

# Resettlement Plan

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January 2014

## Socialist Republic of Viet Nam: Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project

Subprojects in Dien Bien Province:  
Dien Bien Culture Exchange & Tourist Information Center  
Moung Phang Access Road Improvements

## CURRENCY EQUIVALENTS

(as of 17 January 2014)

Currency Unit	–	Viet Nam Dong (D)
D1.00	=	\$0.00004
\$1.00	=	D21,074

## ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	affected person
CARB	-	Compensation and Resettlement Board
CPC	-	Commune Peoples' Committee
DBST	-	double bituminous surface treatment
DRC	-	District Resettlement Committee
DMS	-	detailed measurement survey
DOF	-	Department of Finance
DCST	-	Department of Culture, Sports and Tourism
DPC	-	District Peoples' Committee
EA	-	Executing Agency
EMDP	-	Ethnic Minorities Development Plan
EMA	-	External Monitoring Agency
FS	-	Feasibility Study
IOL	-	Inventory of Losses
LFDC	-	Land Fund Development Centre
LURC	-	Land Use Rights Certificate
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MCST	-	Ministry of Culture, Sports and Tourism
NTP	-	notice to proceed
PCU	-	project coordination unit
PPC	-	Provincial Peoples' Committee
RCS	-	Replacement Cost Study
RP	-	Resettlement Plan
SES	-	socioeconomic survey
VWU	-	Viet Nam Women's Union

## WEIGHTS AND MEASURES

km	kilometer
kg	kilogram
ha	hectare
m	meter
m <sup>2</sup>	square-meters

## DEFINITION OF TERMS

- Affected person (AP) - Means any person, household, firm or private institution who, on account of changes resulting from the project, or any of its phases or subprojects, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement.
- Cut-off date - This refers to the date prior to which the occupation or use of land in the project area makes residents/users of the same eligible to be categorized as AP.
- 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 APs earlier done during Resettlement Plan (RP) preparation. The final cost of resettlement can be determined following completion of the DMS.
- Entitlement - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
- Host community - Means the community already in residence at a proposed resettlement or relocation site.
- Income restoration - This is the re-establishment of sources of income and livelihood of the affected households.
- Income restoration program - A program designed with various activities that aim to support severely affected and vulnerable persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations and subject to opportunities and resources available to the AHs where they are located.
- Inventory of Losses (IOL) - This is the listing of assets as a preliminary record of affected or lost assets during the preparation of the RP where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of

	<p>impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.</p>
Involuntary Resettlement	<ul style="list-style-type: none"> <li>- It is the displacement of people, not of their own volition but involuntarily, from their homes, assets, sources of income and livelihood in the ROW in connection with the Project.</li> </ul>
Land acquisition	<ul style="list-style-type: none"> <li>- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.</li> </ul>
Rehabilitation	<ul style="list-style-type: none"> <li>- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life</li> </ul>
Relocation	<ul style="list-style-type: none"> <li>- This is the physical displacement of an AP from her/his pre-project place of residence and/or business.</li> </ul>
Replacement cost	<ul style="list-style-type: none"> <li>- The amount needed to replace an affected asset at prevailing market rates net of transaction costs such as administrative charges, taxes, registration and titling costs. In the case of structures, replacement cost refers to current cost of materials (no depreciation) and labor cost without deduction for salvaged materials.</li> </ul>
Replacement Cost Study (RCS)	<ul style="list-style-type: none"> <li>- This refers to the process involved in determining replacement costs of affected assets based on empirical data.</li> </ul>
Resettlement	<ul style="list-style-type: none"> <li>- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.</li> </ul>
Resettlement Plan (RP)	<ul style="list-style-type: none"> <li>- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.</li> </ul>
Severely affected households	<ul style="list-style-type: none"> <li>- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the project.</li> </ul>
Vulnerable groups	<ul style="list-style-type: none"> <li>- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and elderly-headed households with no other means of support, (v) landless households, and (vi) indigenous people or ethnic minorities.</li> </ul>

## NOTES

- (i) The fiscal year (FY) of the Government of Viet Nam ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

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## EXECUTIVE SUMMARY

### 1. Project Description

The expected outcome of the Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is that increased international tourism receipts will benefit women and men living in targeted segments of the GMS corridors. The project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centres; (iii) strengthened institutional capacity to promote inclusive tourism growth; and (iv) effective project implementation and knowledge management. In Viet Nam the project will improve tourism sites in Dien Bien, Ha Tinh, Kien Giang, Lao Cai and Tay Ninh provinces.

### 2. Scope of Resettlement

This Resettlement Plan (RP) concerns the subprojects in Dien Bien province, which include: (i) Dien Bien Cultural Exchange and Tourist Information Centre and (ii) Muong Phang Access Road Improvements.

Development of the Dien Bien Culture Exchange and Tourist Information Center (TIC) is proposed to take place on the outskirts of Dien Bien City on the same plot of public land occupied by De Castries Bunker, an important national historic relic. Parts of the 9 ha site are currently leased by a bonsai nursery operator and two small cafes that operate near the current entry gate. These 3 businesses will be affected by the subproject activities. The cafes will be dismantled and moved to new purpose-built facilities constructed by the project, to be developed within the TIC approximately 50 meters from their current location. The nursery operator will continue to conduct business at the site but will lose approximately 9% of leased land and usage of one building on the TIC site, which is currently leased from the National Museum Board.

The Muong Phang Access Road Improvements subproject will upgrade a 19 km segment of the Him Lam – Muong Phang access road, develop two rest areas, and improve tourist amenities at the Mouang Phang National Tourist Site. The subproject will require some sections of the existing road to be widened to a 5.5 m carriageway (the existing road width is 5.5 m in some sections and 5 m in others) and minor land acquisition for development of the rest areas. According to the Inventory of Losses (IOL) finalized on 20 January 2014, subproject activities will require minor land acquisition with partial loss of land from 137 affected households (AHs) with 617 affected persons (APs). The total land acquisition is 22,944 m<sup>2</sup> of which 803.70 m<sup>2</sup> is categorized as residential land; 6,835.61 m<sup>2</sup> is agriculture land; 3,575 m<sup>2</sup> is garden land; 10,720 m<sup>2</sup> is forest; and 1,009.5 m<sup>2</sup> is aquaculture land (ponds).

### 3. Profile of Affected Persons

The three (3) households (10 APs) affected by development of the Dien Bien TIC are all Kinh and the bonsai nursery/cafes are their main occupation. The average income of the two restaurant operators is D3 million/month (about \$150). The nursery operator is a well-off and established businessperson with other operations in his company besides the nursery.

Of the 137 households affected by the Muong Phang access road upgrade, 134 are Thai ethnic minority families and the remaining 3 families are Kinh. The main occupation is agriculture; primarily rice cultivation, aquaculture, and raising small livestock. Among the affected

households, the average income is D1.5 million/per month, with 16 affected households classified as poor.<sup>1</sup> Two households have disabled family members, two have war veterans, and two are women-headed households. Since ethnicity is a criteria for vulnerability, there are 134 vulnerable households. When consulted, the affected persons considered that the project will be beneficial to themselves and to the community due to improved road transport conditions/services and the new employment and income generating opportunities that the project will create.

#### **4. Consultations**

Consultations during the preparation of the RP consisted of interviews with the 3 business operators at De Castries Bunker (to be redeveloped into the Dien Bien TIC), focus group discussions, and a socioeconomic survey with the ethnic minority communities that live along the Muong Phang access road. Consultations with affected persons and the wider community took place between 15 August and 31 August and again during 19 to 20 January 2014. The process included consultations on project design and expected resettlement impacts together with the Dien Bien Department of Culture, Sports and Tourism (DCST), provincial leaders, and district, city and commune officials. Concerns and suggestions raised by the affected people have been incorporated into resettlement planning and the overall project design, including the need to ensure that tourism development is socially and economically beneficial for local stakeholders, and the potential negative impacts of tourism growth are avoided and mitigated. Specific activities to respond to stakeholder concerns include programs to: (i) combat child exploitation and human trafficking in the tourism industry, (ii) build the capacity of destination management organizations to develop and implement sustainable tourism policies, (iii) conduct public awareness programs on the benefits and potential negative impacts of tourism, (iv) disseminate information on public health and worker safety targeting local residents and tourists, and (v) improve heritage protection and management. The detailed description and budget for these activities is in the Project Administration Manual. Consultations with affected persons will continue throughout the project implementation cycle.

#### **5. Legal Framework**

The legal and policy framework for compensation, resettlement and rehabilitation under the project is defined by the relevant laws and regulations of the Government of Viet Nam, Dien Bien Province and the ADB Safeguards Policy Statement (2009). Some differences still remain between Government regulations and ADB's SPS. Measures to address these gaps in a manner acceptable to both the Government and ADB are discussed further in this RP and will be adopted as the project's resettlement policy framework.

#### **6. Entitlements**

The main entitlements are compensation for affected land, compensating business owners for the loss of investments and structures on the leased land, and assistance for relocating businesses. The rates for the allowances will be according to current provincial resettlement policies at the time of compensation. The resettlement plan outlines entitlements for residential land, affected structures, and other forms of compensation that will apply to any additional resettlement impacts identified during the detailed design. The cut-off date is 20 January 2014, coinciding with completion of the IOL.

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<sup>1</sup> The national poverty line (2012) is based on average income required for basic needs; i.e. less than D400,000 per person/month in rural areas and less than D500,000 per person/month in urban areas.



## **7. Institutional Arrangements**

The Ministry of Culture, Sports and Tourism (MCST) is the project's executing agency (EA). The MCST-based Project Coordination Unit (PCU) and Dien Bien Project Implementation Unit (PIU) embedded in the provincial Department of Culture, Sports and Tourism (DCST) will supervise implementation of this RP. The PCU will coordinate with the Dien Bien Provincial People's Committee (PPC) and PIU to ensure timely approval of the RP and its update, and that the compensation and assistances are administered according to the provisions set forth herein. Dien Bien PPC will authorize the relevant districts to establish District Resettlement Committees that will ensure resettlement activities are administered according to the provisions of this plan.

## **9. Grievance Redress**

The grievance mechanism has been designed to ensure that APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. APs will be made fully aware of their rights verbally and in writing during consultations, during resettlement surveys, and at the time of compensation. Key information in the draft RP will be disclosed to APs prior to ADB's appraisal of the project and the grievance redress procedure will be well-defined in the project's Public Information Booklet. Commune and District People's Committees are primarily responsible for resolving any grievances received from the APs. An aggrieved AP or AH will be free from any fees in connection with the lodging and resolution of complaints, as these will be borne by the PIU.

