaningful consultations with displaced persons, host communities, and concerned non-government organisations. Inform all displaced persons of their entitlements and resettlement options and ensure their participation in various stages of the subproject especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population.

- iii. 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, 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 physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation 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 subproject 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 head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- vi. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- vii. Ensure that displaced persons without titles to land or any recognisable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- viii. 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.
- ix. Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
- x. Conceive and conduct involuntary resettlement as part of a development subproject or programme. Include the full costs of resettlement in the presentation of subproject's costs and benefits. For a subproject with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the subproject 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 subproject implementation.
- xii. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, 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.
- xiii. In case of Indigenous people/Ethnic Minority population, undertake meaningful consultations with affected EM Peoples communities and concerned EM 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 EM Peoples communities in a culturally appropriate manner. To enhance EM 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 EM Peoples' concern.

- xiv. Ascertain the consent of affected EM Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of EM 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 EM Peoples. For the purposes of policy application, the consent of affected EM Peoples communities refers to a collective expression by the affected indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.
  - xv. Continue consultation with the affected EM Peoples communities during project implementation; specifies measures to ensure that EM 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.
134. Calculation of full replacement cost will be based on the following elements: (i) current market value at the time of compensation; (ii) transaction costs; (iii) interests, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be taken into account when recovering structure, asset of the household, individual or private company. For assets recovered by the organization, the assets formed by the state budget will calculate the depreciated value of assets and structures to compensate. It is expected that qualified and experienced experts will undertake the valuation of acquired assets.
135. Individuals or households without formal legal rights nor recognised or recognizable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

### 6.3 Harmonization of the Vietnamese and ADB policies

136. With the issuance of Land Law 45/2013 and Decree 47/2014 regulating on compensation, assistance and resettlement when land is recovered by the State, the policies the Government have been significantly improved and are becoming more consistent with ADB's social safeguards policies. Nonetheless, provisions and principles adopted in this RP will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Paragraph 51 of the Decree 16/2016/ND-CP (16 March 2016), which regulates the management and use of official development assistance.
137. The comparison and differences (gaps) between the Government of Vietnam's laws and decrees and ADB Safeguards Policy with regard to land acquisition and resettlement as well as ethnic minority peoples, and how to address these gaps for this project are shown in the following table.

**Table 6-1: Matrix of Government National Laws, Province Decisions and ADB Policy**

	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
1	Entity that conducts the valuation of acquired assets	Qualified and experienced experts will undertake the valuation of acquired assets	The provincial-level land administration agency is entitled to hire organizations	Qualified organization(s) will be recruited by the organization implementing site clearance to conduct specific land prices. The determination of specific land price must be based on the investigation, collection of information about land parcels, market land prices and information on land price in land database; based on suitable valuation methods.
2	Compensation for non-land assets and other forms of assistance for those not eligible for compensation for affected land.	Persons who have neither formal legal rights nor recognized or recognizable claims to affected land are not eligible for compensation for land but are to be compensated for non-land assets, such as dwellings, crops, irrigation infrastructure and other improvements to land at full replacement cost provided they occupied the land prior to the project cutoff date for eligibility. <b>(Paras. 8,12 Appendix 2)</b>	The Peoples' Committees of the provinces or centrally-run cities shall consider providing such support on case-by-case basis. <b>(Article 7, Article 251, Decree 47/2014/ND-CP)</b>	APs ineligible on compensation for land that they occupy will be entitled to compensation for non-land assets they own and remaining improvements to or investment on land. For house and other main structures to be deemed ineligible for compensation due to non-compliance with state regulations, evidence of written warnings/ sanctions by relevant authorities to affected persons at or near time of construction is required. If acquired land is not eligible for compensation APs shall be



	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
				<p>considered for other assistance for acquired land to ensure stable living conditions and livelihood development, including</p> <p>(a) Support for stabilizing livelihood and production;</p> <p>(b) Support for training, occupation change and job seeking for cases of recovery of agricultural land from households and individuals directly engaged in agricultural production, or of recovery of land which is a combination between residential land and land for trading and services of households and individuals that have to be relocated;</p> <p>(c) Support for resettlement in case of recovery of land from APs who have to be relocated.</p>

	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
3	House structure, other structures,	<p>Affected structures compensated at full replacement cost for the affected house/ structures and depreciation of structures and assets should not be taken into account  <b>(Para. 10, Appendix 2).</b></p> <p>Houses built on land ineligible for compensation are entitled to be fully compensated provided that such non-land assets are present before the project cut-off date.  <b>(Para. 8, Appendix 2)</b></p>	<p>The Land Law prescribes cases ineligible for compensation for land-attached assets upon land recovery by the State due to being constructed illegally or are created after the notice of land recovery by a competent state agency takes effect.  <b>(Land Law Articles 92, 64 and 65)</b></p> <p>Calculation of compensation for affected houses and other structure may take depreciation in to account.</p>	<p>Affected house and other structures that are legally built will be compensated at replacement cost (specific prices) prescribed by the PPC according to degree of impact (full or partial) with no depreciation and no deduction for salvageable materials.</p> <p>For house and other main structures to be deemed ineligible for compensation due to non-compliance with state regulations, evidence of written warnings/ sanctions by relevant authorities issued to affected persons at or near time of construction is required. In such cases appropriate assistance for vulnerable households will be provided to ensure stable resettlement.</p>
4	Definition of severely affected households losing productive land	<p>Severely affected households are those who will be physically displaced or will lose 10% or more of their productive, income generating assets.</p>	<p>Decree 47/2014 regulating on compensation, assistance and resettlement when land is recovered by the State regulates that severely affected households are those who lose 30% or more of their productive land.</p>	<p>Affected persons who lose 10% or more of their agricultural land will be considered as severely affected households and will provided with additional assistance similar to those losing 30% or more of their land.</p>

	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
5	Unregistered businesses	Promptly compensate all economically displaced persons for the loss of income or livelihood sources at full replacement cost, and assist through credit facilities, training and employment opportunities.	Compensate and support only registered manufacturing and business enterprise or households	Assist affected persons/households who do not fall under registered business by providing assistance in cash or in-kind during transition period at replacement cost.
6	Loss of employment	Compensation for loss of income and assistance to restore income-earning capacity.	Assistance for job disruption for labourers under labour contracts	<p>Persons losing employment with labour contract of non-fixed term entitled to cash assistance equivalent to redundancy pay requirements specified in the Labor Code.</p> <p>Any persons experiencing permanent loss of employment due to loss of at least 10% of productive assets, eligible to participate in the project's livelihood development program. The level and duration of assistance is to be adequate for reasonable expectations for alternative livelihood.</p> <p>Actual loss of employment due to loss of productive assets owned by others (e.g. labourers, employees without labour contract) to be confirmed by local authorities.</p> <p>Entitlement subject to certification from local authorities that affected persons have lost employment due to loss of</p>

	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
				productive assets owned by others (e.g. labourers, employees without labour contract).
7	Assistance for vulnerable groups	Identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. For vulnerable persons and households affected, the resettlement plan will include measures to provide extra assistance so that they can	The Chairperson of the PPC, based on the actual local conditions can determine additional forms of assistance to ensure that those affected by land acquisition have secure settlement, stable living conditions and livelihoods as well as equity. <b>(Decree 47/2014 Article 25)</b> The Land Law provides for exemption from and reduction of land use levy or land rental for poor households and ethnic minority peoples in certain circumstances. <b>(Land Law 2013 Article 110)</b>	Vulnerable APs to comprise the following groups: Female-headed households with dependents; Disabled household heads; Households falling under the generally accepted indicator for poverty; Children and elderly households, solitary and helpless; Ethnic minorities; Landless households. (As defined in detail below <sup>2</sup> .) Entitled to participate in project livelihood development program.

<sup>2</sup>Vulnerable Groups Definition/Criteria:- (a) Female-headed households with dependents (Poor widow, with children under 16 years of age, breadwinner, or husband in poor health); (b) Disabled household heads (Head of household with disability who has difficulty in working. Type of disability includes: disability caused by sickness/accident, wounded soldier, Agent Orange victims); (c) Households falling under the generally accepted indicator for poverty (Should have Certificate of Poor Household issued by DPC and includes poor and near poor); (d) Children and elderly households, solitary and helpless (Headed by children 16 years old and below, as per GOV law on Children Care and Protection, with certification of CPC; Headed by elderly, 60 years and older, as per GOV law on elderly care); (e) Ethnic minorities (Husband and/or the Wife are/is ethnic minority or Family Book specified that the household belongs to the ethnic minority household. Includes ethnic minority households (i) still being involved in traditional/shifting farming, subsistence agriculture or communal forest activities; or (ii) living in areas considered as having hard conditions; or (iii) living in a community still governed by traditional (*gialang*) patriarchs.; (f) Landless households (Includes households without LURC or not eligible to get LURC or rural households who lost all their productive land or left with productive land which is below the average productive land in the area -i.e. no longer viable).

	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
		improve their incomes in comparison with pre-project levels.		
8	Disclosure	Inform all displaced persons of their entitlements and resettlement options. Disclose draft and updated resettlement plans in an accessible place and a form and languages understandable to affected persons and other stakeholders.	<p>Before issuing a decision on land recovery, at least 90 days prior to the recovery of agricultural land and 180 days prior to the recovery of non-agricultural land, competent State agencies shall notify the land users of the land recovery. The contents to be notified include the recovery plan, investigation, survey, measurement, and inventory.</p> <p><b>(Land Law Article 67 Clause 1)</b> Land recovery notices shall be published on the local mass media, posted up at head offices of commune-level People's Committee, at public places of residential areas of which land is recovered, must be sent to every land user whose land is recovered, publicized in the meetings with people in the recovered area.</p> <p><b>(Land Law Article 69 Clause 1 Point a).</b> Organizations responsible for compensation and site clearance who are assigned by the provincial-level</p>	<p>Some additional requirements in ADB SPS on disclosure of draft and final resettlement plans. In addition to information dissemination and disclosure requirements under Government regulations, the following additional disclosure arrangements shall be applied:</p> <ul style="list-style-type: none"> <li>• ADB will publically disclose the agreed draft and final versions of RP as well as monitoring reports related to the implementation of the RP on its website.</li> <li>• Key elements of the draft and final RP will be disseminated to affected persons and their communities in the form of a public information brochure, which is also publically posted at the local Commune/Ward Peoples Committee Office.</li> <li>• Translated versions of the agreed draft and final RP shall be made available at the local Commune/Ward People's</li> </ul>

	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
			<p>People's Committees and district-level People's Committees for resettlement arrangement shall notify persons having land acquired and those who have to be relocated about the proposed relocation arrangement plan and post the plan at the offices of the commune-level People's Committee, at public places of the residential areas and at resettlement areas for at least 15 days before competent state agencies approve the plan.</p> <p>The contents of the notice shall include the location, size of the land fund, resettlement fund, design, area of each land parcel, apartment, land price, resettlement house price; proposed resettlement arrangement for people whose land is acquired.</p> <p><b>(Clause 1, Article 86 of the Land Law 2013).</b></p>	Committee as well as District People's Committee offices for public access.
9	Ethnic Minority Peoples	Undertake a social impact assessment to assess potential project impacts, both positive and adverse, on Ethnic Minority Peoples and develop measures to avoid, minimize, and/or mitigate adverse impacts.	<p>Exemption from and reduction of land use levy or land rental may be applied in the following cases:</p> <p>To use land for implementation of policies for house and land for people contributed to the revolution; poor</p>	Some additional requirement in ADB SPS to assess and mitigate project impacts on ethnic minority communities and to ensure culturally appropriate means of consultation and participation.