## **10. Budget**

The RP budget is presented in Annex 1. The total estimated cost is \$214,617 with \$186,896 for direct costs of compensation; \$17,501 for implementation; and \$10,220 (5%) allocated for contingency. By subproject, the resettlement cost for Dien Bien TIC is \$74,933 and for Muong Phang Access Road Improvements the cost is \$139,683. The Government of Viet Nam will cover the costs of land acquisition and resettlement within the agreed implementation period. The budget will cover compensation costs, allowances and rehabilitation measures, administration costs, and contingency. The Dien Bien Department of Finance will be responsible for the disbursement of funds. The Government will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

## **11. Monitoring**

The PCU, with support from the project implementation consultants and PIU-based Safeguards Officers, will carry out internal monitoring of resettlement planning and implementation. The scope of internal monitoring will cover an assessment of: (i) compliance with the agreed resettlement policies and procedures; (ii) timely availability and efficient use of personnel, material and financial resources; and (iii) identification of the need for remedial actions to correct any problems that arise. The PCU will also engage and external monitor to verify the ongoing internal resettlement monitoring and advise the PCU on safeguard compliance issues. The PCU will coordinate submission of internal (quarterly) and external (semi-annual) resettlement monitoring reports to ADB. A process, timeline and indicators for monitoring are provided in this resettlement plan. All data in the monitoring reports will be disaggregated by sex and ethnicity.

## **12. Implementation Schedule**

The subproject will be implemented from 2015 to 2019. The indicative resettlement implementation schedule is summarized below:

<b>Resettlement Plan Updating/Implementation Activities</b>	<b>Schedule</b>
Consultations, carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plan by Dien Bien PPC and ADB	Quarter 4, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2
External Monitoring	End of Quarter 2 and 4, Year 2
Consultations,	Continuous

## 1. PROJECT DESCRIPTION

1. The Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is a multi-sector, multi-country investment project financed by separate sovereign loans to Cambodia, the Lao Peoples Democratic Republic, and Viet Nam. The project will invest in transport and environmental infrastructure and capacity building in 12 provinces across the three participating countries.

2. The expected outcome of the project in Viet Nam is that increased international tourism receipts benefit men and women living in targeted segments of the GMS corridors. Project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centers; (iii) strengthened institutional capacity to promote inclusive tourism growth; and (iv) effective project implementation and knowledge management. In Viet Nam the project includes the provinces of Dien Bien, Ha Tinh, Kien Giang, Lao Cai and Tay Ninh.

3. This Resettlement Plan (RP) is for the (i) Dien Bien Cultural Exchange and Tourist Information Centre and (ii) Muong Phang Access Road Improvements subprojects which will be implemented in Dien Bien Province.

4. **Dien Bien Culture Exchange and Tourist Information Centre.** Development of the Dien Bien Culture Exchange and Tourist Information Center (TIC) is proposed to take place on the outskirts of Dien Bien City on the same plot of public land occupied by De Castries Bunker, an important national historic relic. The subproject will (i) construct a 3,000 m<sup>2</sup> cultural exchange and tourism information center, including exhibition and cultural performance areas; (ii) construct a 5,000 m<sup>2</sup> parking area and well-lit, public open spaces with 20 vendor kiosks; (iii) construct 2.0 kms of internal footpaths and free-standing open sided public rest pavilions; and (iv) install directional signage and information boards in key locations.

5. **Muong Phang Access Road Improvements.** The Muong Phang National Tourism Site is located 20 kms northeast of Dien Bien City. The site encompasses the command headquarters of the Vietnamese forces during the Dien Bien Phu Campaign; as such it is of considerable historical significance. To improve access to the site the subproject will (i) upgrade a 19 km section of the Him Lam–Muong Phang access road to double bituminous surface treatment (DBST) standard with 5.5 m carriageway, including roadside drainage, culverts, and embankment stabilization; (ii) rehabilitate two small bridges; (iii) construct two rest areas with viewing platforms, each with vehicle parking areas (1,000 m<sup>2</sup>), vendor kiosks, and male and female public toilets blocks; (iv) enlarging the parking area by 2,000 m<sup>2</sup> at the existing Muong Phang Tourist Reception Center; and (v) constructing a small market with vendor kiosks, tourist rest pavilions, male and female public toilets blocks, rubbish bins, and landscaped public space. A total of 8,822 people living in the vicinity of the improved access road are expected to benefit from increased tourism activity and better access to markets and services.

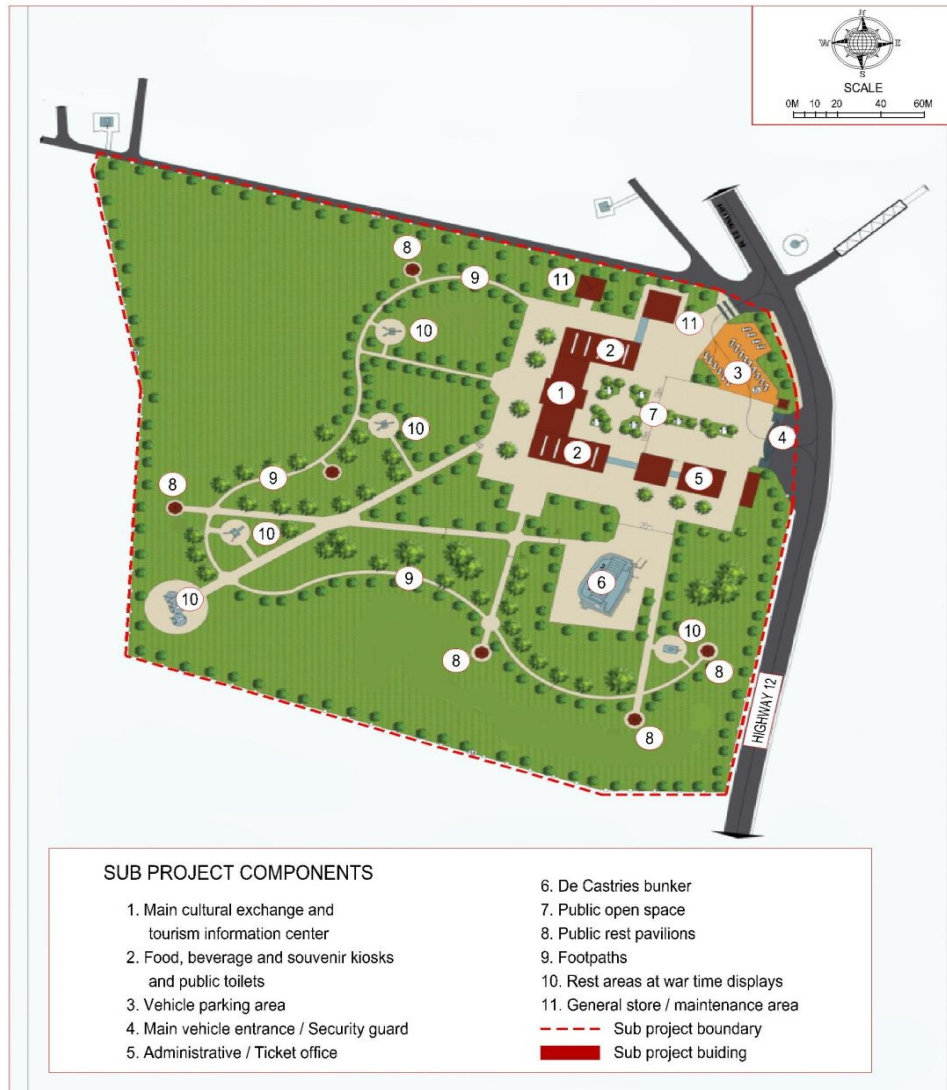
## 2. SCOPE OF RESETTLEMENT AND AFFECTED PERSONS

6. Dien Bien Province has two subprojects that will have resettlement impacts; namely, Dien Bien TIC and Muong Phang Access Road Improvements. This resettlement plan concerns both sites. This RP will be updated during project implementation at which time resettlement impacts will be verified through detailed measurement surveys (DMS).

### 2.1 Scope of Resettlement Impacts

7. **Dien Bien Culture Exchange and Tourist Information Centre.** The planned improvements to the Dien Bien Phu National Tourism Site are presented in Figure 1.

**Figure 1: Site Layout for Dien Bien Cultural Exchange and Tourist Info Centre**



8. The PPTA consultants carried out an inventory of losses (IOL) at the site in August 2013 to determine the land acquisition and resettlement impacts based on the subproject's preliminary design. The IOL found parts of the site are currently leased by a bonsai nursery and two cafes that operate near the entry gate. These businesses (comprising 3 households with 10 members) will be affected by the subproject activities as follows:

- (i) The bonsai nursery will lose access to 9% (5,000 m<sup>2</sup>) of land currently leased from the Museum Board to store plants and one single story (300 m<sup>2</sup>) cement building constructed by the business owner. The remainder area of the leased land will continue to be available to the nursery owner to display/store trees. The bonsai nursery employs 30 people, some of which also work at other sites used by this business and hence there is no loss of any business operations or income for workers.
- (ii) The nursery owner will need to identify another location to replace the 5,000 m<sup>2</sup> lost (for storing plants) and will have to transport the plants to that location. The trees are all potted and/or planted for selling and are transportable. The 30 employees will be able to

continue to work for the business owner on the remaining leased land and at other sites owned by the business. The business owner will be compensated for the transportation costs, investments on the leased land, business losses, and moving allowance associated with identifying and re-establishing at a new site. The resettlement plan indicates compensation is to be paid in case any of the employees lose their job as result of the business relocation. However, this will be further reviewed and finalized during implementation as there is an additional 6 ha land that TIC owns in the same area and can accommodate 5000 m<sup>2</sup> of land for lease to the nursery owner.

- (iii) The two other people (both women) working at the site are café owners that rent space where they provide food and beverage services to visitors. The two restaurant operators will permanently lose their structure. Both structures are temporary buildings constructed of bamboo and wood with metal roofing, and each one has an area of 100 m<sup>2</sup>. The affected businesses will be provided with purpose-built space to re-establish their café's in the new TIC in the same compound, so their livelihood will be affected only temporarily during the transition. These businesses will receive compensation for their structure, for business losses incurred during construction, and moving assistance.

9. In order to minimize resettlement impacts the following measures will be adopted in the detailed design and civil works schedule: (i) the cafes at the entry will be allocated purpose-built space of equal size of greater to that lost in the new TIC so they can continue to operate their businesses at the site; (ii) the TIC and space for the cafes will be constructed prior to dismantling of the cafes, so that they will experience minimal disruption and any business loss; (iii) the design of the new TIC will require the nursery owner to forfeit use of only 9% of the land he currently leases. He will continue to be permitted to utilize the remaining 91% of his leased land to display and store trees as this will help beautify the landscape and draw visitors to the redeveloped site.

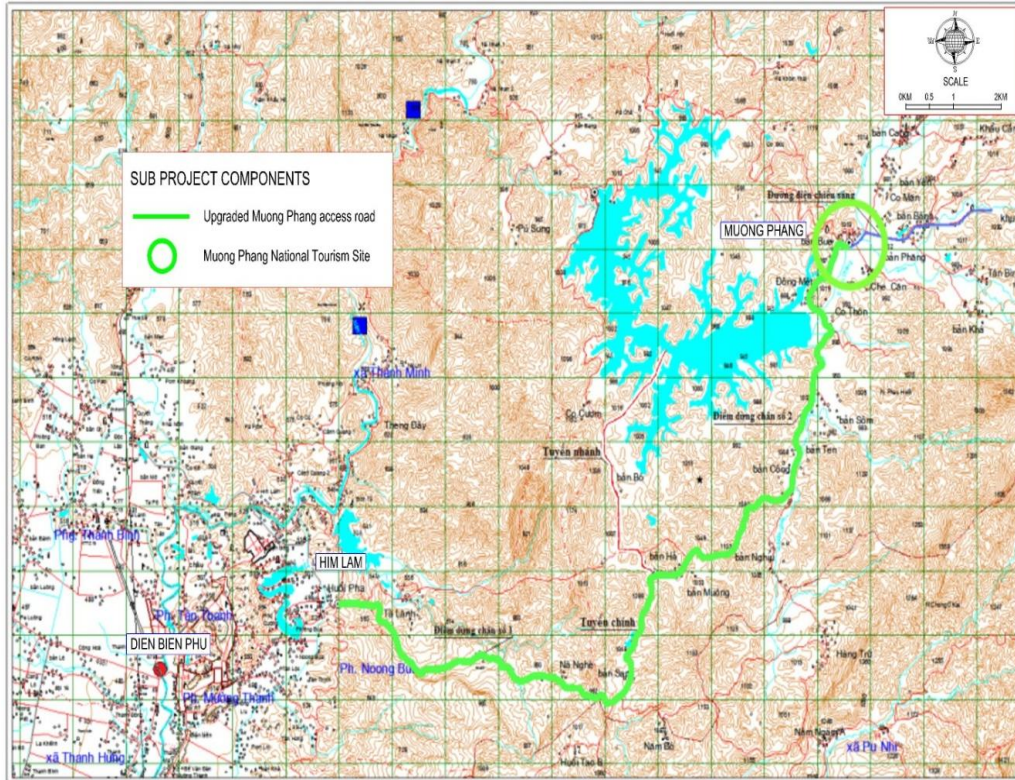
10. **Muong Phang Access Road Improvements.** The resettlement impacts involve minor land acquisition that will result from widening parts of the 19 km Him Lam to Muong Phang access road to a 5.5 m carriageway and development of the two rest areas. The road section to be upgraded is presented in Figure 2. The other subproject activities to improve tourist amenities within the Muong Phang National Tourism Site will be implemented on government land and do not involve any land acquisition or other involuntary resettlement impacts.

11. The PPTA consultants and trained surveyors from Dien Bien City carried out an IOL assessment from 15 to 31 August 2013 and again from 12 to 20 January 2014 to determine the land acquisition and resettlement impacts based on the subproject's preliminary design. The surveys were carried out in the planned sections of the project road in Ta Leng Commune (Dien Bien City); and Pa Khoang and Muong Phang Communes (Dien Bien District). The IOL assessments identified 137 households (with 617 household members) that would be affected by the acquisition of small amounts of residential and agricultural land. The IOL verified the amount of affected land area compared to the total estimated landholdings<sup>2</sup> of each affected household (see Annex 2), indicating that there are no severely affected households (i.e. losing 10% or more of productive land/assets). Based on the IOL assessments, the cut-off date for this project is 20 January 2014.

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<sup>2</sup> Estimates of landholdings were provided by the heads of households as cadastral maps are not available in the affected area.

**Figure 2: Location of Muong Phang Access Road Improvements**



12. Table 1 provides a summary of the number of AH/AP and the extent of land acquisition. The total estimated area that will need to be acquired for road widening and development of the two rest areas is 22,944 m<sup>2</sup> of which 803.70 m<sup>2</sup> is classified as residential land; 6835.61 m<sup>2</sup> is agriculture land; 3575.1 m<sup>2</sup> is garden land; 10,720 m<sup>2</sup> is forest/hill land; and 1009.5 m<sup>2</sup> is aquaculture land (ponds). The IOL identified 11 affected households in Ta Leng Commune; 113 in Pa Khoang Commune; and 13 in Muong Phang Commune for a total of 137 affected households. The road upgrade will also impact 197 trees of 30 affected households.

13. **Vulnerable households.** Of the 137 households affected by the Muong Phang access road upgrade, 134 are Thai ethnic minority families and the remaining 3 families are Kinh. Since ethnicity is a criteria for vulnerability, there are 134 vulnerable households. The group of affected households includes 16 households that are classified as poor;<sup>3</sup> two households have a disabled family members; two have war veterans; and two are women-headed households, totaling 22 households that meet more than one vulnerability criteria.

**Table 1: Number of Affected Households and Area**

Type of Land	area m <sup>2</sup>	AH	AP
Agriculture Land	6,835.61	36	164
Garden Land	3,575.1	51	219
Forest/Hill Land	10,720	30	134
Aquaculture	1,009.5	8	44
Residential land	803.70	12	56
	<b>22,944.07</b>	<b>137</b>	<b>617</b>

<sup>3</sup> According to threshold of average income of less than D400,000 per month/person in rural areas and less than D500,000 per person/month in urban areas as set by the Ministry of Labour, Invalids and Social Affairs (2012).

14. Measures taken to minimize involuntary resettlement impacts arising from the Moug Phang Access Road Improvements subproject at the preliminary design stage include:

- (i) Road improvements will follow the existing alignment and are mainly confined to upgrading the road base and surface;
- (ii) The existing alignment with easement ranges from 5 m to 5.5 m and the upgraded road will be 5.5 m. Land will be acquired only in cases where the easement is not sufficient.

## 2.2 Profile of Affected Persons

15. **Dien Bien Culture Exchange and Tourist Information Centre.** The 3 affected households at the Dien Bien TIC all earn their main livelihood from their businesses. The two café owners are women and earn on average about Viet Nam Dong (D)3 million per month. The nursery operator is a well-established business person with other operations in his company besides the nursery. The nursery operator is interested to continue to lease land at the Dien Bien TIC and plans to continue his association with the site. The two women café operators are interested to continue operating their businesses in the new TIC after construction is completed.

16. **Moug Phang Access Road Improvements.** The affected persons for the Muong Phang Access Road Improvements comprise 134 Thai ethnic minority households and 3 Kinh households living in 15 villages situated along the road to be upgraded.

17. From 15 August to 31 August 2013 a socio-economic survey was undertaken with the 53 of the 137 affected households (39%). The heads of the affected household responding to the survey were 68% men and 32% women. All were married except for one woman that was separated from her husband and one widow. The age profile of heads of households affected by land acquisition is presented in Table 2.

**Table 2: Age of Heads of Affected Households**

	Men		Women		Total	%
	N	%	N	%		
20 - 30 years	8	22.2	7	41.2	15	28.3
31 - 45 years	17	47.2	6	35.3	23	43.4
46 - 60 years	8	22.2	3	17.6	11	20.8
61 years	3	8.3	1	5.9	4	7.5
<b>Total</b>	<b>36</b>	<b>67.9</b>	<b>17</b>	<b>32.1</b>	<b>53</b>	<b>100.0</b>

18. As shown in Table 3, 40% of respondents did not complete primary school and 34% have completed only up to primary school. The remainder have lower secondary or above. The levels of education are similar for male and female respondents.

**Table 3: Education Level of Affected Households**

Education	Men		Women		Total	%
	N	%	N	%		
No education or primary not completed	14	38.9	7	41.2	21	39.6
Primary completed	12	33.3	6	35.3	18	34.0
Lower secondary completed	9	25.0	3	17.6	12	22.6
Upper Secondary completed	-	-	1	5.9	1	1.9
Post-secondary completed	1	2.8	-	-	1	1.9
<b>Total</b>	<b>36</b>	<b>67.9</b>	<b>17</b>	<b>32.1</b>	<b>53</b>	<b>100.0</b>

19. The Table 4 shows the main occupation of the head of household and Table 5 summarizes the average monthly and annual income of affected households, reflecting the population's dependence on farm income. Typical landholdings of the affected households range from 5,500 m<sup>2</sup> to 19,000 m<sup>2</sup> for farmland and from 11,000 m<sup>2</sup> to 38,000 m<sup>2</sup> for forest/hill land.

**Table 4: Main Occupation of Head of Household**

	Men		Women		Total	%
	N	%	N	%		
Farmer (own farm)	34	94.4	16	94.1	50	94.3
Employee in service position (hotel, bank, restaurant)	-	-	1	5.9	1	1.9
Business owner	1	2.8	-	-	1	1.9
Government employee	1	2.8	-	-	1	1.9
<b>Total</b>	<b>36</b>	<b>67.9</b>	<b>17</b>	<b>32.1</b>	<b>53</b>	<b>100.0</b>

**Table 5: Average Income of Affected Households**

Average Income	Men	Women	Average
Average income/year (VNĐ)	18,333,000	16,353,000	17,698,000
Average income/month (VNĐ)	1,528,000	1,363,000	1,475,000

### 3. LEGAL AND POLICY FRAMEWORK

20. This Resettlement Plan follows laws, regulations and policies of the Government of Viet Nam and Asian Development Bank's Safeguards Policy Statement (2009) policies and guidelines.

#### 3.1 Laws Regarding Land Acquisition and Resettlement in Viet Nam

21. The Constitution of the Socialist Republic of Viet Nam (1992) confirms the right of citizens to own and protect the ownership of a house. In addition, the government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement.

22. The principal documents include the Land Law No.13/2003/QH11 providing comprehensive land administration regulations. The 2003 Land Law supersedes earlier versions of 1987 and 1993. Article 39 of the 2003 Land Law requires disclosure of information to the APs prior to recovery of agricultural and non-agricultural lands for a minimum of 90 and 180 days respectively. The Ministry of Natural Resources and Environment (MONRE) issued Circular No. 14/2009/TT-BTNMT on the allocation of new residential land, or a resettlement house or monetary compensation for APs that need to relocate. The circular grants authority to People's Committees to determine whether certain structures built after 1 July 2004 violated approved land use.