	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
		<p>Undertake meaningful consultations with affected Ethnic Minority Peoples communities and concerned Ethnic Minority Peoples organizations to solicit their participation in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects.</p> <p><b>(Principles 2 Indigenous Peoples Safeguards)</b></p> <p>The borrower/client will explore to the maximum extent possible alternative project designs to avoid physical relocation of Ethnic Minority Peoples that will result in adverse impacts on their identity, culture, and customary livelihoods.</p> <p><b>(Para 33, Appendix 2)</b></p>	<p>households; EM individuals/ households in areas with particularly difficult socio-economic conditions, border areas and islands; To use land for the construction of social houses according to the regulations of law on house, residential land for displaced persons when the State recovers land due to the threat to human life; To use agricultural land for EM households and individuals.</p> <p><b>(Points b and c, Art. 110 of the Land Law 2013).</b></p> <p>The State may allocate or recognize long term and stable use of agricultural land by ethnic minority communities to preserve national identities associated with the traditions and customs of the people.</p> <p><b>(Land Law 2013, Articles 125 and 131).</b></p> <p>Households and individuals of ethnic minorities using allocated land under the support policies of the State may transfer or donate land use rights after 10 years from the date of issuance of the decisions on land allocation in</p>	<p>The project design and implementation will aim to avoid or minimize impacts on the communities. Project aspects, which pose risks or have negative impacts, will be mitigated in consultation with local communities.</p> <p>Assets including land and structures of the affected ethnic minority communities will also be compensated at replacement cost regardless of tenure status of these affected assets. Consultations will be undertaken with ethnic minority communities in a culturally appropriate manner in forms and means best suited to the local conditions.</p> <p>Resettlement arrangements will be undertaken in a way to ensure social and cultural networks and maintained. Additional benefits for ethnic minority peoples as prescribed by Government regulations shall be applied.</p>

	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
			accordance with the Government's regulations. <b>(Land Law 2013, Article 192)</b>	
10	Gender	Pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. <b>(Para 18, Appendix 2)</b>	In case land use rights, or land use rights and the ownership of houses and other land- attached assets, or the ownership of houses and other land- attached assets are) is the joint property of husband and wife, the full names of both husband and wife must be recorded in the certificate of land use rights and ownership of houses and other land-attached assets, unless husband and wife agree to record the full name of only one person. <b>(Land Law 2013, Article 98)</b>	The following gender sensitive measures shall be included in the design and implementation of the RP: <ul style="list-style-type: none"> <li>• Women to be included in consultations as described elsewhere in the gap matrix;</li> <li>• Composition of the DCARB to include representatives of the Women's Union;</li> <li>• Compensation to be provided to both spouses;</li> <li>• New land titles or registration of new assets to be in the names of both spouses jointly residing in the same household as specified in national regulations;</li> <li>• Special attention will be paid to the needs of vulnerable female-headed households in relocation and livelihood development.</li> </ul>



## Chapter 7 - Entitlements

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138. This section sets out the entitlements to compensation and assistance based on type of impact experienced by affected persons and according to eligibility criteria. The Entitlement Matrix below is based on an assessment of anticipated impacts and the project policy presented in the above section which incorporates Government legislation, decision and policies as well as ADB Safeguards Policy Statement requirements. The forms of compensation and assistance set out in the Entitlement Matrix are aimed at fully mitigating project impacts resulting from land acquisition and providing conditions for poor and vulnerable affected persons to improve their living standards compared to pre-project levels.
139. The scope of eligibility under this resettlement plan covers those affected by land acquisition or restricted land use as a direct result of the project. This includes, but is not limited to, those whose land is acquired for the project civil works needs as well as those whose land may be acquired for preparation of resettlement site plots.
140. To be eligible for compensation and assistance, the affected person and their affected assets need to be present in the affected area prior to the project cut-off date. The cut-off date for eligibility for compensation will be the date that notice of land recovery takes effect.
141. Those affected households splitting from the large families after the cut-off-date who meet the following conditions will be eligible for resettlement benefits:
- Households splitting from a family with minimum of two couples and having minimum of six persons; and
  - Endorsement by the District/commune authority, with verification of Commune People's Committee that the household has split.
  - Newly born children, spouses of persons named in the household registration books, people who have completed military service, and people who have just returned from schools to live with the affected households prior to the cut-off date will be entitled to the compensation and support measures for life stabilization.
142. The Entitlement Matrix will be reviewed and updated as needed during the process of updating the resettlement plan after the detailed measurement survey is conducted. The entitlement standards presented below may be improved if needed, but will not be lowered.

**Table 7-1: Entitlement Matrix**

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
I.1	Agricultural Land (164 HHs)		AH with LURC or in the process of acquiring it; those who are eligible to acquire LURC.	Cash compensation for affected land at full replacement cost, free from taxes and transaction costs.  Bonus for timely handing over of land of VND300/m2.	If the remaining portion of land is not viable for continued use, either due to remaining area being not economically viable for farming or due to irregular shape, the AP may opt to be compensated for the entire plot. The Project owner of land acquisition subproject will hire organization “having consultancy functions on the determination of specific land prices” <sup>3</sup> . An independent professional and legal appraiser shall be mobilised to appraise the replacement cost of the affected land. The determination of specific land price must be based on the investigation, collection of information about land parcels, market land prices and information on land price in land database; based on suitable valuation methods If house built on affected land and land is not residential land, APs can choose between 2 options for basis of calculating compensation: (i) land compensated as per registered land use purpose; or (ii) request that the land be compensated as residential land (within the quota of allocation of residential land in the locality where the land is recovered) and APs will pay for the financial obligations associated with the

<sup>3</sup> As required under Article 114 Land Law

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
					land use purpose change. Where people who have acquired land arranged for resettlement, the compensation and support money is not enough to purchase a minimum resettlement plot, they will be assisted enough money to purchase a minimum resettlement plot. The level of support as regulated by Provincial People's Committee. (Land Law 2013, Article 86, Clause 4). For partially affected plots of land, adjustment will be made to LURC at no cost to the AP.
I.2			AH with no LURC and those who are not eligible to acquire LURC.	No compensation for affected land, but entitled to cash assistance equivalent to value of remaining improvements on affected area and entitled to other forms of assistance, including livelihood development assistance.	Chairman of the provincial People's Committee can decide to support other measures under paragraph 2 of Article 4 and Article 25 Government Decree No. 47/2014/ND-CP.
I.3			AH with lease agreement over the affected land with authorized state agency.	No compensation for affected land, but entitled to cash compensation equivalent to value of remaining investment on affected area.	The DPC will assist the AP to identify alternative state land, if such is available.
II.1	Non-agricultural / residential land (266 HHs)	Marginal or severe loss of non-agricultural/ residential land.	AH with LURC or in the process of acquiring it; those who are eligible to acquire LURC.	Cash compensation for affected land at full replacement cost, free from taxes and transaction costs.	Compensation at full replacement cost will be determined through a replacement cost study. An independent professional and legal appraiser shall be mobilised to appraise the replacement cost of the affected land. For partially affected plots of land, adjustment will be made to LURC at no

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
					<p>cost to the AP.</p> <p>Eligibility criteria for compensation for affected land set out in Land Law Article 75, 77, 129.</p> <p>If house built on affected land and land is not residential land, APs can choose between 2 options for basis of calculating compensation: (i) land compensated as per registered land use purpose; or (ii) request that the land be compensated as residential land (within permitted maximum areas for residential land) and AP will pay for the administrative and tax costs associated with the land use change.</p> <p>Where people who have acquired land arranged for resettlement, the compensation and support money is not enough to purchase a minimum resettlement plot, they will be assisted enough money to purchase a minimum resettlement plot. The level of support as regulated by Provincial People's Committee. (Land Law 2013, Article 86, Clause 4).</p>
II.2			AH with no LURC and those who are not eligible to acquire LURC (squatter/encroacher);	No compensation for affected land, but entitled to cash assistance equivalent to value of remaining improvements <sup>4</sup> on affected land.	Chairman of the provincial People's Committee can decide to support other measures under paragraph 2 of Article 4 and Article 25 Government Decree No. 47/2014 / ND-CP
II.3			AH with lease agreement over the	No compensation for affected land, but entitled to cash	

<sup>4</sup> Examples of remaining improvements to land include things such as earth canals, land contours and dykes that are still existing and functional.

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
			affected land with authorized state agency.	assistance equivalent to value of remaining improvements <sup>5</sup> on affected area.	
III.1	Agricultural land used for public purposes (12 CPCs)	Loss of any agricultural land used for public purposes	People's Committee of locality managing the affected land.	Cash compensation for affected land according to land type at full replacement cost, free from taxes and transaction costs.	Decree 47/2015 Article 24 states that compensation is to be used for communal infrastructure and local public interest.
IV.1	House structure. (48 HHs)	Marginally affected (unaffected portion of house / structure is still viable for use), or structure fully affected but can rebuild on remaining portion of affected land and no relocation is required.	Structure owners with or without acceptable proof of ownership of land; with or without building permit	<p>For partially affected houses :</p> <p>(i) For affected portion, cash compensation at full replacement cost with no depreciation and no deduction for salvageable materials.</p> <p>(ii) Repair allowances equivalent to actual cost of restoration.</p> <p>For fully affected houses :</p> <p>(i) assistance for relocating water pipeline (VND 2,000,000/ household); or digging well (VND 3,000,000/ household)</p> <p>(ii) assistance for relocating telecommunication cable (VND 1,000,000/ household);</p> <p>(iii) assistance for relocating electric line (VND 1,000,000/ household); and</p> <p>(iv) assistance for customary house moving rituals/ procedures (VND 500,000/household)</p>	For cases of fully affected houses where the remaining area is not on residential land, but is eligible for new building license, the PPC/DPC will favourably consider AH application to change land use purpose to residential land and for new building license. All fees for LURC granting will be covered by the Project.

<sup>5</sup> Examples of remaining improvements to land include things such as earth canals, land contours and dykes that are still existing and functional.

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
				<p>Households with fully affected houses provided with the following assistance while the new house is being rebuilt on residual land:</p> <p>(i) Material transport allowance ; and  (ii) Rental assistance for those without alternative housing for a period of five months while replacement housing is being constructed.</p> <p>Bonus if encumbrances removed in timely manner:  VND4,000,000/household if removing before 30 days of required date;  VND3,000,000/household if removing before 15 days of required date;  VND2,000,000/household if removing before 5 days of required date;  VND1,000,000/household if removing on the required date;</p>	<p>- Material transport allowance rates set out in PPC decisions.  - Rental assistance to be provided according to family size and for period to cover the gap between when the AH receives compensation and reasonable period to obtain alternative land and construct house. The monthly rates are :  1 person household: VND800,000;  2-4 person household: VND1,500,000;  5 or more person household: VND1,800,000;</p>
IV.2(c)			Renters registered in the locality.	<p>(i) No compensation for affected house;  (ii) Entitled to purchase resettlement site plot provided by state</p>	<p>Eligible for receiving a relocation land plot under provision at Clause 1 and 2, Article 79, Land Law 2013 (No. 45/2013/QH13).  All affected persons, including renters, will be given advance notice of intention</p>

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
					for land recovery at least 6 months in advance of displacement.
V.1	Other non-land assets (389 HHs)	Secondary structures	Owners of structures with or without acceptable proof of ownership of land.	Cash compensation / assistance at full replacement cost with no depreciation and no deduction for salvaged materials.	
V.2		Trees, crops, aquaculture products	Owners, regardless of land tenure status	<p><b>Annual crops:</b> Cash compensation equivalent to the market price of affected annual crops at the time of recovery.</p> <p><b>Perennial trees:</b> Cash compensation at replacement cost based upon their type, age and productive value.</p> <p><b>Aquaculture produce:</b> If cannot be harvested at time of land acquisition, cash compensation at the market value of the products in the locality.</p>	
V.3		Graves	Owners of grave / tomb with or without acceptable proof of ownership of land in which they are located.	<p>Allocation of new burial plot and cash compensation for cost of exhumation, transfer and construction of new grave along with other reasonable directly related costs.</p> <p>Graves / tombs to be exhumed and relocated observing traditional custom and culture of AH.</p>	Relocation of graves will be closely consulted with the affected households and reflected in the consultation feedback
VI.1	Income loss due to loss of agricultural land (164 HHs)	AH losing agricultural land. (if losing less than	AH directly engaged in farming on the affected land; with LURC or in the process of acquiring	<p>(i) Occupational change assistance:</p> <p>(i) Occupational change assistance:</p>	<p>Area counted for assistance for occupational change assistance not to exceed the permitted maximum area in the locality.</p> <p>This entitlement is not applicable for</p>

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
		10%)	it.	<p>- cash assistance 4 times (02 season crop) and 3.5 times (01 season crop) the value of the affected paddy land ; 3 time the value of the affected annual crop land, perennial crop land and forest land. The specific amount of assistance is determined by the locality of the affected land as set out in PPC Decisions.</p> <p>(ii) Stabilization assistance: Cash assistance equivalent to the value of 30% of the value of the land acquired.</p>	those who receive land for land compensation for affected land.
VI.2		AH losing 10% or more of agricultural land.	AH using the affected land with LURC or in the process of acquiring it; those who are eligible to acquire LURC.	<p>(i) Occupational change assistance:</p> <p>- cash assistance 4 times (02 season crop) and 3.5 times (01 season crop) the value of the affected paddy land ; 3 time the value of the affected annual crop land, perennial crop land and forest land. The specific amount of assistance is determined by the locality of the affected land as set out in PPC Decisions.</p> <p>(ii) Entitled to participate in project livelihood development program.</p> <p>(iii) Assistance for provision of agricultural production inputs in form of planting materials, fertilizers, appropriate technology, etc. based on government and PPC programs and policies.</p>	<p>Area counted for assistance for occupational change assistance not to exceed the permitted maximum area in the locality.</p> <p>This entitlement is not applicable for those who receive land for land compensation for affected land.</p> <p>Decree 47/2014 Articles 20,21</p> <p>Cash assistance equivalent to the value of 30% of the value of the land acquired based on Item 10, Article 22, Decision 33/2014/QĐ-UBND.</p>



	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
				<p>(iv) <b>Stabilization assistance:</b>  Cash assistance equivalent to 30kg rice per household member per month for the following periods:  - Those losing from 10% up to 30%:  + 3 months if not required to relocate;  + 6 months if required to relocate;  + 12 months if required to relocate to location with difficult socio-economic conditions.  OR  Cash assistance equivalent to the value of 30% of the value of the land acquired;  - Those losing from 30% up to 70%:  + 6 months if not required to relocate;  + 12 months if required to relocate;  + 24 months if required to relocate to location with difficult socio-economic conditions.  - Those losing 70% or more:  + 12 months if not required to relocate;  + 24 months if required to relocate;  + 36 months if required to relocate to location with difficult socio-economic conditions.</p>	<p>Rice price for assistance calculated based on the price announced by the Provincial Department of Finance at the time of compensation.</p> <p>APs losing from 10% up to 30% of their affected land will receive the higher of the two forms of stabilization assistance: either (a) stabilization assistance equivalent to 30kg of rice per household member for the specified periods OR (b) cash assistance equivalent to 30% of the value of the acquired land.  Cash assistance equivalent to the value of 30% of the value of the land acquired based on Item 10, Article 22, Decision 33/2014/QĐ-UBND.</p>
VI.3		AH losing	AH using the affected	Entitled to participate in project	

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
		10% or more of agricultural land.	land with no LURC and those who are not eligible to acquire LURC.	livelihood development program.	
VII	Income loss due to impacts on other productive assets (73 HHs)	Permanent loss of income from existing business	Owners of relocating business / shops	(i) Production stabilization assistance equivalent to 30% of average annual net income after tax, based on income level of 3 consecutive years that is confirmed by the local tax office	In accordance with Clause 4, Article 19 of Decree 47/2014/ND-CP promulgating the conditions for being provided living stabilization assistance. In the absence of the tax document, the income loss will be based on the minimum wage in the project area for 4 months.
				(ii) Material transportation allowance equivalent to actual cost of dismantling, moving and re-installing their facilities	
			Owners of business / shop combined with house that is required to relocate (e.g. house-cum-shop)	(iii) Entitled to participate in project livelihood development program.	In accordance with Article 21 Decree 47/2014/ND-CP. In addition to entitlements (i) and (ii) above.
		Temporary loss of income (for example businesses, shops temporarily affected).	Owners of business / shop combined with house must suspend business due to the project.	Support for lost income equivalent to net income during business interruption for rebuilding or reorganization.	Business interruptions period will be estimated during the detailed measurement survey.  Support level is decided by the PPC which will determine a reasonable period of support for period of disruption and time required for rebuilding and reorganizing. The total income loss will be determined on the basis of the average annual income after tax, based on the three-year consecutive income

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
					level confirmed by the local tax office. In the absence of the tax document, the income loss will be based on the minimum wage in the project area.
VIII	Higher risk of impoverishment of vulnerable affected persons due to land acquisition and resettlement impacts. (186 HHs)		Vulnerable APs Female-headed households with dependents; Disabled household heads; Households falling under the generally accepted indicator for poverty; Children and elderly households, solitary and helpless; Ethnic minorities; Landless households; and Policy Households.	(i) Entitled to participate in project livelihood development program.	Vulnerable households who are identified between the time of DMS until the time of LDP implementation will be entitled to participate in the livelihood development program.
				(ii) Assistance for provision of agricultural production inputs in form of planting materials, fertilizers, and appropriate technology and training.	Assistance to be detailed in livelihood development program in updated RP. Incremental levels of support will be provided to those with multiple vulnerability factors (such as being ethnic minority and poor).
				(iii) Cash assistance equivalent to : - 3mil/HH for poor HH ; - 3mil/HH for Vietnam Heroic Mother HH, War Invalids HH (injury level at 81%); Martyrs HH; people with meritorious services to the Revolution...; - 2mil/HH for War Invalids HH (injury level from 20% - 80%); - 1 mil/HH for social policy benefited households who have to relocate	
IX	Affected public facilities / communal assets (12		Telecom owners, Irrigators Association, Community assets, etc.	Compensation, replacement, restoration or relocation of affected assets funded under the	Agency/unit performing compensation, support and resettlement will carry out work related to the cost estimate to submit to the competent authority for

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
	CPCs and 03 district level electric companies, 03 district level telecom companies)			RP.	appraisal, approval and payment to the managing unit of the affected structure/work.
X	Other assistance measures under the jurisdiction of PPC		Household, individual or organization	Based on the actual local situation, the Chairman of the PPC will make a decision on other assistance measures to ensure the stable residence, stable living conditions, and production for those whose land is acquired as per request of the DONRE.	DONRE will chair in collaboration with the Departments and District Agencies to agree on other assistance measures and submit them to the PPC for its review and decision.
XI	Impacts during civil works.	Impacts on assets caused during construction	Owners of affected assets.	<p>Compensation of losses or impacts by the contractor consistent with principles set out elsewhere in this entitlement matrix.</p> <p>Full restoration of temporarily affected land by the contractor. In the event that such affected land is not restored to pre-impact conditions, the affected person will be entitled to compensation by the contractor for the extent of the irreparable damages to the affected land.</p>	<p>These impacts include land and non-land assets, livelihood or residence resulting from temporary land occupation or use during civil works or other unanticipated impacts of the contractor. Such impacts are the responsibility of the contractor and the contractor is responsible for any associated costs. These responsibilities of the contractor are to be set out in the Environment Management Plan for the project. The contractor must inform the PMU of any new IR impacts occurring during construction. Construction Contractors are responsible to compensate to all the impacts caused during civil works. Payment for the contractors may be withheld until compensation is fully made</p>

	Type of Loss	Application	Eligible AP	Project Entitlement Policy	Implementation Issues
					to the impacts that emanated during civil works.
XII	Unanticipated involuntary resettlement impacts		Eligible affected persons.	Entitlements will be prepared in accordance with the ADB Safeguard Policy Statement and applicable national laws and regulations (including requirements for preparation of corrective action plan and other related documents to ADB review and approve).	Entitlements to be prepared in such circumstances are subject to approval of the Borrower (Ministry of Transport) and concurrence by ADB.

## Chapter 8 - Relocation Strategy

### 8.1 Summary of Impacts

143. Relocation of housing is not expected for this project. There are five totally affected houses – all located in Tam Duong District and which belong to ethnic minority groups. These five households have sufficient remaining land upon which to rebuild their houses.

**Table 8-1: Degree of Impact on Housing and Residential Land**

District/ Commune	Totally affected House		Sufficient Residual Land to Rebuild	
	HH	Area	Yes	No
<b>Than Uyen district</b>	-			
Phuc Than	-			
<b>Tan Uyen district</b>	-			
Tan Uyen town	-			
Phuc Khoa	-			
Pac Ta	-			
Than Thuoc	-			
Trung Dong	-			
<b>Lai Chau City</b>	-			
San Thang	-			
Dong Phong ward	-			
<b>Tam Duong district</b>	<b>5</b>	<b>1,490</b>	<b>5</b>	<b>-</b>
Ban Giang	-	-		-
Ban Bo	4	952	4	-
Ban Hon	1	60	1	-
Na Tam	-	-		
<b>Total</b>	<b>5</b>	<b>1,490</b>	<b>5</b>	<b>-</b>

### 8.2 Assistance to be provided

144. Entitlements to assist households that have fully affected houses that can be rebuilt on remaining land include:

- compensation for affected land and house at replacement cost;
- site preparation assistance
- rental assistance during the time the house is being rebuilt; and
- material transport assistance for household goods.

145. If, the land upon which the house is to be built is agricultural land, favourable consideration will be given to convert the land use purpose to residential land use and the household will be exempted from administrative fees and taxes associated with change of purpose of land use to residential land.

# Chapter 9 - Livelihood Restoration Strategy

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## 9.1 Objectives of Livelihood Restoration Strategy

146. Households experiencing significant loss of productive resources are expected to face challenges in restoring their livelihoods, income generating capacity and living standards. For ethnic minority households and vulnerable households, there is an opportunity within the project to contribute to improving living standards. The purpose of the Livelihood Development Program (LDP) is to assist severely affected to restore their income generating capacity to at least pre-project levels. For vulnerable households, the LDP is also aimed at improving their living standards.
147. The project's livelihood development strategy has been prepared based on a preliminary assessment of affected households needs, review and capacity assessment of existing state programs, including strengths and gaps in addressing the livelihood needs of these households within the project timeframe. The LDP strategy also draws on good practices drawn together through ADB technical assistance to Vietnam Expressway Corporation "Sharing Good Practice and Lessons Learned on Livelihood Development Programs from Expressway Projects in Vietnam"<sup>6</sup>. The main approach of the LDP will be to build on existing state programs in rural livelihood development to strengthen capacities amongst affected households so that they can effectively invest their compensation and assistance money in combination with other forms of support from the project. The strategy presented below will be updated and refined in to a detailed livelihood development program during updating of the resettlement plan.

## 9.2 Summary of Beneficiaries

148. Beneficiaries of the livelihood development program are severely affected households and those considered as vulnerable. For the purpose of the livelihood development program, severely affected households include those losing 10% or more of their agricultural land or other productive resources and those required to relocate (including households with fully affected houses to be rebuilt on residual land). Also, the impacts of land acquisition may fall disproportionately on those considered vulnerable households who may face greater challenges in restoring their living condition. Vulnerable households include (a) female-headed households with dependents; (b) disabled household heads; (c) households falling under the generally accepted indicator for poverty; (d) children and elderly households, solitary and helpless; (e) ethnic minority households still being involved in traditional/shifting farming, subsistence agriculture or communal forest activities or living in areas considered as having especially hard conditions; (f) landless households; and Policy Households.
149. There are 73 affected businesses. Fourty of these are associated with affected houses, with the business being either located in the house (12 house-cum-shops) or the household business is conducted immediately in front of the house. The latter are mostly small-scale trading conduct under the eaves of the house. In addition, there are 33 roadside traders affected. These cases typically operate from moveable tables and stands.
150. The impacts are expected to be temporary in nature. As all impacts on houses are partial with no relocation required, the 40 households with businesses associated with affected houses are anticipated to be able to recommence their businesses once

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<sup>6</sup> Sub-project under TA-7566 REG: Strengthening and Use of Country Safeguard Systems

their houses are repaired and business space rearranged. Impacts on roadside vendors are likewise expected to be temporary. During updating of the resettlement plan, detailed consideration will need to be given to reorganizing sites for their continued trading while roadworks are ongoing.