23. For reference, the Laws, Decrees and Decisions on Land Acquisition and Resettlement in Viet Nam are set below:

- Land Law No. 13/2003/QH11 promulgated on 26/11/2013;



- Decree No. 181/2004/ND-CP of the Government, guiding the implementation of the Land Law in 2003
- Decree No. 197/2004/ND-CP dated 03/12/2004 of Government on compensation, rehabilitation and resettlement in the event of land recovery by the State.
- Decree 69/2009/ND-CP, dated 13 August 2009, regulating additional planning of land use, land prices, land acquisition, compensation, assistance and resettlement
- Decree No. 17/2006/ND-CP, amending Decree No. 181/2004/ND-CP, Decree No. 197/2004/ND-CP and other decrees.
- Decree No. 188/2004/ND-CP, specifying methods for land pricing and land price frameworks in the event of land recovery by the State.
- Ordinance No: 34 /2007/PL-UBTVQH dated 20 April 2007 of Central Committee Parliament on democracy exercitation at communes, wards, towns.
- Decree No. 38/2013/NĐ-CP on management and utilization of the official development assistance (ODA) and concessional loans from donors.
- Decree 84/2007/ND-CP, on 25<sup>th</sup> May 2007 on supplementary regulations on granting land use certificate, orders and procedures for compensation, assistance and resettlement when the State acquires land and settling complaints on land.
- Circular 06/2007/TT-BTNMT, dated 15 June 2007, of the Ministry of Natural Resources and Environment providing guidelines for executing Decree 84 of the Government.
- Decree 123/2007/ND-CP, dated 27 July 2007, relating to amendments and additions to Decree 188/2004/ND-CP above.
- Circular 145/2007/TT-BTC, dated 6 December 2007, of the Ministry of Finance providing guidelines for executing Decree 123 of the Government and replacing Circular 144 of MOF on guidance of executing Decree 188/2004/ND-CP.
- Circular 14/2009/TT-BTNMT issued by the Ministry of Natural Resources and Environment dated on October 1st 2009 guiding implementation Decree 197/2004 and decree 69/2009 on detailed regulations on compensation, support and resettlement and the order and procedures for land acquisition, land allocation, land lease.
- Decree No: 11/2010/NĐ-CP dated 24 February 2010 of the Government on traffic infrastructure management and protection;
- Decree No: 42/2012/NĐ-CP dated 11 May 2012 of the Government on management of paddy land use.
- Complaint Law No. 02/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Viet Nam.
- Denunciation Law No. 03/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Viet Nam.
- Decree No. 75/2012/ND-CP dated 03 October 2012 of Government on detailed regulations of Complaint Law.
- Decree No. 76/2012/ND-CP dated 03 October 2012 on detailed regulations for executing some articles of the Denunciation Law.

24. At the local level, provinces issue Provincial Decisions, consolidating Decree 69/2009/ND-CP and other legal documents relevant to planning and implementation of resettlement at the provincial level. The Provincial Decisions stipulate that compensation for land shall be at the market rate following the provincially regulated price-frame that is issued

each January, and provides for assistance/allowances for relocation, livelihood and production stabilisation, as well as occupational training and other assistance. The relevant decree setting provincial compensation rates for land and structures in Decision No. 30/2012/QĐ-UBND of Dien Bien PPC.

### **3.2 ADB Policies**

25. The applicable ADB Policy on Involuntary Resettlement is the Safeguard Policy Statement 2009 (the SPS 2009) and detailed in ADB's OM Section F1/OP (issued on 4, March, 2010).

26. The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize impacts on people, property and businesses affected by the acquisition of land or other impacts of the project, including impacts on livelihood and income, that arise from the implementation of the project. Where involuntary resettlement is unavoidable, it must be minimized either by exploring project alternatives, or by providing specific mitigation to enhance or at least restore the living standards of the affected people to their pre-project levels. The SPS 2009 stresses that the living standards affected people should be improved.

27. Another ADB Policy that has a bearing on resettlement planning and implementation include is ADB's Policy on Gender and Development (2006). This policy adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process. For projects that have the potential to cause substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

28. ADB's Policy on Indigenous Peoples (SPS 2009) states that the borrower/client will ensure (i) that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and (ii) that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan will outline measures to minimize, mitigate, and compensate for the adverse impacts<sup>4</sup>.

29. Other policies of the ADB that have bearing on resettlement planning and implementation are the: (i) Public Communications Policy (2011); and (ii) Accountability Mechanism (2012). According to these policies, central Project Coordination Units (PCUs) and PIUs are required to proactively share and disclose the project information with stakeholders and the public at large. Affected people should have easy access to the project information. A grievance redress mechanism, therefore, must be included in the resettlement plans and disclosed to the affected people.

30. Together, the ADB Safeguard Policy Statement 2009, the Government of Viet Nam's Laws, and the Provincial People's Committee resettlement decrees provide the legal basis to identify past, present, and future involuntary resettlement impacts and risks, outlining procedures to 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.

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<sup>4</sup> An Ethnic Minorities Development Plan has been prepared for this project that sets out actions to addressing how ethnic minority groups will benefit from this project and negative impacts will be avoided/mitigated.

#### 4. RESOLVING INCONSISTENCIES ON INVOLUNTARY RESETTLEMENT

31. With the promulgation of Decree 197/2004/ND/CP (3/12/2004) and Decree 69/2009/ND/CP, the policies and practices of the Government have become more consistent with ADB's social safeguards policies.

32. Viet Nam's laws and ADB's Resettlement Policy are congruent concerning the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation and assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance for livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

33. Viet Nam's policies do not apply to those without legal title or to non-registered businesses, while ADB's policy requires compensation for assets and for rehabilitation assistance for those without legal title. Non-registration of an AP's business also does not bar them from being assisted in restoring their business and income under ADB's guidelines. 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 Decree 38/2013 ND-CP (April 2013), which regulates the management and use of official development assistance. The differences between the Government's Laws and Decrees and ADB Policy with regard to resettlement and compensation, and how these gaps will be addressed, are shown in Table 6.

**Table 6: Gaps between National Resettlement Laws and ADB Policy**

Key Issues	National Laws	ADB Policy	Project Policy
Non-titled users	Decree 69: Article 23: Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Decree 197/2004, Articles 6 and 121, the Peoples' Committees of the provinces or centrally-run cities shall consider providing such support on case-by-case basis	Non-titled APs, including displaced tenants, sharecroppers and squatters, are not entitled to compensation for land but are entitled to payment for non-land assets and assistance to restore their pre-project living standards. If they are poor and vulnerable, appropriate assistance must be provided to help them improve their socio-economic status.	Land users who have no formal legal rights or recognized or recognizable claims to such land will be compensated at full replacement cost for non-land assets and investment on land. Apart from this compensation, any poor and vulnerable non-titled users will be provided additional assistance to help them improve their socio-economic status as described in this RP.
Compensation of land at replacement cost	Article 9, Decree 197/2004: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 69, Art 11, Art 16: Compensation is land for same-use land. If not available the AP can be compensated in cash based upon the market transfer	All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of a functioning market, a compensation structure is required that	Payment for land will be based on the principle of replacement cost.

<b>Key Issues</b>	<b>National Laws</b>	<b>ADB Policy</b>	<b>Project Policy</b>
	price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.	enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.	
Houses and structures	Decree 69 Art 24, Compensation for House, Structures on Acquired Land. Clause (1) – Compensation for APs residential structures based on value of newly constructed house/structure equal to technical standard issued by DOC and based on house area and unit prices issued by PPC. Clause(2) other structures compensation equal to total present value using unit costs for newly constructed house/structure using DOC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure.	For non-land assets, all eligible affected people, whether titled, legitimate, or non-titled; need to be compensated at replacement cost, through cash or replacement assets.	Structures, regardless of tenure status, will be compensated at full replacement cost without deduction of salvageable materials. Additional cash or in-kind assistance will be provided on a case-by-case basis, depending on type and severity of impact and whether or not the AH is vulnerable
Non-registered business	Decree 197/2004, Articles 26-28: Only registered businesses are eligible for assistance.	For non-land assets, all eligible affected people, whether titled, legitimate, or non-titled; need to be compensated at replacement cost, through cash or replacement assets. Included among these APs are renters of buildings, tenants and employees of affected businesses.	Non-registered businesses will be eligible for cash or in-kind assistance
Provision of rehabilitation assistance	Decree 197/2004, Articles 28-29 and Decree 69/2009 Art 20: APs losing more than 30% of productive land will be entitled to living stabilization and training/job creation assistance; provides for the long term assistance to poor households.	Rehabilitation assistance is required for those who lose 10% or more of their productive income generating assets and/or being physically displaced. Focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people.	Rehabilitation assistance will be provided to those who lose 10% or more of their productive income generating assets and/or being physically displaced. The project will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people. Affected persons will be given priority for inclusion in output 3 training/capacity building activities.

## 4. PROJECT PRINCIPLES, ELIGIBILITY AND ENTITLEMENTS

### 5.1 Project Resettlement Principles

34. The basic principles of this project relating to involuntary resettlement are as follows:

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options;
- (ii) APs residing, working, doing business and cultivating land within the required project area as of the completion date of the census and Inventory of Loss (the cut-off-date) will be entitled to compensation and rehabilitation assistance to assist them in improving, or at least maintaining, their pre-project living standards and productive capacities;
- (iii) Lack of formal legal title or rights will not be a bar to eligibility for compensation and assistance under the project. AHs without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost
- (iv) APs will not be displaced until they have been compensated as per the provisions of this RP and rehabilitation measures are in place;
- (v) All compensation will be based on the principle of replacement cost at the time of compensation. For houses and other structures, this will involve the costs for materials and labour at the time of acquisition, with no deduction for depreciation or for salvageable materials. Compensation for land will be replacement land or, in cases where replacement land is not available or the household opts for cash compensation, cash adequate to purchase land locally of equivalent size and quality, and where required to improve land to achieve suitable quality;
- (vi) The process and timing of land and other asset acquisition will be determined in consultation with APs to minimize disturbance;
- (vii) Where houses and structures are partially affected to the degree that the remaining portion is not viable for its intended use, the project will acquire the entire asset, and APs will be entitled to compensation at replacement cost for the entire asset;
- (viii) APs will be systematically informed and consulted about the project, the rights and options available to them and proposed mitigating measures. The comments and suggestions of APs and communities will be taken into account;
- (ix) The key information in the RP such as measurement of losses, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in an understandable format including through the distribution of public information booklets (PIBs) prior to submission to ADB for review and approval;
- (x) Resettlement planning and implementation will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights, and to ensure the restoration of their income and living standards;
- (xi) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved;
- (xii) Special measures will be incorporated in the RP to protect socially and economically vulnerable groups such as ethnic minorities, women-headed households, children, households headed by the disabled, the elderly, landless and people living below the generally accepted poverty line. Vulnerable APs will be provided with appropriate assistance to help them improve their standard of living through asset building

- strategies such as provision of land, replacement housing of minimum standards and increased security of tenure;
- (xiii) There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the RP.
  - (xiv) Institutional arrangements will be in place to timely and effectively implement the land acquisition, compensation, resettlement, and rehabilitation programs with full participation and meaningful consultation with AHs;
  - (xv) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period;
  - (xvi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.
  - (xvii) Voluntary donation will not be applied for any assets;
  - (xviii) Civil works contracts will not be awarded for a specific subproject or geographic area until (i) compensation payment and relocation (as required) have been satisfactorily completed for that subproject or geographic area; (ii) agreed rehabilitation program is in place; and (iii) the area is free from all encumbrances as per approved RP;
  - (xix) Cash compensation or replacement land for affected households losing entire residential land will be made available well ahead of civil works to allow the affected households sufficient lead time to reconstruct their houses; and
  - (xx) No demolition of assets will be done until the affected household is fully compensated and relocated.