### 9.2.1 Participation Eligibility Approach

151. Eligibility to participate in the LDP is based on an incremental needs-based approach. Entitlement factors are being: (i) severely affected; (ii) ethnic minority; and (iii) being a vulnerable household. An affected household would accrue a LDP participation entitlement for each factor. For example, a household that is severely affected but not vulnerable would accrue one participation entitlement. An affected ethnic minority household would accrue one entitlement. However, a household that is both severely affected and vulnerable would accrue two participation entitlements. In this way, locations and households with greatest impacts and needs would receive more benefit.
152. A preliminary assessment of severely affected and vulnerable households was undertaken as part of preparing the draft resettlement plan through the IOL. Out of a total of 389 affected households, 20 are expected to be severely affected by loss of productive land, 171 are ethnic minorities and 15 are estimated to be vulnerable. The number of household participation entitlements would therefore be 206. However, at this stage this number is indicative and will be assessed in more detail and updated during the updating of the resettlement plan. The indicative numbers of severely affected and vulnerable households who would be eligible to participate in the LDP are presented below.

**Table 9-1: Estimate of Livelihood Development Program Participants**

District/ Commune	AHs	LDP Participation Entitlement			
		Losing >10% Agricultural Land	Vulnerable Households (not including Ethnic Minority Households)	Ethnic Minority Households	Total
<b>Than Uyen district</b>	<b>41</b>	<b>3</b>	<b>1</b>	<b>11</b>	<b>15</b>
Phuc Than	41	3	1	11	15
<b>Tan Uyen district</b>	<b>168</b>	<b>6</b>	<b>9</b>	<b>22</b>	<b>37</b>
Tan Uyen town	42	1	5	0	6
Phuc Khoa	42	2	2	0	4
Pac Ta	35	2	1	12	15
Than Thuoc	38	1	1	5	7
Trung Dong	11	0	0	5	5
<b>Lai Chau City</b>	<b>38</b>	<b>2</b>	<b>5</b>	<b>8</b>	<b>15</b>
San Thang	18	1	2	7	10
Dong Phong ward	20	1	3	1	5
<b>Tam Duong district</b>	<b>142</b>	<b>9</b>	<b>0</b>	<b>130</b>	<b>139</b>
Ban Giang	61	2	0	46	48
Ban Bo	23	2	0	19	21
Ban Hon	38	2	0	35	37
Na Tam	20	3	0	30	33
<b>Total</b>	<b>389</b>	<b>20</b>	<b>15</b>	<b>171</b>	<b>206</b>



## 9.3 Livelihood Development Program

### 9.3.1 Monetary and Material Assistance

153. Various forms of monetary and material assistance will be provided to APs whose livelihoods are affected simultaneously with payment of compensation or soon thereafter. The scale of the cash assistance received is generally commensurate with the scale of the impact experienced. Details regarding eligibility criteria are set out in the entitlement matrix.
- Stabilization assistance: APs losing 10% or more of agricultural land will receive cash assistance equivalent to 30kg rice per household member per month for the following periods:
    - ü Those losing from 10% up to 70%: 6 months if not required to relocate or 12 months if required to relocate, or 24 months if required to relocate to location with difficult socio-economic conditions.
    - ü Those losing 70% or more: 12 months if not required to relocate, or 24 months if required to relocate, or 36 months if required to relocate to location with difficult socio-economic conditions.
  - Occupational change assistance: Those losing agricultural land will receive cash assistance from **1** to **5** times the value of the affected land. The specific amount of assistance is determined by the locality **and type** of the affected land.
  - Agricultural inputs: APs losing agricultural land will receive assistance for provision of agricultural production inputs in form of planting materials, fertilizers, appropriate technology, etc. based on government and PPC programs and policies.
154. These forms of assistance contribute to the means for APs to restore their income generating capacity. However, without relevant skills, organization and focused effort to reinvest their compensation and assistance appropriately there is a risk that these funds will eventually be depleted without having achieved their objective of restoring living standards in the long term.

### 9.3.2 Review of Main Existing State Programs in Livelihood Development

155. The Department of Labour, War Invalids and Social Affairs and the Department of Agriculture and Rural Development have well established training programs specifically aimed at improving rural livelihoods through training and extension in local communities. Below is a summary of their programs, together with some noted constraints.

#### 9.3.2.1 Department of Labour, War Invalids and Social Affairs (DOLISA)

156. DOLISA currently provides vocational training and employment referral services. Vocational training consists of both agricultural and non-agricultural vocational training delivered through its vocational training centres (provincial centre and District Towns) as well as outreach training in rural communes. Outreach training is based on Government priorities, needs and demands of would-be trainees. Government priorities include ethnic minorities and those affected by land acquisition. For outreach training, there is a requirement that the locality has a venue for training and opportunities for hands-on training. Agricultural skill training includes such production skills as husbandry, fruit production, forestry and increasing productivity of existing farm practices. Trainers are sourced from related centres or agencies with the required expertise in the province.
157. While DOLISA's training program has made significant contributions to improving human capital, a number of factors still pose constraints. A common observation

amongst local leaders in the affected areas is that training in non-agricultural skills for those residing in more remote rural areas faces challenges being applied in local communities if local demands and opportunities for that service are not taken in to consideration. Other factors noted as limiting the extent of successfulness of these vocation training measures include: length and scope of training provided; vocational equipment/tools beyond the basics provided as part of training; trainee knowledge about either local markets for produce or labour market for vocational skills; limited availability or investment of capital to make new forms of production viable; and support provided to trainers (e.g. costs for travel and in some cases accommodation).

### 9.3.2.2 Department of Agriculture and Rural Development (DARD)

158. DARD's Extension Centre provides ongoing agricultural extension services in rural areas through establishing models, provision of training and support from local extension cadre. The extension programs include improving productivity of existing farming practices; training in new techniques for similar type of farming practices (e.g. introduce other annual cropping practices for those producing rice); and animal husbandry. DARD has extension stations in the district centres as well as extension cadre stationed in each commune. In determining the types of models to develop and training to be provided the Centre assess viable options for locality based on natural conditions, results of needs and preferences assessment as well as directions from central/provincial levels or on agreement with external development agencies. Prior to training the Centre makes clear to the participants their roles and responsibilities as well as commitments regarding their contributions. Assistance provided to trainees by the Extension Centre include seeding stock (seedlings, piglets, etc) (100% subsidized); fertilizer and pesticides (50% subsidized); starting food and medicine for husbandry (100% subsidized); and travel fee assistance. The Extension Centre has a long-standing practice of collaborating with DOLISA on training. The Centre provides short training inputs (typically 3-4 days) to DOLISA's training programs (which typically last considerably longer – such as 3 months), extension cadre provide post-training follow up support and monitoring of DOLISA's training. Funds for such collaborative engagement are sourced from DOLISA's "new countryside" program (nong thon moi).
159. Some challenges and constraints noted in applying extension assistance in a sustainable manner include: insufficient length of training for some leads to stock (e.g. pigs) being raised according to traditional methods; too small scale of production of new skill (e.g. husbandry) to make it viable due to insufficient capital or investment on the part of the trainees; lack of reinvestment on the part of the trainees to sustain the improvements or new techniques.

### 9.3.3 Livelihood Development Program Approach

160. The approach of the LDP strategy is to utilize and build on existing capacities and programs as well as AP resources. The LDP will complement existing services with supplementary support along with capacity and institutional strengthening to focus efforts on meeting the project objectives. The main elements of the livelihood development strategy are:
  - **Consultation, information dissemination and needs assessment.** APs will be provided detailed information on the LDP from early in the preparatory stages of the detailed LDP and will be consulted on preferences and LDP design. Information dissemination will include counselling on effective use of compensation and assistance money, the requirement for AH contribution, ongoing programs as well as benefits, challenges and risks of various livelihood options. A detailed needs assessment of eligible APs will inform the design of the detailed LDP.

- **The LDP will consist of training, model development, ongoing mentoring and monitoring combined with AP contributions.** Where appropriate, support will be provided to enable APs to organize and collaborate. Priority will be for training to be provided in local communities and be suited to local conditions and likelihood of success. APs will also be able to avail of vocational training in existing training centres in lieu of locally based training if they prefer this. Training in non-agricultural vocational skills should be based on a realistic understanding of where and how to make a living from the skill. Training in rural livelihoods will incorporate use of models – either existing in the local area or newly developed. The LDP will provide support to models to promote their effectiveness and sustainability. Model owners will be incorporated in the training and mentoring regime of the LDP to promote sustainability of training outcomes. Training will include modules on financial management.
- **Livelihood development activities will be delivered through DOLISA and DARD.** These organizations have existing ongoing programs in the project areas as well as an ongoing presence. Both are experienced in providing outreach training programs and establishment of models. DARD has permanent extension services which extend to the commune level. DOLISA and DARD will take the lead in establishing an effective LDP management and coordination structure at the provincial and district levels. It is expected that DOLISA will be the lead agency.
- The LDP will **incorporate capacity building** and arrangements **for ongoing support** such as mentoring and monitoring for locally-based training programs, such as from model owners and local extension cadre.

## 9.4 Preparation of the Detailed LDP and Implementation Arrangements

161. Actions required to prepare and implement the detailed LDP are set out below.

### 9.4.1 Preparation of Detailed LDP

162. During updating of the resettlement plan the following tasks will be undertaken to prepare the detailed LDP.
- Capacity building and institutional strengthening of agencies responsible for LDP detailed design and implementation.
    - ü Confirm institutional arrangements: PMU with support of PSC will work together with PPC and DPCs and relevant agencies to reassess and confirm participation and roles and responsibilities of participating agencies/organizations. Decide management, coordination and reporting mechanisms, including financial management and accountabilities. Management and coordination mechanisms are expected to include a provincial-level LDP Steering Committee (LDPSC) and district-level LDP Management Board (LDPMB). Upon confirming the management and implementation structure the PPC will issue a decision establishing the LDPSC (or similar) and the respective DPCs will issue decisions establishing the LDPMBs (or similar). DOLISA and DARD as key service providers are expected to be lead agencies.
    - ü Undertake capacity training and planning: Training will cover LDP planning, design and implementation arrangements including (i) participation eligibility; (ii) undertaking needs assessment; (iii) model and training design and selection; (iv) budget planning, design and LDP financial management; (v) consultation and community development issues relevant to LDP implementation; (v) monitoring, review and evaluation. Training and planning will be undertaken first at the provincial level structure and will be undertaken by PMU (with support of Project Supervision Consultant) and lead agencies, followed by training at the district level structures.

- Consultations and needs assessment. Information will be provided to all affected households on the project's livelihood development strategy and eligibility criteria through public consultations as part of the consultation and disclosure processes during the preparation of the updated resettlement plan. Following the detailed measurement survey, eligible households will be consulted on needs and preferences for livelihood development assistance and be provided. These consultations will also include information on current available areas of training and support; discussions on additional options and forms of support required to enable them to improve their livelihoods; and expectations of beneficiary contribution. The consultations and needs assessments will include various methods, including presentations of existing programs and proposed activities along with focus group discussions (of those with similar profiles), key informant interviews and broader consultations with larger groups. The consultation process will ensure the inclusion of women as well as men and vulnerable groups. The consultations will be undertaken principally by the LDPMB with support of PMU and PSC as well as other resource persons as invited by the LDPMB.
- Prepare detailed LDP document. The LDP document will be prepared by LDPSC and LDPMBs in consultation with PMU and PSC. Design of the detailed LDP will be based on an iterative process of assessing the needs and preferences of eligible affected persons, available resources of existing service providers (human resources/skills, programs and delivery mechanism), resources of eligible affected persons (land, existing skills, financial capital), and gaps that need to be filled through additional resources/support from the project. The LDP document will contain the following elements: (i) eligibility requirements; (ii) details of available programs and training; (iii) contribution requirements from trainees; (iv) managements and delivery arrangements; (v) indicative implementation schedule; (vi) budget estimate and financial management arrangements; and (v) monitoring, review and evaluation arrangements. The draft LDP document will be presented to affected households for discussion and comment. The detailed LDP document will be submitted to the PPC and DPCs for review and approval. It will form part of the updated RP which in turn will be endorsed by PPC and MOT and submitted to ADB for concurrence.

#### 9.4.2 Implementation Arrangements

163. Following approval of the updated resettlement plan, the following tasks are undertaken to implement the LDP.
- Sign LDP implementation contracts. Once the LDP is agreed on by ADB and, PMU (through the working group) prepares the LDP implementation contract that will be signed by Provincial LDPSC.
  - Open bank account at the State provincial/district treasuries. The established provincial LDPSC opens a bank account that will be used to receive management and administration costs.
  - Finalize the LDP document. The LDP document is updated and finalized based on detailed information of participant registrations and detailed budget of implementation. The LDP document will be prepared by LDPSC and LDPMBs in consultation with PMU and PSC and submitted for approval following these key steps:
    - ü Households register for the LDP. LDPMB ensures that all interested eligible AHs officially register for participation in the LDP. The registration gives AHs the chance to change the livelihood development activity preference they had previously expressed interest in during preparation of the LDP.

- ü Finalize detailed budget based on training registrations as well as costings of training programs, models, material support, and other implementation costs (including administration).
  - ü Submit the finalized detailed LDP to PPC for review and approval and to ADB for review and concurrence.
- Contract local service providers to provide LDP materials and support.
- Organize trainings for participating households
- Verify preparation and contributions of households for livelihood development activities
- Hand-over of LDP support and materials
- Monitoring, review and evaluation.
  - ü Monitoring: Primary responsibility for monitoring and review of the LDP implementation rests with the LDPSC and LDPMBs. The project will conduct internal and external monitoring of resettlement plan implementation, including the LDP. Internal monitoring will be conducted on an ongoing basis by PMU with support of the PSC. External monitoring will be conducted by qualified external experts engaged by the project on an intermittent basis.
  - ü Review: The appropriateness and effectiveness of the LDP design and implementation will be reviewed at critical milestones that will be specified in the detailed LDP document. Proposed milestones include completion of model establishment, application of skills after initial rounds of training and other critical points that will be determined during detailed LDP preparation. Reviews of LDP design and effectiveness will enable adjustments as/if required to enhance the success of the program.
  - ü Evaluation: Baseline data of participating households' income sources and livelihood practices, income levels (which may include proxy indicators) will be collected at the commencement of the LDP. At the completion of the LDP, evaluation against indicators set at the commencement of the LDP and against the baseline data will be conducted to assess the effectiveness of the LDP and produce lessons learned. The lessons learned are aimed at assisting the Province, PMU and other agencies in future similar programs.

### 9.4.3 Preliminary Model Options

164. DOLISA and DARD Extension Centre have various options for models based local conditions and successful previous experience. Detailed assessment of model options will be conducted during the preparation of the detailed LDP.

**Table 9-2: Sample Models and Associated Establishment Costs**

Model	Approximate establishment cost (million VND)
Swine raising	300
Duck raising	400
Fruit tree model (2ha)	120
High yield rice cultivation	200
New horticulture techniques	100
Clean vegetable production. 'Clean vegetable' cultivation is production of vegetables with safe standards of chemicals and	200

Model	Approximate establishment cost (million VND)
minimal biological risks. Production requires organization of participants in cooperative groups, purchase of equipment for packaging and adherence to certification standards. Certification is provided by DARD. There are existing models in the northwest region and a ready market for produce in metropolitan areas.	

## 9.5 Estimated LDP Budget

165. The estimated direct costs of the LDP is VND 6,972,000,000, including costs for model establishment, training, project material inputs. Contingency and administration costs are incorporated in the total estimated resettlement plan budget.

**Table 9-3: Estimated LDP Budget**

ITEM	UNIT	# UNITS	AVE COST	TOTAL (VND)
Model establishment*	model	15	300,000,000	4,500,000,000
Livelihood training*	person	206	10,000,000	2,060,000,000
Material inputs for trainees (project contribution)	person	206	2,000,000	412,000,000
Total Direct Costs				6,972,000,000

\* For planning purposes, an indicative number of models is estimated. The final locations and types will be determined during resettlement plan updating. Livelihood training, covers the costs for DARD/DOLISA to provide the training program.



## Chapter 10 - Gender-Specific Actions

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166. In the project areas, both men and women are actively engaged in the workforce. The most common livelihood activities were farming with general labour also a common income source.
167. Women in the project areas are very busy, carrying a large part of family work to care of duties within the home as well as earning a living. Some responsibilities fall to a greater extent on women alone, such as cooking and taking care of children and the elderly in the family. In other activities, both husbands and wives mostly share such as farming, forestry work and conducting retail or service businesses as noted in tables above related in occupations.
168. Most of household decision-making was reported by surveyed households to be shared between husbands and wives. However, where one or the other is the main decision maker, it tended to be the husband. Land registration in the name of both spouses is not uniform. There remains a sizable proportion of households in some areas for which land is registered in the name of husbands only.
169. Adult women in the surveyed households had been afforded much less opportunities for formal education than men. Women in surveyed households have significantly lower education attainments than men and are over represented in the proportion of illiterate adults.
170. The design and implementation of the resettlement plan is to pay adequate attention to gender concerns, including specific measures addressing the needs of vulnerable women, gender-inclusive consultation, information disclosure, and grievance redress mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, as well as assistance to restore and improve their incomes and living standards.
171. Participation and involvement of the Women's Union at all levels is encouraged especially for supervision and monitoring of the resettlement process and its implementation, and to help inform communities and women's groups as to subproject potential impacts. Women are to have full and equitable access to the subproject's resources and benefits including income restoration programmes and skills training. Adequate resources including a financial and social safeguard specialist must be allocated to support the resettlement process and its implementation. Women must be present during consultations made when conducting the detailed measurement survey and visit to resettlement site. This is to ensure that all information and opinions can be collected and that they include the women's perspectives. Names of both husband and wife must be in the land use rights certificates. Women must be present when compensation payments are made to ensure that any decisions regarding use of compensation monies will be open to decisions made by husband and wife. Sex-disaggregated data must be collected in the socio-economic survey and inventory of loss.
172. Women, including ethnic minority women face gendered prejudices, minority status, and isolation in mountainous locations and often face heightened cultural barriers restricting their participation in decision-making. Women in the project area face situation of low income from agricultural production and lacking jobs to do at the leisure times in between two rice crop seasons. Therefore, many of them have to leave home working in other provinces or big cities to contribute to family incomes. Inequitable treatment of women, especially women in the remote, mountain communes still happens in the

society and in the families. Accordingly, ensuring that women of severely affected and vulnerable households have full access to the livelihood development activities is of critical importance.

173. Development projects can impact differently on men and women. The impacts on women are often overlooked when mitigation measures focus solely on the nominal heads of households alone to the exclusion of other household members. Several key areas of risks related to women are highlighted as particular need for focused attention.
174. Land acquisition for the project will affected numerous households and created severe impacts in the form of relocation and loss of productive resources. Women's livelihoods are often located in the informal sector – the impacts on which can often be overlooked. The project is expected to have significant negative impacts on the livelihoods of women as well as men and also on livelihoods which are not formally registered. The compensation process associated with land acquisition has the potential to alienate women from household assets if compensation is not made to both spouses heading households. For example, as noted above, most land registrations are in the names of male heads of families only. Female headed households face additional challenges associated with resettlement – especially where they are reliant on extended family and social networks for care and socialization of children. The resettlement plans will include gender specific measures to ensure that women are not marginalized through the process. Such measures will include paying compensation to both spouses heading households, issuing any new land certificates to both spouses, separate consultations with women on livelihood restoration and relocation given that women often have differing needs required to be incorporated, as well as issuing invitation letters for public consultations to both spouses during updating of the resettlement plans.
175. The following gender sensitive measures are to be included in the design and implementation of the RP:
- Consultation and participation strategies and activities will ensure the meaningful participation of women. Both spouses of households are to be invited to attend public consultation meetings. Where specific views of women need to be considered carefully separate consultations will be held with women, such as resettlement arrangements and design of, as well as needs assessment for, the detailed livelihood development plan, separate consultations will be held with women.
  - Composition of the DCARB will include representatives of the Women's Union.
  - Both spouses are to be advised on the compensation and assistance amounts to be paid and timing of payment. Both will be invited to attend the compensation payment.
  - New land titles or registration of new assets will be in the names of both spouses jointly residing in the same household, unless they specifically request registration in the name of one spouse only, in accordance with the Land Law and the Law on Marriage and Family.
  - Special attention will be paid to the needs of vulnerable female-headed households in relocation and livelihood development.
  - Sex-disaggregated data will be incorporated in consultation records, participation in livelihood development as well as monitoring and evaluation.



# Chapter 11 - Institutional Framework

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176. The following section sets out the roles and responsibilities of various agencies and bodies in updating and implementing the RP/REDMP.

## 11.1 Ministry of Transport (MOT)

177. MOT is the Project Executing Agency for the Project, through the Project Management Unit 2 (PMU 2). As such MOT and PMU are generally responsible for the implementation of the project. They will be responsible for the approval of the detailed design, disbursement of funds, monitoring of the project implementation and coordination with ADB, the People's Committees of the respective provinces and districts of the project areas. MOT is also specifically responsible for the following tasks: working with ministerial or provincial level authority on resettlement policies; approving the land marker drawings; ensuring funds; providing guidance on resettlement policy in cases which require clarification on application of policy on specific issues; facilitating the land acquisition and resettlement process in case of delays (follow Clause 1, Article 33 Decree Government 47/2014/ND-CP dated 05/15/2014)

## 11.2 Project Management Unit 2 (PMU2)

178. PMU2 is responsible for overall coordination in land acquisition and resettlement matters as well as technical matters regarding demarcation in the field as well as disbursement.
179. The PMU2 will have specialist staff (or sign contract with a qualified and experienced agency/unit), which will be responsible for updating the RP/EMDP. PMU2 will engage a social safeguards specialist appropriately qualified in involuntary resettlement and ethnic minority safeguards. Their tasks include the following:
- Updating the RP/EMDP with support from the Project Supervision Consultant;
  - Coordinate with the People's Committee in the formulation and implementation of the RP/EMDP and updated RP/EMDP. Recommend to MOT for submitting the RP/EMDP and updated RP/EMDP to ADB for the review and approval;
  - Carry out the development and implementation of training programs for the People's Committees of districts, communes on the RP/EMDP implementation and grievance redress with support from DD consultants;
  - Monitor the recruitment of a qualified price survey/ appraisal company by the PPC to perform the replacement cost survey. Monitor the development and approval of the unit prices by the People's Committees of the Province.
  - Reporting the status of funding matter to MOT to ensure that the budget for the RP/EMDP formulation and implementation, and the funding for compensation, support and resettlement, must be available and adequate;
  - Provide information to, and work closely with the relevant departments and local governments in the implementation of the project and the RP/EMDP;

- Monitor and report the settlement of complaints relating to the project and that the grievance redress mechanism operates effectively. Record and assistance to facilitate to the finding of complaint solution.
- Implement the internal monitoring of the RP/EMDP implementation and ensure that the resettlement activities are in compliance with the agreed RP/EMDP. Submit semi-annual social safeguards internal monitoring reports to ADB and report of RP/EMDP implementation progress in the project monitoring reports;
- Coordinate with PPC and other relevant agencies in the project areas to ensure the dissemination of resettlement information and consultation with affected people. The consultant will support these activities;
- Recruit an independent monitoring consultant (including resettlement, ethnic minorities, livelihood restoration and gender experts) to conduct external monitoring. Coordinate with the independent monitoring consultants for the conduct of external monitoring of the implementation of the RP/EMDP.
- Engage a qualified appraiser through PSC to conduct the replacement cost study.