## 5.2 Eligibility and Entitlements

35. **Eligibility.** All APs who are identified in the project-impacted areas as of 20 January 2014, the final date of the IOL, will be entitled to compensation for their affected assets and to rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

36. **Entitlements.** The entitlement matrix in Table 7 includes the main types of losses and the corresponding nature and scope of entitlements. The detailed design of the civil works together with the DMS and socioeconomic surveys will be the basis for determining actual impacts. A replacement cost study (RCS) will be carried out to determine actual replacement costs and rates. Entitlements described in this RP will not be lowered during RP updating but can be enhanced as required. Voluntary donation will not be applied for any assets.

**Table 7: Project Entitlement Matrix**

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Productive Land (agriculture, garden, forest).	Legal owner or occupant identified during DMS.  AH = 125	Loss of less than 10% of land: cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, certification costs, administration fees).	Voluntary donation of land will not be allowed by the project.
Residential Land.	Legal owner or occupant identified	Cash compensation at replacement cost which is	Voluntary donation of land will not be allowed by the project

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
	during DMS. AH = 12	equivalent to the current market value of land of similar type and category, and free from transaction costs (taxes, certification costs, administration fees).	
Totally Affected Houses/Shops and Secondary Structures (the two cafes and bonsai building)	Owners of affected structures  AH = 3	Cash compensation at replacement cost for the entire structure equivalent to current market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover dismantling.  Provision of temporary selling location until new tourist information center is built	A guaranteed location or equal size of grater in newly constructed tourist information centre for 2 cafe owners.
Loss of leased land for business operation.	Bonsai nursery business AH=1	Compensation for investment in lost land (according to business records) pro-rated to remaining period of lease.  Provision of replacement land for lease of equivalent size to area lost.	
Crops and Trees.	Owner of crops and trees AH = 30	If annual crops were planted at the time of construction, and cannot be harvested, cash compensation at replacement cost equivalent to the highest production of crop over the last three years multiplied by the current market value of crops.  For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity.  For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and diameter at breast height (DBH) of trees.	APs to have advance notification and to the extent possible access to replacement land prior to start of construction.
<b>Other Assistance</b>			
Loss of Business Income.	Owners of relocating/totally affected cafes/shops  Owner of nursery business	Cash compensation equivalent to the average monthly income pro-rated to the number of days of business disruption.  Transportation assistance, if needed.  A guaranteed location for continuing their business in the new TIC.  Priority for participation in project	

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
	AH = 3	business development training activities (for income restoration). For owner of nursery business with long term lease, compensation for loss of business income during relocation.	
Transportation Allowance.	Households or businesses relocating to other sites. AH = 3	Provision of transport to haul all old and new building materials and personal possessions.	APs may also opt for cash assistance. The amount (cost of labour and distance from relocation site) to be determined during implementation.
Vulnerable AHs- ethnic minorities; poor households; households headed by women, the elderly or disabled.	AHs =134 with 617 APs.	Ethnic Minorities allowance of 30 kg of rice per person in the household for 3 months. Poor households; households headed by women, the elderly or disabled eligible for additional allowance of 30 kg of rice per person in the household for 3 months. The contractors will make all reasonable efforts to recruit APs and vulnerable APs as laborers for civil works. Eligible to participate in income restoration program.	
Temporary Use of Land.	Legal owner or occupant	For agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and (ii) full restoration of land to pre-impact conditions.	

## 6. RELOCATION AND INCOME RESTORATION STRATEGY

### 6.1 Relocation Strategy

37. At the Dien Bien Phu TIC site the businesses affected will be able to restore their livelihoods through the strategies employed for compensation. The bonsai nursery business will continue to use over 90% of the original leased land area and the acquisition of 10% of leased land area is not expected to affect employees. If employees are affected by losing employment they will be eligible for benefits for severely affected persons. The two café owners will relocate their shops about 50 m from the entry gate area into the new TIC after it is completed. Civil works construction will be appropriately planned in order to limit disruption to their businesses. Both cafe owners and the bonsai nursery will be permitted to carry on with their business while the new TIC is being constructed.



## 6.2 Vulnerable Households

38. **Restoration of ethnic minority livelihoods.** The compensation for affected persons' productive land will ensure that they do not experience losses as a result of the subproject. The Muong Phang Road Access Road Improvements subproject will affect ethnic minority households who are the majority of the population in this area. While the project resettlement impacts are limited, ethnic minorities are at greater risk of impoverishment when assets are affected. They will be provided with assistance of 30 kg of rice per family member for 3 months.

39. The project has also prepared an Ethnic Minorities Development Plan (EMDP) that recognizes the need to implement specific measures to ensure that Thai people and other ethnic minorities in the project area have capacity to equally benefit from project activities. Improvements to the access road to Muong Phang will result in improved road transport conditions/services and new employment and income generating opportunities for the local population.

40. Many of the affected ethnic minority households are living near the Muong Phang National Tourist Site and will be given priority for inclusion in tourism-related service training so that they can secure employment as tour guides or take advantage of other opportunities gain income from tourism such as producing and selling local crafts to tourists. Ethnic minority women household members residing in all affected households will be targeted to receive the micro- and small-enterprise support services and training to be provided under output 3 of the project. The specific measures include: (i) inclusion of one or more ethnic minority woman from each affected family in micro-enterprise development/management, hospitality training, and tour guide training; (ii) skills and marketing training targeting women-led home industries such as handicraft and food production; and (iii) targeting ethnic minority women for inclusion in training to operate kiosks, ticket booths, and other tourist amenities.

41. **Other vulnerable households.** In addition, to ethnic minority households the socioeconomic survey identified 16 households that were poor and two women headed households. The entitlement matrix provides for an extended period (3 months) of compensation equivalent to 30 kg of rice per family member per month for poor households, women-headed households, and households with a disabled person. The civil works contracts will have a provision to hire local labor comprising 40% women, poor household members, and ethnic minorities for unskilled labor during construction. If during the DMS civil works design changes affect more vulnerable households, they will be provided with additional compensation for extended periods of time as per the entitlement matrix.

## 6.3 Gender

42. As noted above, the targeting of women household members for participation in project-supported training will help them to gain employment and income from tourism. In addition, women will participate in consultations on the design of civil works, the DMS, and disbursement of compensation and other forms of assistance. Women and men participated in the resettlement consultations during project preparation and such consultations will be continued during the time of RP updating. The project will ensure that information about resettlement compensation and opportunities to participate in project-support training is explained directly to Thai and other ethnic minority women using the Thai language or other appropriate languages.

43. The District Resettlement Committee, resettlement specialists, and gender specialists will be involved in updating and implementation of the RP to ensure that these measures are adequately implemented. Similarly, DRCs and the resettlement specialists will make concerted efforts to consult with women APs (household heads and women in AP households). This will

be done through individual and women focus group discussions. The involvement of local WU representatives will be crucial in facilitating these consultations and ensuring women’s specific needs are met. Women will also be consulted specifically to determine the business support services and skills training activities to be provided under output 3. Compensation payments will be signed off by both spouses, or in the case of female headed households, by the affected women.

## 7. UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN

### 7.1 Updating

44. This Resettlement Plan will be updated once the subproject’s detailed design is complete. The updating will consider any change in design that alters the resettlement impacts, including the identification of acquired land and affected persons, as well as measure the extent of land acquisition and required compensation and livelihood restoration in more detail. The updating will involve the following steps:

- (i) Undertake the Detailed Measurement Survey (DMS)<sup>5</sup> of all losses of all APs. At the same time, inform potential APs (without discrimination) of the subproject, it’s likely impacts, and principles and entitlements as per the RP;
- (ii) Update the socioeconomic information gathered during project preparation to establish the baseline of APs as required;
- (iii) Identify and document the process for how the Dien Bien DCST will provide replacement space for the affected cafe owners and that APs will receive proposed allowances/training for restoration of their livelihoods as set out in the entitlement matrix;
- (iv) Determine the losses in accordance with the entitlement matrix and update the compensation rates for allowances, and verify rates in accordance with ADB guidelines;
- (v) Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including relocation sites (if necessary) and economic rehabilitation;
- (vi) Prepare the final RP with time-bound implementation schedule, procedures for grievance mechanism and monitoring and evaluation, and a budget;
- (vii) Finalize the subproject RP and translate it into Vietnamese; and
- (viii) Disclose the final RP to the affected communities (the written version in Vietnamese augmented by presentations on its content in ethnic minority languages) and on the ADB website, in accordance with ADB’s Public Communications Policy (2011). The final RP will be disclosed during implementation. An updated public information brochure based on updated resettlement plan will be provided to APs. Surveys to be used for updating the RP are shown in Table 8.

**Table 8: Surveys for Resettlement Plan Updating**

<b>Detailed Measurement Survey (DMS)</b>	The DMS of lost assets will be collected on the affected assets from 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the
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<sup>5</sup> Data will be disaggregated by gender and ethnicity.

	<p>data will include:</p> <ul style="list-style-type: none"> <li>(i) Total and affected areas of land, by type of land assets;</li> <li>(ii) Total and affected areas of structures, by type of structure (main or secondary) and construction grade;</li> <li>(iii) Legal status of affected land and structure assets, and duration of tenure and ownership;</li> <li>(iv) Quantity and types of affected crops and trees;</li> <li>(v) Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;</li> <li>(vi) Quantity/area of affected common property, community or public assets, by type;</li> <li>(vii) Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, and whether household is headed by the elderly, disabled, poor or indigenous peoples;</li> <li>(viii) Identify whether affected land or source of income is primary source of income; and</li> <li>(ix) AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.</li> </ul>
<b>Socioeconomic Survey</b>	<p>The SES will collect information from 100% of affected households/APs, disaggregated by gender and ethnicity. The purpose of the SES is to provide baseline data on APs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> <li>(i) Household head: name, sex, age, livelihood or occupation, income, education and ethnicity;</li> <li>(ii) Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;</li> <li>(iii) Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and</li> <li>(iv) Access to basic services and facilities.</li> </ul>
<b>Replacement Cost Survey (RCS)</b>	<p>The PCU/PIU will engage a specialist to conduct the RCS in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

## 7.2 Implementation

45. Land acquisition, compensation and relocation of APs cannot commence until the RP has been reviewed and agreed on by the Government of Viet Nam and ADB. All resettlement activities will be coordinated with the civil works schedule. The Notice to Proceed for civil works contractors will not be issued for subprojects with resettlement impacts until (i) compensation payment has been fully disbursed to AHs, including corrective actions; (ii) agreed rehabilitation assistance is in place; and (iii) the site is free of all encumbrances.

## 8. INSTITUTIONAL ARRANGEMENTS

46. The role and functions of each organization responsible for resettlement implementation is outlined below:

47. **Executing Agency.** The Ministry of Culture, Sports and Tourism (MCST) is the project's executing agency (EA). The MCST-based Project Coordination Unit (PCU) and Project Implementation Unit (PIU) embedded in the Dien Bien Provincial Department of Culture, Sports and Tourism (DCST) will be responsible for updating and implementation of this RP. The PCU will coordinate with the Provincial People's Committee and the PIU to ensure that the compensation is administered according to the provisions of this RP.

48. **Provincial People's Committee (PPC).** Dien Bien PPC is responsible for resettlement activities within its administrative jurisdiction. The main responsibilities of the PPC include:

- i. Review and approve the updated Resettlement Plan to be developed following the subproject detail design;
- ii. Providing guidance in the updating and implementation of the RP;
- iii. Issuing decisions on approving land valuations applied for compensation, allowances and other supports to APs, especially vulnerable groups, based on principles of RP;
- iv. Approve and allocate budget for compensation, support and resettlement;
- v. Directing and supervising relevant departments of the province to effectively implement the RP;
- vi. Authorizing the district-level People's Committee to approve compensation, assistance and resettlement plans;
- vii. Settling APs' complaints and grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
- viii. Instruct the Land Fund Development Centre (where active) to conduct the Detailed Measurement Survey in coordination with the District Resettlement Committee.

49. **District People's Committee (DPC):** The DPC is responsible for following primary tasks:

- i. Establishing DRC and directing DRC and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
- ii. Approving the compensation plans in line with resettlement plan if authorized by the PPC and monitoring the progress of land acquisition and resettlement implementation in compliance with updated RP;
- iii. Issuing LURC, certificate on land owning right of the households and individuals who have land/house entirely-recovered; adjusting LURC for households and individuals who have land, house partially recovered, in accordance with provincial Decisions;
- iv. Directing Commune People's Committees and relevant organizations on various resettlement activities; and
- v. Resolving complaints and grievances of APs.

50. **District Resettlement Committee:** The composition of the DRC includes Vice-Chairman of the DPC (playing role as the head of DRC), the representatives of Department of Natural Resources and Environment, Department of Finance, Department of Agriculture, CPC Chairmen, members of District Farmers' Associations and Women's Unions. The main responsibilities of the DRC are the following:

- i. Organize, plan and carry out compensation, assistance and resettlement activities;
- ii. Conduct the DMS (with support of the LFDC, where established), consultation and disclosure activities; design and implementation of income restoration programs in coordination with various stakeholders;
- iii. Prepare the compensation plan in line with resettlement plan and submit it to the DPC for approval. Implement compensation, assistance and resettlement; Take responsibility for legal basis applied in compensation, assistance and resettlement policy following approved RP;
- iv. Assist in the identification and allocation of space for relocation of shops during the reorganization/construction at beachfront area;

- v. Lead and coordinate with the CPCs in the timely delivery of compensation payment and other entitlements to affected households; and
- vi. Assist in the resolution of APs' grievances.

51. **Land Fund Development Centre (LFDC).** Dien Bien City has a LFDC (covering Dien Bien City and Ta Leng Commune). Dien Bien District (Pa Khoang Commune and Muong Phang Commune does not have a Land Fund Development Centre. Where the LFDC is present it will support the District Resettlement Committee to execute its responsibilities under the resettlement plan, undertaking tasks such as (i) conducting the DMS and updating the census of affected persons based on the detail design; (ii) preparing the compensation plan; and (iii) coordinating with CPCs to ensure the timely delivery of compensation and other entitlements and issue notice of land acquisition when the project will be formally approved

52. **Commune People's Committee (CPC):** The CPC will assist the DRC in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- i. Assign Commune officials to assist the DRC in the updating of the RP and implementation of resettlement activities;
- ii. Identify replacement land for affected households;
- iii. Sign the Agreement Compensation Forms along with the affected households;
- iv. Assist in the resolution of grievances; and,
- v. Actively participate in all resettlement activities and concerns.

52. **Project Implementation Consultants.** The project will engage an international social safeguards specialist (4 months) and a national social safeguards specialist (12 months) to support the PCU and PIUs in handling resettlement issues. The resettlement consultants will have experience in both planning and implementation of resettlement plans in Viet Nam.

53. The specific tasks of the international social safeguards specialist include:

- i. Ensuring that due diligence is carried out in implementing the Resettlement Plans and the Ethnic Minorities Development Plan (EMDP) for all subprojects;
- ii. According to the provisions in the social safeguard plans, assist in preparing the materials and strategy for information campaigns, public consultation and community participation;
- iii. Review the survey materials and method to complete the detailed measurement survey during detailed design, and recommend improvements as required;
- iv. Update the Resettlement Plans, and follow-up to ensure their approval by the PPC;
- v. Update and support implementation of the EMDP; in coordination with the Gender Specialist, prepare training modules on inclusion of ethnic minority groups in tourism activities as part of the training and capacity development programs under the project's institutional strengthening components (output 3 & 4);
- vi. Brief officials at all levels on the content and procedures for implementing the social safeguard plans and improve, if necessary, procedures for the coordination of resettlement, compensation and implementation of EMDP activities;
- vii. Ensure that mechanisms to address grievances promptly and properly are in place and functioning well;
- viii. Establish and implement procedures for ongoing internal monitoring;

- ix. Design and deliver capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement and indigenous peoples policies, participation and communication, and grievance procedures; and
  - x. Train PCU and PIU assigned social safeguard focal persons to carry out internal monitoring and reporting of social safeguards plans.
54. The national social safeguards specialist will:
- i. Support the PCU and provincial PIUs in implementing the Resettlement Plans and EMDP for all subprojects;
  - ii. Assist in the conduct of the information campaigns, public consultation and community participation on social safeguards;
  - iii. Coordinate the detailed measurement survey with district officials at the time of the detailed design and update the list of affected persons;
  - iv. Assist the international social safeguards specialist to update the Resettlement Plans and EMDP;
  - v. Advise PCU and international social safeguards specialist on how to improve procedures for the coordination of resettlement, compensation and implementation of actions in the Indigenous Peoples Plan;
  - vi. Verify the calculations of compensation made by the Provincial and District Resettlement Committee in relation to the provisions of the RP entitlement matrix, and advise the PCU/PIU on any required measures to take to ensure compensation levels are made according with the RP provisions;
  - vii. Monitor compensation payment and advise the PCU/PIU of an actions to take to ensure compensation is paid in full and in a timely manner;
  - viii. Ensure that grievances are addressed promptly and properly and that the grievance redress mechanism is functioning well;
  - ix. Provide periodic training on grievance redress if needed;
  - x. Establish and implement liaison mechanisms to ensure proper technical and logistical support to the PCU local administrative authorities, resettlement committees and concerned government departments;
  - xi. Establish and implement procedures for ongoing internal monitoring;
  - xii. Design and deliver capacity development activities on ADB social safeguard policies for all relevant agencies, as needed, including requirements for participation, communication and gender mainstreaming;
  - xiii. Train PCU and PIU assigned social safeguards focal persons to carry out internal monitoring and reporting on the RPs and EMDPs; and
  - xiv. Monitor grievance process from all the affected households.

## **9. CONSULTATION AND DISCLOSURE**

### **9.1 Consultation during Design**

55. The PPTA consultants with support from district and commune officials held consultations with affected persons during project preparation. Nineteen (19) affected persons participated the socio-economic survey and 21 persons (14 men and 8 women) participated in a follow-up focus group discussion held on 21 August 2013. A total of 14 men and 8 women attended the focus group meeting. Discussions covered the proposed road improvements and development of the Dien Bien TIC as well as the expected resettlement impacts that would arise from these subprojects. Participants views were sought on the subproject benefits and potential drawbacks, strategies to minimize resettlement impacts, and how to avoid and mitigate any

potential negative social and environmental impacts of the subprojects. The objectives of the census, IOL, and socio-economic surveys were explained to all APs consulted. Eligibility requirements for compensation, including the cut-off date, were also disclosed during the discussions.

56. The participants openly discussed their perspectives on the benefits of the project, issues of concern and their main recommendations to enhance benefits and avoid negative impacts. Highlights of the discussion on benefits included the following points:

- All members of the focal group discussion supported both subprojects and felt they would benefit their community because increased number of tourists will promote economic development and create employment opportunities.
- Affected households living along the Him Lam–Muong Phang road mentioned the upgraded road will reduce transportation costs and improve market access for their agricultural products.
- The respondents were eager to gain an opportunity to sell more products to tourists and expressed interest in working in the tourism sector to increase their incomes.
- The participants highlighted the need for training in business development, language skills, and access to capital to start tourism related businesses. Participants appreciated that these needs would be addressed in the project's capacity building and training support programs.

57. In terms of key concerns, the main issues raised were:

- The need for fair compensation for productive and residential land.
- Possible blockage of the road during construction.
- Affected households in Ta Leng and Pa Khoang Communes indicated that only one household in the vicinity earns income from tourism. None were aware of the project prior to the consultations however as a result of the discussion all agreed that it would be beneficial to their community and households if implemented as planned.
- Participants emphasized the need for traffic safety measures for the new road and to ensure that tourists are provided with information on local customs and culture so it promotes responsible tourism.

58. Measures to address concerns raised have been incorporated into the RPs entitlements matrix and the project's activities to promote inclusive tourism growth. Project design ensures that tourism development is socially and economically beneficial for local stakeholders, and the potential negative impacts of tourism growth are avoided and mitigated. Specific activities to respond to stakeholder concerns include programs to: (i) combat child exploitation and human trafficking in the tourism industry, (ii) build the capacity of destination management organizations to develop and implement sustainable tourism policies, (iii) conduct public awareness programs on the benefits and potential negative impacts of tourism, (iv) disseminate information on public health and worker safety targeting local residents and tourists, and (v) improve heritage protection and management. The detailed description and budget for these activities is in the Project Administration Manual.

## **9.2 Consultation during Implementation**

59. The MCST and DCSTs will ensure that consultations with APs will be carried out throughout the project cycle, starting with when the PIUs are mobilized, so that APs needs and preferences can be incorporated into the detailed design arrangements where practicable. They

will also participate in the various RP processes such as the: (i) DMS, (ii) RCS, (iii) identification of sites, (iv) hand-over of entitlements, (v) monitoring of impacts and benefits, and (vi) discussion and settlement of grievances. The scope of information to be provided to APs includes: (i) descriptions of the project/subprojects and overall schedule, (ii) DMS and RCS results, (iii) policy principles and entitlements and special provisions, (iv) grievance procedures, (v) timing for payments and temporary displacement schedule, and (vi) institutional responsibilities.

60. This RP will be translated and distributed to the provincial and district authorities and will be posted on ADB's website prior to project appraisal. With support from the PIU, the DRC will be responsible for the disclosure of the RP to affected persons. After the detail design and prior to the DMS, the Public Information Booklet (PIB) will be updated and disclosed to the affected people. The updated RP will be posted on the ADB website following the DMS at the detail design stage. Monitoring reports on resettlement will also be uploaded on ADB's website.