### 11.3 Provincial People's Committees (PPC)

180. The People Committee of the respective provinces will take the overall responsibility for the resettlement activities within their management authorities. Their main responsibilities are:

- Implement information dissemination to raise the awareness of the project development to the relevant agencies and administrative levels;
- Direct relevant agencies such as the Finance Department, the Transportation Department and the DONRE and related agencies to check, supervise the organization and implementation of the RP/EMDP; and report to the PPC;
- Approve the detailed unit prices in the replacement cost survey report proposed by the Replacement Cost Survey Consultant to provide a basis for the preparation of compensation plans;
- Resolve complaints and problems as well as enforcement of resettlement when necessary. Convene the Grievance Redress Committee to assess and adjudicate complaints, and oversee implementation of action plans to resolve complaints.

### 11.4 Provincial Department of Labour, War Invalids and Social Affairs (DOLISA)

181. DOLISA will play a lead role in the design and implementation of the project's Livelihood Development Program (LDP) together with PMU2. Specifically, DOLISA will undertake the following tasks and responsibilities:

- Collaborate with PMU, DD Consultants, and relevant local agencies such as Department of Agriculture and Rural Development (especially Extension Centre) and other relevant stakeholders at the provincial and local levels in the detailed design of the project's LDP Program during updating of RP.
- Together with DARD and PMU, determine and establish an effective management structure for the LDP that includes key stakeholders.

- In undertaking detailed design DOLISA will collaborate closely with the DARD Extension Centre as well as consult with DCARB and other relevant organizations in the project areas. The design of the LDP should be based on a needs assessment of eligible affected persons and local conditions to ensure effectiveness of the LDP in restoring income levels.
- Take lead in the implementation of the LDP in close collaboration with DARD Extension Centre. Consult and guide affected persons on training options, options to access credit, market outlets for products and other forms of material support (such as inputs for farming). Together with DARD Extension Centre deliver LDP activities and training programs in the local areas.
- Monitor and report on implementation of the LDP, including implementation of specific LDP activities, participation of affected persons, and outcomes of LDP activities.

#### 11.5 Organization in charge of Compensation implementation, District People's Committee (DPC); District Compensation and Resettlement Board (DCARB) and Centre for Land Development Fund (CLDF)

182. The DCARB led by the Vice President of the District People's Committees will include the Directors of Centre for Land Development Fund (vice-chair), Financial and Planning Office, Natural Resources and Environment Office, Agricultural Office, Economy and Infrastructure Office, Chairperson of the affected communes and PMU 2 staff, in addition to representatives of the Fatherland Front, Farmers Associations, Committee for Ethnic Minority Affairs, the Women's Unions and representatives of affected households. The specific tasks of the DCARB are as follows:

- Disseminate information about the RP;
- Implement the DMS, prepare individual compensation plans, approve RP compensation plans and budget;
- Implement land acquisition, compensation, support and other resettlement activities in the district according to the agreed RP;
- Conduct the consultations, livelihood development program and coordinate with the concerned agencies in the implementation of the RP;
- Pay the compensation and support after the updated RP is agreed. Ensure prompt payment of compensation, support and other benefits of households;
- DCARB to support the DPC in resolving complaints at the district level;
- Coordinate with other agencies in the design and implementation of livelihood development measures and resettlement;
- Carry out clearance of the land that will be handed over after the affected households have received full compensation and benefits and moved to resettlement areas;
- Report periodically on the implementation of land acquisition and resettlement to PMU 2 per commune.

183. The DCARB will set up the following groups: (i) mapping and DMS, (ii) compensation calculation, (iii) resettlement, (iv) baseline data management (land acquisition, DMS, payment, resettlement arrangement, complaint settlement, etc.), (v) livelihood restoration (vi) grievance redress mechanism.

184. In provinces where a dedicated Centre for Land Development Fund is established in lieu of a District Resettlement and Assistance Board, the functions of DCARB described above will be undertaken by the Centre.

#### 11.6 Commune People's Committee

185. The responsibilities of the CPC relative to resettlement include the following:

- Assign commune officials to assist the DCARB/CLDF to conduct surveys, consultations, mobilize mass organizations and affected people as required in the updating of the RP and its implementation;
- Identify replacement land for the AHs;
- Sign the Agreement Compensation Forms along with the AHs;
- Assist in the resolution of grievances; and
- Actively participate in all resettlement activities and concerns.
- Participate in the GRM as assigned by the DPC. Provide information and assessments on issues related to assessment of AP eligibility and needs to support grievance resolution.

#### 11.7 Detailed Design Consultants (DD Consultant) /Project Supervision Consultant (PSC)

186. The DD Consultant or PSC will have a social safeguards team that will provide technical assistance to PMU 2 and the major stakeholders in the updating and implementation of the RP.

187. The social safeguards tasks of the DD Consultant/ PSC include:

- Prepare the updated RP and EMDP under the direction of the PMU;
- Assess the capacity of the concerned institutions involved in project implementation at the central and project levels, including the training and capacity building activities provided during the Loan, and continue to implement necessary capacity-building interventions. Provide training on safeguard policy and GRM implementation for PMU staff, DPC/Centre for Land Development Fund staff and contractor (on GRM and safeguard requirement during civil works). Provide support to PMU in providing oversight and input to the GRM process;
- Review and assess the consultation and disclosure activities that have been carried earlier, and revise the approach as necessary to ensure the transparent, continuous and active involvement of the AHs and all stakeholders. Assist local authorities to disclose the updated RP/EMDP;
- Support the detailed design of the project's livelihood development program (LDP) under the RP. Monitor and review LDP implementation and provide advice, as needed, to ensure the effectiveness of the LDP in restoring income earning capacity of eligible affected persons.;
- Assist the DCARB in the implementation of the ethnic minority and gender strategies as described in the updated RP;

- Coordinate with the external monitor, ensuring that its findings and recommendations are discussed with PMU 2 and the DCARB for appropriate action; and
- Assist PMU 2 in the preparation of quarterly progress reports and semi-annual social safeguards monitoring on resettlement and ethnic minority development plan implementation, including the preparation of a Resettlement Completion Report. The Resettlement Completion Report includes a documentation of actual resettlement impacts, resettlement activities, and an evaluation of the RP implementation. Said report will be based on internal and external monitoring reports, post- implementation evaluation report, and ADB Review Mission Aide-Memoirs and Memoranda of Understanding.
- Prepare the EMA TOR. Review the EMA reports for PMU required actions.

## 11.8 Capacity of Local Agencies

188. PPC and the project districts have experience in working for the WB-financed projects, but not with ADB projects. The consultation results with the districts show that they are well aware of the gaps between the policies of the Government, provinces and donors in compensation, assistance, and resettlement upon land recovery by the state. However, they have informed that if the resettlement framework or resettlement plan has been approved, they will comply with the RPF/RP.
189. Capacity building training mentoring and on the job support will be provided to PMU and local government agencies during RP/EMDP updating and implementation by the Project Supervision Consultant.

## Chapter 12 - Implementation Schedule

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190. The Project will be implemented over the period of 5 years. Following detailed design, RP updating will be carried out by district. As soon as the updated district-level is completed, it will be submitted by PMU to ADB for review and approval. All resettlement activities will be coordinated with the civil works schedule. Land acquisition and relocation of affected households cannot commence until the updated RP has been reviewed and agreed by ADB. PMU will not allow construction activities in specific sites until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and that the site is free of all encumbrances. The table below summarizes the various inter-related activities associated with the updating and implementation of the RP. The schedule will be updated and confirmed during RP updating.

191. The implementation process for resettlement works is as follows:

- i. Preparation of land application procedure for the Project: After loan approval, detailed design will be undertaken. Once sufficient information regarding the limit of works is available from the technical design, this information will be handed to the province and respective districts to arrange issuance of the land acquisition decisions and for the DCARBs to arrange demarcation of the land acquisition boundaries.
- ii. Establishment of the District Compensation, Assistance and Resettlement Boards (DCARBs) in the respective districts: Within 15 days from receiving the PMU request, the respective districts will establish the DCARBs for the Project.
- iii. Training for resettlement staff: After the DCARBs have been formed, PMU, with the help of the PSC, will develop and implement a training program for the updating and implementation of the RP. The training will include at least an orientation on the agreed RP, roles of agencies in RP implementation, progress report preparation, complaint handling/recording/reporting, Affected persons participation/consultation, gender-responsive resettlement, and resettlement internal monitoring/reporting. Target participants to the training include representatives from the PPC, DCARBs, DPCs, Women's Unions, Committee for Ethnic Minority Affairs.
- iv. Engagement of External Monitoring Agency: PMU will engage the services of an external monitor to carry out independent monitoring and evaluation of RP preparation and implementation activities. Semi-annual progress reports will be submitted by the external monitor to PMU and ADB.
- v. Information campaign before DMS: According to the national policy, before land acquisition, within 90 days in case of agricultural land and 180 days in case of non- agricultural land, the DCARBs must send written notices to affected land owners to inform them of the reasons for land acquisition, date/time and plan of displacement, compensation/resettlement options, land clearing and resettlement.
- vi. Before inventory and detailed measurement, PMU in cooperation with local authorities of districts and wards will provide Project information to residents in the Project area. Information will be broadcast via the public-address system of the locality in combination with other multi-media outfit such as radios, television, and print media; brochures or letters delivered to households to be posted in public areas.
- vii. Consultation meetings will be held in the Project affected communes/wards to notify the affected community about the scope and scale of the project, impacts, policies and rights for all kinds of damages, implementation schedule, responsibilities for organization, and

complaint mechanism. Brochures such as the Public Information Bulletin (PIB) that contains basic information on the Project, its policies, implementation schedule and contact persons, will be prepared, posted in the commune bulletin board, and distributed to the participants of the consultation meetings.

- viii. Conduct of Replacement Cost Survey by a Qualified Appraiser. A qualified appraiser will be engaged by PMU through the PSC. The results of the replacement cost study (RCS) are subject to the approval of the PPC prior to their use in the preparation of the compensation plan for each affected District.
- ix. Detailed Measurement Survey (DMS) will be undertaken once detailed design is finalized. These surveys will be the basis for the preparation of compensation plan and for preparation of the updated RP.
- x. Preparation of Compensation Plan. DCARBs are responsible for applying prices and preparing compensation tables for each affected commune/ward. The People's Committees of districts will appraise these tables in respect to prices based on the approved market price as per RCS, quantities of affected assets, allowances and special assistance that the Project displaced persons are entitled to. The unit rates are presented to the affected households and posted in the commune offices. Rates may be adjusted based on the feedback and comments made by the affected persons. All tables of compensation price application must be checked and signed by the affected persons to signify their concurrence.
- xi. Preparation of Livelihood Development Program (LDP) and Relocation Site Plan. The LDP Steering Committee and District LDP Management Boards with the assistance of the PMU and PSC will carry out needs assessment to design detailed livelihood development plan. Detailed resettlement and relocation plan will be prepared following the DMS based on consultation with relocating households on their preferences together with a detailed assessment of technical requirements.
- xii. Submission of Updated RP to ADB and ADB concurrence. PMU with support from the PSC will prepare an updated RP and disclose key information to the affected people and submit the document to ADB for review and concurrence.
- xiii. Disclosure of the agreed RP. Once the Updated RP receives ADB's concurrence, it will be publically disclosed on ADB's website and as well disclosed in the project affected areas.
- xiv. Updated RP Implementation. Compensation and assistance will be paid directly to the AHs at their local Commune People's Committee office under the supervision of DCARBs, commune/ward authorities and representatives of affected peoples. Livelihood development program and relocation site plan will be implemented by the LDPSC and LDPMBs in close consultation with the AHs and concerned agencies.
- xv. Issuance of Notice of Possession for Construction of Specific Sections. PMU will not issue a notice of possession of site for any expressway section until the head of DCARB has officially confirmed in writing that (i) payment has been fully disbursed to the affected households and Livelihood Development Program is in place as per Updated RP agreed between MOT and ADB; (ii) already-compensated AHs have cleared the area; and (iii) the area is free from any encumbrances. Once the ROW had been thus secured by PMU over a given section of the road alignment, a Notice of Possession may be issued for any civil works contractor to commence construction works.
- xvi. Monitoring. Internal monitoring and external monitoring will be implemented from updating through to completion of implementation. Grievances received will be addressed through the grievance redress mechanism set up for the project.