61. Updating and dissemination of the resettlement plan is integral to the project's Stakeholder Communication Strategy, detailed on the Project Administration Manual. Key activities in the strategy that are designed to support review, updating and dissemination of the RP include: (i) establishment, and regular consultation with, local focal points in all subproject areas; (ii) community meetings in parallel with detailed infrastructure design; (iii) individual consultations with potential/affected persons; and (iv) joint meetings between officials, potential/affected persons, project staff, and civil society/mass organizations on matters of resettlement planning, implementation, and monitoring.

## **10. GRIEVANCE REDRESS MECHANISM**

62. It is the responsibility of Commune and District authorities and the Dien Bien PPC to help to resolve confusion, misunderstandings or problems about land acquisition, compensation rates, rehabilitation and relocation. To ensure that all grievances of those affected by any aspect of land acquisition, compensation, relocation, and determination and payment of entitlements are resolved in a timely and satisfactory manner, and that all avenues for airing grievances are available, detailed procedures for hearing and redressing grievances, including appeal processes, will be made public through an effective public information campaign. The grievance redress procedure shall also be made available in the project's Public Information Booklet.

63. Grievances related to any aspect of the project/subprojects will be handled through negotiation aimed at achieving consensus. An aggrieved AP or AH will be free from any fees in connection with the lodging and resolution of complaints, as these will be borne by the EA.

64. Grievance redress mechanisms of the project will follow Article 138 Land Law 2003; Law on complaint No. 02/2011/QH13; Article 63 and Article 64 of Government Decree 84/2007/NĐ-CP; Clause 2, Article 40 of Decree 69/2009, and the regulation on grievance in Government Decree 75/2012/NĐ-CP dated 20/11/2012.

65. Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by the People's Committees of rural districts, urban districts, provincial capitals or provincial towns, but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at People's courts or continue to complain with the provincial/municipal People's Committees.



66. The statute of limitation for complaining about administrative decisions or administrative acts regarding land management will be ninety days (90) as from the date of receiving such administrative decisions or knowing about such administrative acts. In case the complainant is not able to appeal in accordance with the statute of limitations because of illness, natural disasters, sabotage, travel, distant learning or other objective obstacles, that time not included in the time limit for lodging.

67. According to Decree No. 75/2012/ND-CP dated 3 October 2012:

- i. Within 15 days from the decision to settle the complaint, those who are competent to settle the complaint are responsible for publication of decision on complaint settlement in one of the forms prescribed in Clause 2 of Article 41 of the Law on Complaints;
- ii. In case of publication of the decision at the meeting, the meeting participants must include the person who makes the decision to resolve the complaint; the complainant or his/her representatives; and concerned agencies, organizations and individuals. Before conducting the public meetings the person that is competent to settle complaints must send notice to the concerned agencies, organizations and individuals. The advance notice period should be three days in advance;
- iii. The notice of the decision on announcing settlement of complaints on the mass media is radio, television, print and electronic press. Persons who are competent to settle complaints are responsible for choosing the type of media to make the announcement. In case the agency or person who is competent to settle complaints has established an e-portal or electronic information page, it must be publicized on that e-portal or electronic information page. The number of times the decision is to be publicized on the radio is at least 2 times; on television at least 2 times; by print at least 2 times. If posting on the internet or on an electronic information page, it should be posted for at least 15 days from the date of notification; and
- iv. When the decision is posted in offices of organizations that have resolved the complaints, decisions shall be posted for at least 15 days from the date of notification.

68. Grievance redress can be summarized in the steps set out below:

69. **First Stage: Commune People's Committee.** An aggrieved affected household may bring his/her complaint to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days (or 45 days for complicated case) following the lodging of the complaint to resolve it (in remote and mountainous areas or complicated case, the complaint should be resolved within 45 or 60 days, respectively). The CPC secretariat is responsible for documenting and keeping a file of all complaints that it handles.

70. Upon issuance of the decision of the CPC, the affected household can make an appeal within 30 days (45 days for mountainous area). If the second decision has been issued and the household is still not satisfied with the decision, the affected household can elevate his/her complaint to the DPC.

71. **Second Stage: District People's Committee.** Upon receipt of the complaint from the household, the DPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint

to resolve the case. The DPC is responsible for documenting and keeping a file of all complaints that it handles.

72. Upon issuance of the decision of the DPC, the affected household can make an appeal within 30 days. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the PPC.

73. **Third Stage: Provincial People's Committee.** Upon receipt of the complaint from the affected household, the PPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping a file of all complaints

74. Upon issuance of the decision of the PPC, the affected household can make an appeal within 30 days if they disagree. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the court within 45 days.

75. **Final Stage, the Court of Law Arbitrates.** Should the complainant file his/her case to the court and the court rules in favor of the complainant, then the PIU will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, then the complainant will receive compensation approved by PPC.

76. The affected people will be provided with support and assistance by locally based organizations, in case they have limited capacity or in case they have questions or complaints.

77. If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Southeast Asia Department (SERD) or through ADB Viet Nam Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator as outlined in the Information Guide to the Consultation Phase of the ADB Accountability Mechanism.

78. The grievance redress mechanism will be continuously disseminated to people during project implementation. The project grievance procedure does not impede access to the court at any time.

## **11. MONITORING AND EVALUATION**

79. Monitoring and evaluation of the RP allows project owners to ensure smooth progress of the implementation of RP activities. Importantly, monitoring must also address the degree to which the resettlement activities have achieved their desired objectives, particularly where this involves the rehabilitation of AP's housing, livelihoods and lifestyles.

### **11.1 Internal Monitoring**

80. These monitoring objectives will be addressed through internal monitoring by the PCU and PIU with support from the national and international resettlement specialists. The role of internal monitoring and evaluation is to ensure that resettlement institutions are well functioning during the course of project implementation, and that the resettlement activities are undertaken in accordance with the entitlements and implementation schedule described in the updated RP. In this way, the protection of APs' interests and the schedule for civil works can be assured.

81. The primary responsibility for internal monitoring lies with the MCST-based PCU safeguards officers and the PIU safeguards officer that will be appointed in the Dien Bien PIU. MCST will be responsible for overseeing the formation, function, and activities of the PIU, and through quarterly monitoring reports to ADB, summarize progress and issues in implementing the RP. All monitoring data will be disaggregated by gender and ethnicity. The quarterly progress reports will also include financial statements to verify disbursement of counterpart funds for resettlement. Examples of internal monitoring and evaluation indicators are shown in Table 9.

**Table 9: Internal Monitoring and Evaluation Indicators**

Type	Indicator	Examples of Variables
Input Indicators	Staffing and Equipment	<ul style="list-style-type: none"> <li>Number of project-dedicated staff in PCU and PIUs</li> <li>Confirmation of establishment of each DRC</li> <li>Number of DRC members and job function</li> <li>Adequate equipment for performing functions (including grievance recording)</li> <li>Trainings undertaken</li> <li>Construction contractor meeting local employment targets for unskilled labour</li> </ul>
	Finance	<ul style="list-style-type: none"> <li>Funds disbursed to APs in a timely manner (compensation for non-land assets and economic losses, and allowances)</li> </ul>
Process Indicators	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>Distribution of PIB to all APs</li> <li>Summary RP available in all districts</li> <li>Translation of materials in ethnic minority villages and for individual minority APs in villages of other ethnicity</li> <li>Number of focal points established</li> <li>Number of consultations (meetings/individual) undertaken as scheduled in the RP and stakeholder communication plan</li> <li>Consultations and participation undertaken as scheduled in the RP</li> <li>Grievances by type and resolution</li> <li>Number of local-based organizations participating in project</li> </ul>
Output Indicators	Acquisition of Land	<ul style="list-style-type: none"> <li>Area of residential land acquired</li> </ul>
	Buildings	<ul style="list-style-type: none"> <li>Number, type and size of private houses/structures acquired</li> </ul>
	Trees and Crops	<ul style="list-style-type: none"> <li>Number and type of private trees acquired</li> <li>Number and type of government/community trees acquired</li> </ul>
	Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>Number of households affected (land, buildings, trees, crops)</li> <li>Number of owners compensated by type of loss</li> <li>Amount compensated by type and owner</li> <li>Number and amount of payment paid</li> <li>Compensation payments made on time</li> <li>Compensation payments according to agreed rates</li> <li>Number of replacement businesses constructed by APs</li> <li>Number of vulnerable groups provided additional assistance</li> </ul>
	Reestablishment of Community Resources	<ul style="list-style-type: none"> <li>Number of community buildings repaired or replaced</li> <li>Number of seedlings supplied by type</li> </ul>

## 11.2 External Monitoring

82. While internal monitoring focuses on the implementation of scheduled tasks, external monitoring provides an independent avenue to verify these results, and also to take a more qualitative assessment of the success of these measures to meet their intended objectives. As such, the external monitor will ascertain whether APs have been able to restore their living standards and their livelihoods, have not become worse off due to the project, and corrective actions (if any) have been fully implemented in accordance with the provisions of the RP. The collection and reporting of external monitoring data will be disaggregated by gender and

ethnicity. One of the key tasks of the external monitor will be to verify that the substantial numbers of households to be affected by minor land acquisition are fairly compensated for their losses in accordance with the RPs entitlements matrix.

83. The external monitor will be an independent consultant, with experience in resettlement monitoring and social assessment. He/she will be contracted by MCST and commence in advance of resettlement implementation, so as to assess the process of the DMS and RP updating, and develop the formats for semi-annual monitoring missions. He/she will further conduct a monitoring mission towards the end of the project. The final report will be a post-resettlement evaluation report to be prepared 6 months after the completion of resettlement activities. These reports will be provided to the MCST and ADB for uploading to the ADB website.

84. The external monitor's reports will identify key issues and provide recommendations to the PCU/PIU for rectifying outstanding matters. The monitor will also highlight any significant successes and commendable approaches or methods used in the project, which may provide a learning opportunity for MCST/DCSTs, and other projects encountering involuntary resettlement impacts. The project's indicative external monitoring and evaluation indicators are shown in Table 10.