**Table 12-1: Indicative Schedule for Resettlement Plan Preparation and Implementation**

[illegible]



## Chapter 13 - Budget & Financing

192. The Resettlement Plan budget is estimated at VND **79,037,714,396** (approximately USD 3,483,372.16). The budget covers direct costs covering entitlements required under the entitlement matrix (compensation, allowances and assistance), livelihood development program, resettlement assistance together with administration costs of 3.5% and contingency of 30% of direct costs. Units are based on information gathered through the inventory of losses. The unit compensation rates estimated based on a rapid replacement cost survey undertaken at the same time as the inventory of losses.
193. Compensation is based on the principal of replacement cost. During RAP updating process, qualified agency(s) will be hired (selected) by organization in charge of site clearance to verify specific land price and submit to PPC to issue Decision on specific land price as basis for approving compensation, assistance and resettlement plan. The compensation rates are to be valid at time of disbursement of compensation. Details of impacts will be verified during the detailed measurement survey to be conducted prior to updating of the RP.
194. The resettlement plan is to be financed by the Government of Vietnam.
195. The compensation rates used in the estimated budget for the draft resettlement plan are derived from a rapid replacement cost study undertaken by subcontracted consultants in December 2017 to January 2018 aimed at determining replacement cost values. The methodology of the rapid replacement cost study involved: (i) questionnaire survey, (ii) secondary data collection, (iii) cross-check of information with affected and non-affected households, and (iv) review of available documents (including decisions on land prices, decisions on compensation rates for affected structures, trees and crops issued by the Provincial People's Committee (PPC) together with information published on newspapers). The Rapid Replacement Cost Study Report is in Appendix 3.
196. A summary of the cost estimates for the RP budget are presented in the table below.

**Table 13-1: Estimated Resettlement Plan Budget**

No.	Category	Unit	Quantity	Rate	In Amount (VND)
<b>A</b>	<b>Lai Chau (I+II+III)</b>				<b>52,230,545,658</b>
	<b>Compensation and assistance (I) + (II)</b>				<b>50,464,295,322</b>
<b>I</b>	<b>Compensation (1+2+3+4+5)</b>	<b>VND</b>			<b>17,365,598,020</b>
<b>1</b>	<b>Compensation for land (1.1+1.2+1.3+1.4+1.5)</b>	<b>VND</b>	183,266		<b>7,756,466,050</b>
<b>1.1</b>	<b>Compensation for residential land</b>	<b>m2</b>	<b>9,882</b>		<b>4,590,337,800</b>
<b>-</b>	<b>Urban residential land</b>	<b>m2</b>	<b>1,277</b>		<b>1,962,919,750</b>
<b>1</b>	<i>Tan Uyen Town</i>	<i>VND</i>	849	1,472,500	1,250,299,750
<b>2</b>	<i>Dong Phong ward</i>	<i>VND</i>	428	1,665,000	712,620,000

-	<b>Rural residential land</b>		<b>8,605.1</b>		<b>2,627,418,050</b>
	Phuc Than	VNĐ	566	728,500	412,185,300
	Phuc Khoa	VNĐ	1,230	496,000	609,832,000
	Pac Ta	VNĐ	485	465,000	225,525,000
	Than Thuoc	VNĐ	337	496,000	167,276,000
	Trung Dong	VNĐ	83	496,500	41,209,500
	San Thang	VNĐ	194	507,500	98,201,250
	Ban Giang	VNĐ	2,121	186,000	394,506,000
	Ban Bo	VNĐ	1,412	193,750	273,575,000
	Ban Hon	VNĐ	1,942	186,000	361,212,000
	Na Tam	VNĐ	236	186,000	43,896,000
<b>1.2</b>	<b>Compensation for rice growing land</b>	<b>VNĐ</b>	<b>38,537.2</b>		<b>1,161,726,508</b>
	Phuc Than		-	33,500	-
	Tan Uyen Town		30	33,500	1,005,000
	Phuc Khoa		1,956	33,500	65,526,000
	Pac Ta		7,900	29,900	236,210,000
	Than Thuoc		-	33,500	-
	Trung Dong		-	29,900	-
	San Thang		194	33,350	6,469,900
	Dong Phong ward		10.5	33,350	350,175
	Ban Giang		386.67	29,900	11,561,433
	Ban Bo		1,400	31,050	43,470,000
	Ban Hon		-	29,900	-
	Na Tam		26,660	29,900	797,134,000
<b>1.3</b>	<b>Compensation for annual crop land</b>	<b>VNĐ</b>	<b>6,805</b>		<b>195,878,000</b>
	Phuc Than		1,300	31,500	40,950,000
	Tan Uyen Town		100	29,900	2,990,000
	Phuc Khoa		-	29,900	0
	Pac Ta		-	27,600	0
	Than Thuoc		-	29,900	0

	<i>Trung Dong</i>		-	27,600	0
	<i>San Thang</i>		530	29,900	15,847,000
	<i>Dong Phong ward</i>		-	29,900	0
	<i>Ban Giang</i>		3,175	27,600	87,630,000
	<i>Ban Bo</i>		1,340	28,750	38,525,000
	<i>Ban Hon</i>		360	27,600	9,936,000
	<i>Na Tam</i>		-	27,600	0
<b>1.4</b>	<b>Compensation for perennial land</b>	<b>VNĐ</b>	<b>36,760</b>		<b>1,073,703,642</b>
	<i>Phuc Than</i>		11,700	31,500	368,550,000
	<i>Tan Uyen Town</i>		30	29,900	897,000
	<i>Phuc Khoa</i>		4,144	29,900	123,905,600
	<i>Pac Ta</i>		14	27,600	386,400
	<i>Than Thuoc</i>		60	29,900	1,794,000
	<i>Trung Dong</i>		999	27,600	27,572,400
	<i>San Thang</i>		1,626	29,900	48,617,400
	<i>Dong Phong ward</i>		-	29,900	0
	<i>Ban Giang</i>		8,235	27,600	227,286,000
	<i>Ban Bo</i>		25	28,750	718,750
	<i>Ban Hon</i>		9,510	27,600	262,476,000
	<i>Na Tam</i>		416.67	27,600	11,500,092
<b>1.5</b>	<b>Compensation for forest land</b>	<b>VNĐ</b>	<b>91,282</b>		<b>734,820,100</b>
	<i>Phuc Than</i>		10,905	8,050	87,785,250
	<i>Tan Uyen Town</i>		-	8,050	0
	<i>Phuc Khoa</i>		-	8,050	0
	<i>Pac Ta</i>		5,955	8,050	47,937,750
	<i>Than Thuoc</i>		1,292	8,050	10,400,600
	<i>Trung Dong</i>		1,300	8,050	10,465,000
	<i>San Thang</i>		100	8,050	805,000
	<i>Dong Phong ward</i>		30	8,050	241,500
	<i>Ban Giang</i>		3,108	8,050	25,019,400

	Ban Bo		1,552	8,050	12,493,600
	Ban Hon		4,640	8,050	37,352,000
	Na Tam		62,400	8,050	502,320,000
<b>2</b>	<b>Compensation for crop and tree</b>	<b>VND</b>			<b>3,343,885,000</b>
	Compensation for crops	m2	46,447	67,000	3,111,949,000
	Compensation for fruit tree	tree	1,981	96,000	190,176,000
	Compensation for timber tree	tree	435	96,000	41,760,000
<b>3</b>	<b>Compensation for structure</b>	<b>VND</b>	<b>1,051</b>		<b>3,591,022,600</b>
	Multi-floos house with concrete roof	m2	110	4,928,000	542,080,000
	Brick house with tile roof	m2	420	4,834,500	2,030,490,000
	House on stilts/traditional house	m2	114	1,511,400	172,299,600
	Grade IV wooden house	m2	407	2,079,000	846,153,000
<b>4</b>	<b>Compensation for auxiliry structure</b>		-		<b>2,530,224,370</b>
<b>5</b>	<b>Compensation for transportation</b>	<b>HH</b>	<b>48</b>	<b>3,000,000</b>	<b>144,000,000</b>
<b>II</b>	<b>Assistance</b>		<b>272,273</b>		<b>33,098,697,302</b>
<b>2.1</b>	<b>Suport for public land</b>	<b>VND</b>	<b>96,397</b>	<b>83,929</b>	<b>8,090,499,957</b>
<b>2.2</b>	<b>Assistance</b>	<b>VND</b>	<b>175,875.84</b>		<b>25,008,197,345</b>
2.2.1	Assistance for job change and job creation	VND	173,383.8		18,014,169,845
	Paddy land		38,537.2	134,000	5,163,980,780
	Annual crop land		6,805.0	110,250	750,251,250
	Perennial and forest land		128,041.7	94,500	12,099,937,815
2.2.2	Assistance for life stablization	perso n month	2,208	2,198,696	4,854,720,000
2.2.3	Assistance for affected business HH	HH	73	2,565,671	187,294,000
2.2.4	Assistance for vulnerable HH	HH	206	2,500,000	515,000,000
2.2.5	Support for relocated HH	HH	5	150,000,000	750,000,000
2.2.6	Support for customary house moving rituals/procedures	HH	48	500,000	24,000,000
2.2.7	Bonus				115,013,500
	Bonus for agricultural land hand over in time	m2	173,378.3	300	52,013,500
	Bonus for remove house in time (partily affected)	HH	43	1,000,000	43,000,000

	<i>Bonus for remove house in time (totally affected )</i>	<i>HH</i>	<i>5</i>	<i>4,000,000</i>	<i>20,000,000</i>
2.2.8	<i>House rental assistance</i>	<i>HH</i>	<i>48</i>	<i>7,500,000</i>	<i>360,000,000</i>
2.2.9	<i>Assistance for relocating water pipeline</i>	<i>HH</i>	<i>4</i>	<i>2,000,000</i>	<i>8,000,000</i>
2.2.1 0	<i>Assistance for digging well</i>	<i>HH</i>	<i>44</i>	<i>3,000,000</i>	<i>132,000,000</i>
2.2.1 1	<i>Assistance for relocating electric line</i>	<i>HH</i>	<i>48</i>	<i>1,000,000</i>	<i>48,000,000</i>
<b>III</b>	<b>Other cost</b>				<b>1,766,250,336</b>
	Compensation, assistance and resettlement implementation cost (3.5% * I+II)	VND			1,766,250,336
<b>B</b>	<b>Livelihood restoration program</b>				<b>7,669,200,000</b>
1	Direct cost				6,972,000,000
2	Implementation cost for LRP				697,200,000
<b>C</b>	External monitor (1.5%*(A+B))	<b>VND</b>			<b>898,496,185</b>
	<b>Subtotal (A+B+C)</b>				<b>60,798,241,843</b>
<b>D</b>	Contingency (30%*(A+B+C))	<b>VND</b>			<b>18,239,472,553</b>
<b>E</b>	<b>TOTAL (subtotal + D)</b>	<b>VND</b>			<b>79,037,714,396</b>
		<b>USD</b>	<b>1 USD = 22690 VND</b>		<b>3,483,372.16</b>

## Chapter 14 - Monitoring & Evaluation

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197. The implementation of the RP will be monitored regularly to help ensure that it is implemented as planned and that mitigating measures designed to address adverse social impacts are adequate and effective. The monitoring will be done at two levels, internal monitoring to be done by the PMU, and external monitoring to be undertaken by an external monitor.

### 14.1 Internal Monitoring

198. The Project Management Unit 2 (PMU2) will conduct regular monitoring of the project, including implementation of the RP/EMDP. The PMU will maintain a file of all data gathered in the field, including a database on the affected households. The PMU2 will submit semi-annual social monitoring reports to MOT starting from the commencement of RP /EMDP updating, which coincides with the conduct of the detailed measurement survey and other RP/EMDP updating activities. The PMU2 will also include updates on resettlement progress in its periodic project reports to ADB and MOT. Social monitoring reports will be provided to AHs and submitted to ADB for updating on website. An outline of the internal monitoring report is presented in Appendix 5.
199. Internal monitoring and supervision will have the following objectives:
- Compensation and other entitlements are computed at rates and procedures as provided in the agreed RP.;
  - Affected households are paid their compensation and other entitlements as per agreed updated RP, ensuring that all entitlements are delivered as planned and agreed, including compensation in cash or in kind, allowances and resettlement assistance;
  - Livelihood development programs designed and implement, including details of any modifications in the programs; additional assistance by cash and in-kind for AHs, if necessary;
  - Public information, public consultation and grievance redress procedures are followed as described in the approved updated RP;
  - Affected public facilities and infrastructure are restored promptly; and
  - The transition between resettlement and commencement of civil works is smooth and that sites are not handed over for civil works until affected households have been satisfactorily compensated, resettled and livelihood development programs in place.
  - Identify and address any unanticipated impacts and impacts caused by the contractor during construction.
  - Grievance cases logged in each level of project GRM,
  - Progress on LDP implementation, and
  - Progress on EMDP activities.

## 14.2 External Monitoring

200. An external monitor Agency (EMA) will be engaged by the project to conduct an external assessment of the extent to which resettlement and rehabilitation objectives are being met. Specifically, the objectives of the monitoring program are:
- To verify internal monitoring information
  - To verify whether the overall project and resettlement objectives are being met in accordance with the RP, and if not to suggest corrective measures;
  - To assess the extent to which implementation of the RP<sup>7</sup> complies with ADB's Safeguards Policy Statement (SPS):
  - To identify problems or potential problems; and
  - To identify methods of emergency responding to mitigate problems and appropriate consult the MOT.
  - To verify if the livelihoods and the standard of living of affected persons (APs), including those of the non-titled displaced persons, are restored or improved;
201. The external experts will address specific issues such as the following:
- Verify the DMS database generated by the PMU, identify differences in IOL and/or DMS recorded in the RP, and document changes to the database;
  - Confirm that all APs are eligible for compensation, resettlement and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the project objectives; Payment of compensation, allowances and other assistance are as per approved RP;
  - Confirm timing of disbursement of payment; and assess that the level of compensation is sufficient to replace their losses.
  - Public consultation and awareness of key information in the resettlement plan<sup>8</sup>;
  - Coordination of resettlement activities with construction schedule;
  - Land acquisition and transfer procedures;
  - Construction of replacement houses and structures on remaining land, relocation sites (outside the remaining land), and self-selected land;
  - Implementation of gender and/or indigenous peoples measures as indicated in the RP/EMDP;
  - Level of satisfaction of APs/ethnic minority people with the provisions and implementation of the RP/EMDP;
  - Effectiveness of grievance redress mechanism (accessibility, documentation, process, resolution);
  - Effectiveness, sufficiency, impact and sustainability of entitlements, assistance and income restoration programs and the need for further improvement and corrective measures for both RP and EMDP, if any;
  - Resettlement site development (civic infrastructure and community services as required), identification and selection of sites in consultation with APs and host

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<sup>7</sup> Including updating of the RP

<sup>8</sup> Scope of Land Acquisition and Resettlement Impacts, Entitlement Matrix, Grievance Redress Mechanism

communities, equivalent or enhanced access to livelihood opportunities; process and timeliness of providing land titles/certificates;

- Capacity of APs to restore/re-establish livelihoods and living standards. Special attention will be given to severely affected APs and vulnerable APs;
- Involuntary resettlement impacts caused during construction activities;
- Participation of APs in RP/EMDP implementation; and,
- Adequacy of budget and human resources<sup>9</sup> at executing agency/implementing agency level for resettlement activities, including internal monitoring.

202. The methods for external monitoring activities include:

- Review of detailed measurement survey (DMS) process to be able to establish a baseline for monitoring and evaluating project benefits. The EMA to check on a random basis the DMS process with APs, from identification to agreement on DMS results. The EMA will also evaluate the DMS process to determine and assess whether DMS activities was carried out in a participatory and transparent manner.
- Resettlement audit is conducted during monitoring. The EMA will carry out random checks of payments disbursed to APs during monitoring. The EMA will submit a resettlement audit report upon completion of compensation payment to APs.
- Review of socioeconomic data<sup>10</sup> prepared during the Technical Assistance Loan. With this review, the DMS data, and additional data compiled, the EM will provide the baseline data to be used in comparison to the post-resettlement survey. A post resettlement survey will be carried out one year following completion of all resettlement activities, including livelihood restoration activities. Sampling will include at least 20% of severely affected and vulnerable households, as well as at least 10% of all other APs. Special attention will be paid to the inclusion of women, the poor, the landless and other vulnerable groups, with set questions for women and other target groups. The database will disaggregate information by gender, vulnerability and ethnicity.
- Participatory Rapid Appraisal (PRA), which will involve obtaining information, identifying existing or potential problems, and finding specific time-bound solutions through participatory means including: a) key informant interviews including representatives of civil society, community groups, and non-governmental organizations; b) focus group discussions (FGDs) on specific topics such as ethnic minority specific actions, compensation payment, income restoration and relocation<sup>11</sup>; c) community public meetings to discuss community losses, integration of resettled households in host communities; d) direct field observations, for example, of resettlement site development; e) formal and informal interviews with affected households, women, and vulnerable groups to monitor and assess the progress the APs are making to restore their living standards, APs' perceived need for additional assistance (and type of assistance), and their individual satisfaction with current economic activities; and, f) in-depth case studies of problems identified by internal or external monitoring that required special efforts to resolve. The PRA will also focus on good practices in land acquisition and involuntary resettlement objectives, approaches, and implementation strategies.

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9 Assessment of human resources is in terms of both number of staff assigned, as well as capacity

10 Possible data sources include: census, inventory of loss-socioeconomic survey (IOL-SES), village records/documents

11 Groups that may be targeted for involvement in FGDs include AHs in general, and vulnerable AHs such as women-headed households, the poor, and ethnic minorities



- Review the results of internal monitoring.

## **Post-completion Evaluation**

203. A post-completion evaluation will be carried out one year following completion of all resettlement activities, including livelihood restoration activities. For the post resettlement evaluation, the EMA will:
- Carry-out a survey of affected households to compare with the baseline survey data to assess if income of affected households and other living conditions have been restored as pre-project. The survey will cover at least 20% of severely affected households, 100% of affected poor, landless and female headed households, as well as at least 10% of all other affected households. The database will disaggregate information by gender, vulnerability, and ethnicity.
  - Conduct Participatory Rapid Appraisal (PRA), which will involve obtaining information identifying remaining/outstanding problems and finding specific time-bound solutions through participatory means including: a) key informant interviews including representatives of civil society, community groups, NGOs and Committee for Ethnic Minority Affairs; b) focus group discussions (FGDs) on specific topics such as outstanding issues related to compensation payment, income restoration and relocation; c) direct field observations, for example, completion of resettlement site development; d) formal and informal interviews with affected households, women, ethnic minorities, and other vulnerable groups to conclude on the remaining and outstanding issues.
  - Discuss with the EA and IA on the completion of land acquisition and resettlement as well as the remaining/outstanding issues and commitments on actions, timeframe, resources and reporting of EA and IA to completely resolve the remaining/outstanding issues (if any).
  - Review the results of the mid-term and final evaluation of the HIV and Human Trafficking Awareness and Prevention Program and Community-based Road Safety Awareness Program
204. Schedule & Team Composition
205. Independent monitoring and evaluation should be conducted by a consultant agency (research institute, consultancy firm or NGO), with sufficient capacity and experience in monitoring, evaluating socio-economic survey and implementation of RP/EMDP. PMU 2 will hire (select) consultant to perform this task. Fees paid to EMA are to be deducted from the counterpart fund of the project. The EMA will be responsible for preparing periodic reports on progress and recommending solutions to issues arising during the monitoring process.
206. External monitoring activities will be carried out for a period of at least 2 years on a semi-annual basis starting from the conduct of DMS until the completion of livelihood/income restoration activities. For project components where payment of compensation/allowances has been substantially completed, the external expert will also conduct a resettlement audit to verify completion of payment of compensation/allowances and hand-over of plots and recommend issuance of no objection letter for commencement of civil works. The post-completion evaluation will be carried out one year following completion of all resettlement activities.
207. Information presented in the reports should be disaggregated by sex and ethnicity.

208. All reports will be prepared in English and Vietnamese and submitted to MOT and ADB simultaneously on a semi-annual basis.

**Table 14-1 Sample Monitoring and Evaluation Indicators**

Type	Indicator	Examples of Variables
<b>PROCESS INDICATOR</b>	Consultation, Participation	Number of consultation and participation programs held with various stakeholders
	Procedures in Operation	<ul style="list-style-type: none"> <li>• Census and asset verification/quantification procedures in place</li> <li>• Effectiveness of compensation delivery system</li> <li>• Number of land transfers effected</li> <li>• Coordination between implementing agencies and other agencies</li> </ul>
<b>OUTPUT INDICATOR</b>	Buildings	Number, type and size of private houses/structures acquired Number, type and size of community buildings acquired
	Trees and Crops	Number and type of private trees acquired Number and type of government/community trees acquired Number and type of crops acquired Crops destroyed by area, type and number of owners
	Compensation and Rehabilitation	Number of households affected (land, buildings, trees, crops) Number of owners compensated by type of loss Amount compensated by type and owner Number and amount of payment paid
	Livelihood Development	<ul style="list-style-type: none"> <li>- Livelihood Development Program established and operating in a timely manner;</li> <li>- Needs assessment undertaken and model establishment incorporates APs needs and preferences</li> <li>- Models are effective in conveying new skills;</li> <li>- Training in support of models and new skills are provided;</li> <li>- New skills are successfully applied.</li> <li>- Eligible APs are able to avail of non-farm vocational training if preferred.</li> <li>- Beneficiary entitlement regime applied as per RP description.</li> </ul>
<b>IMPACT INDICATOR</b>	Changes to Status of Women	Participation in community-based programs Participation in project construction Participation in commercial enterprises Participation in livelihood development program

Type	Indicator	Examples of Variables
	Changes to Status of Children	School attendance rates (male/female) Participation in project construction
	Settlement and Population	Growth in number and size of settlements growth in market areas
	Compensation and Rehabilitation	<p>Number of households affected (for land, buildings, trees, crops);</p> <p>Number of owners compensated by type of loss;</p> <p>Amount compensated by type and owner;</p> <p>Number and amount of allowances paid;</p> <p>Number of replacement houses constructed by concerned owners;</p> <p>Number of replacement businesses constructed by concerned owners;</p> <p>Number of owners requesting assistance to purchase replacement land, and number of purchases effected;</p> <p>Number of individual sites and levels of development of sites;</p> <p>Number of entitlements delivered;</p> <p>Number of entitlements used by APs;</p> <p>Suitability of entitlements to affected households as per RP objectives;</p> <p>Number of EM and Female Headed Households that are relocated in the same village and communes;</p> <p>Houses in the relocation sites that are built by the affected EM households and Female Headed Households according to their choices;</p> <p>Number of non-titled affected households receiving replacement land; and</p> <p>Number of severely affected, very poor or other vulnerable households receiving special assistance and participating in livelihood development programs.</p>

Type	Indicator	Examples of Variables
	Household Earning Capacity	<p>Employment status of economically active members;</p> <p>Landholding size, area cultivated and production volume, by crop;</p> <p>Selling of cultivation land;</p> <p>Changes to livestock ownership – pre- and post disturbance;</p> <p>Changes to income-earning activities (farm and off-farm) – pre- and post disturbance; and</p> <p>Amount and balance of income and expenditures.</p> <p>Change in poverty rates.</p>
	EMDP	<p>% affected ethnic minority woman participate in public consultation;</p> <p>% affected ethnic minority households participating in the ethnic minority development plan activities;</p> <p>% affected ethnic minority households participating in the livelihood restoration program;</p> <p>Participation of provincial/district ethnic minority agency in project activities;</p> <p>Budget for EMDP is provided sufficient;</p> <p>Communication modes are accessible, effective and understandable.</p>