**Table 10: External Monitoring and Evaluation Indicators**

	<b>Indicator</b>	<b>Mechanism for Assessment</b>	<b>Timing of Assessment</b>
RP Implementation	<ul style="list-style-type: none"> <li>Resettlement staffing</li> <li>Compensation disbursements</li> <li>Land and assets acquired</li> <li>Preparation of replacement land</li> <li>Loan funds disbursement</li> <li>Counterpart funds disbursement</li> <li>Public information and consultation</li> <li>AP asset replacement</li> </ul>	<ul style="list-style-type: none"> <li>Review of internal monitoring reports</li> <li>Review civil works contracts and contractor actions</li> <li>Interviews with and observation of implementing agencies</li> <li>Random sample of interviews with APs</li> </ul>	<ul style="list-style-type: none"> <li>Every monitoring mission</li> </ul>
Restoration of Living Standards and Livelihoods	<ul style="list-style-type: none"> <li>Compensation paid at replacement cost</li> <li>Compensation paid with no depreciation or fees/taxes</li> <li>Adequacy and suitability of business relocation sites</li> <li>Adequacy of moving costs</li> <li>Adequate timing for asset acquisition/replacement</li> <li>Tenure security of APs</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with APs – stratified sample for those relocating, and ethnic minorities and women</li> <li>Review of internal monitoring reports</li> <li>Review of revised compensation costs and materials costs</li> <li>Interviews with Provincial Land Fund Development Center (land records/compensation)</li> </ul>	<ul style="list-style-type: none"> <li>Every monitoring mission</li> </ul>
	<ul style="list-style-type: none"> <li>Changes in AP income and sources of income</li> <li>Changes in AP access to services and utilities</li> <li>AP participation in community organizations</li> <li>AP participation in associated social action programs related to the project</li> <li>Vulnerable groups rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>Village level focus group discussions, including women and ethnic minorities</li> <li>Interviews with vulnerable APs</li> </ul>	<ul style="list-style-type: none"> <li>At the commencement of resettlement implementation, midterm, and 6-months after resettlement completion</li> </ul>
AP Satisfaction	<ul style="list-style-type: none"> <li>AP awareness of resettlement procedures and entitlements</li> <li>AP awareness and use of grievance redress system</li> </ul>	<ul style="list-style-type: none"> <li>Review records of grievance lodging and redress</li> <li>Random sample of interviews with APs</li> </ul>	<ul style="list-style-type: none"> <li>Every monitoring mission</li> </ul>

	<b>Indicator</b>	<b>Mechanism for Assessment</b>	<b>Timing of Assessment</b>
	<ul style="list-style-type: none"> <li>AP satisfaction with the resettlement process</li> </ul>	<ul style="list-style-type: none"> <li>Community meetings</li> <li>Focus groups discussions with various categories of APs</li> </ul>	
Effectiveness of Resettlement Planning	<ul style="list-style-type: none"> <li>Accuracy of DMS for AP and asset loss recoding and planning</li> <li>Adequacy of budget for implementation</li> <li>Adequacy of implementation schedule to undertake required tasks</li> <li>Occurrence of unforeseen problems</li> </ul>	<ul style="list-style-type: none"> <li>Review records of grievances and redress</li> <li>Random sample of interviews with APs</li> <li>Interviews with implementing agencies at each level</li> </ul>	<ul style="list-style-type: none"> <li>Every monitoring mission</li> </ul>
Resettlement Impacts	<ul style="list-style-type: none"> <li>Re-occupation of reorganized beachfront land</li> <li>Migration to the project area</li> </ul>	<ul style="list-style-type: none"> <li>Village chief meetings</li> <li>Random AP interviews</li> <li>Observation</li> </ul>	<ul style="list-style-type: none"> <li>Every monitoring mission</li> </ul>

## 12. BUDGET

85. The resettlement budget and supporting calculations are presented in Annex 1. The total estimated cost is \$214,617 with \$186,896 for direct costs of compensation, \$17,501 for implementation (9% of direct costs) and \$10,220 (5%) allocated for contingency. By subproject, the total cost for Dien Bien TIC is \$74,933 and for Muong Phang Access Road Improvements the total cost is \$139,683.

86. The Government of Viet Nam will cover the costs of land acquisition and resettlement within the agreed implementation period. The budget will cover compensation costs, allowances and rehabilitation measures, administration costs, and contingency and will form part of the Government's counterpart funding. The Dien Bien PPC will be responsible for the disbursement of funds. The Government will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

## 13. IMPLEMENTATION SCHEDULE

87. The two subprojects will be implemented from 2014 to 2019. The indicative resettlement implementation schedule is summarized in Table 11.

**Table 11: Resettlement Plan Indicative Implementation Schedule**

<b>Resettlement Plan Updating/Implementation Activities</b>	<b>Schedule</b>
Consultations, carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plan by Dien Bien PPC and ADB	Quarter 4, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and Quarter 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
External Monitoring	End of Quarter 2 and 4, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations,	Continuous

## Annex 1: Resettlement Budget

No.		MUONG PHANG ACCESS ROAD					DIEN BIEN TIC				TOTAL	
		Unit	Rate/unit	Quantity	Amount	Amount	Rate/unit	QTY	Amount	Amount	Amount	Amount
					(D)	(\$)			(D)	(\$)	(d)	(\$)
<b>1</b>	<b>Land</b>											
1.1	Agriculture	m <sup>2</sup>	60,000	6,836	410,136,600	19,530	0	0	0	410,136,600	19,530	
1.2	Garden Land	m <sup>2</sup>	60,000	3,575	214,503,600	10,214	0	0	0	214,503,600	10,214	
1.3	Aquaculture Land	m <sup>2</sup>	51,000	1,010	51,484,500	2,452	0	0	0	51,484,500	2,452	
1.4	Forest Land	m <sup>2</sup>	4,800	10,720	51,456,960	2,450	0	0	0	51,456,960	2,450	
1.5	Residential	m <sup>2</sup>	840,000	804	675,108,000	32,148	0	0	0	675,108,000	32,148	
	<b>Sub-total 1</b>				<b>1,402,689,660</b>	<b>66,795</b>		<b>0</b>	<b>0</b>	<b>1,402,689,660</b>	<b>66,795</b>	
<b>2</b>	<b>Structures</b>											<b>0</b>
2.1	Grade 2 Concrete floors (Nursery)	m <sup>2</sup>	0	0	0	0	3,241,200	300	972,360,000	46,303	972,360,000	46,303
2.2	Temp. = Bamboo and wooden frame		374,400	240	89,856,000	4,279	374,400	200	74,880,000	3,566	164,736,000	0
	<b>Sub-total 2</b>				<b>89,856,000</b>	<b>4,279</b>			<b>1,047,240,000</b>	<b>49,869</b>	<b>1,137,096,000</b>	<b>54,147</b>
<b>3</b>	<b>Crops</b>											<b>0</b>
3.1	Rice	m <sup>2</sup>	2,500.0	6,836	17,089,025	814	0	0	0	17,089,025	814	
3.2	Aqua. (fish, shrimp) m2)	m <sup>2</sup>	71,250	1,010	71,926,875	3,425	0	0	0	71,926,875	3,425	
3.3	Perennial trees	tree	197	200,000	39,400,000	1,876	0	0	0	39,400,000	1,876	
	<b>Sub-total 4</b>				<b>128,415,900</b>	<b>6,115</b>			<b>0</b>	<b>0</b>	<b>128,415,900</b>	<b>6,115</b>
<b>4</b>	<b>Other Costs</b>											
4.1	Investment in Nursery - as per prov policy				0	0			166,667,000	7,937	166,667,000	7,937
	<b>Sub-total 5</b>				<b>0</b>	<b>0</b>			<b>166,667,000</b>	<b>7,937</b>	<b>166,667,000</b>	<b>7,937</b>
	<b>SUB-TOTAL REPLACEMENT COST I</b>				<b>1,620,961,560</b>	<b>77,189</b>			<b>1,213,907,000</b>	<b>57,805</b>	<b>2,834,868,560</b>	<b>134,994</b>
<b>5</b>	<b>Assistance</b>											<b>0</b>
5.1	Moving Allowance	no.		0	0	0	6,000,000	2	12,000,000	571	12,000,000	571
5.2	Moving allowance (Nursery)	Lump-sum estimate			0	0	100000000	1	100,000,000	4,762	100,000,000	4,762
5.3	Temporary disruption; estimate 1 month of income	month	0	0	0	0	5,000,000	2	10,000,000	476	10,000,000	476
<b>6</b>	<b>Special Assistance</b>											
6.1	Poor HH or other vulnerable groups (other than ethnic minorities) 30 kg x person x 6 months	APs	1,350,000	90	121,500,000	5,786		0	0	0	121,500,000	5,786
6.2	Families on social assistance	APs	0	0	0	0		0	0	0	0	0

No.		MUONG PHANG ACCESS ROAD					DIEN BIEN TIC				TOTAL	
		Unit	Rate/unit	Quantity	Amount	Amount	Rate/unit	QTY	Amount	Amount	Amount	Amount
					(D)	(\$)			(D)	(\$)		
6.3	Martyr	APs	0	0	0	0		0	0	0	0	
6.4	Wounded Soldiers	APs	1,350,000	10	13,500,000	643		0	0	13,500,000	643	
6.5	Ethnic Minority	APs	1,350,000	617	832,950,000	39,664		0	0	832,950,000	39,664	
	<b>SUB-TOTAL ASSISTANCE II</b>				<b>967,950,000</b>	<b>46,093</b>			<b>122,000,000</b>	<b>5,810</b>	<b>1,089,950,000</b>	<b>51,902</b>
	<b>SUB-TOTAL DIRECT COSTS (I +II)</b>				<b>2,588,911,560</b>	<b>123,282</b>			<b>1,335,907,000</b>	<b>63,615</b>	<b>3,924,818,560</b>	<b>186,896</b>
<b>7</b>	<b>Implementation</b>											<b>0</b>
7.1	Conduct DMS Survey		2,000	22,944	45,888,000	2,185	2,000	5,500	11,000,000	524	56,888,000	2,709
7.2	Community consultations		5,000,000	5	25,000,000	1,190	5,000,000	1	5,000,000	238	30,000,000	1,429
7.3	Capacity building for implementation RP	<i>Lump-sum</i>			100,000,000	4,762			100,000,000	4,762	200,000,000	9,524
7.4	Monitoring	1.50%			14,519,250	691			20,038,605	954	34,557,855	1,646
7.5	Administrative Costs	2%			19,359,000	922			26,718,140	1,272	46,077,140	2,194
	<b>SUB-TOTAL IMPELEMTATION</b>				<b>204,766,250</b>	<b>9,751</b>			<b>162,756,745</b>	<b>7,750</b>	<b>367,522,995</b>	<b>17,501</b>
	<i>Contingency</i>	5%			139,683,891	6,652			74,933,187	3,568	214,617,078	10,220
					<b>2,933,361,701</b>	<b>139,684</b>			<b>1,573,596,932</b>	<b>74,933</b>	<b>4,506,958,633</b>	<b>\$214,617</b>

## Annex 2: List of Affected Households with Estimated Land Losses

**Table A2.1 Muong Phang Access Road Improvements**

No.	Name of Household Owner	Address/Commune	Number of APs	Name and type of affected assets and affected area	Area in the project site (m <sup>2</sup> )	Area of land affected by the project (m <sup>2</sup> )	Total of farm landholding of household (m <sup>2</sup> )	% of area affected
1	Ngô Văn Thành	Ke Nenh village - Ta Leng	5	Cultivation land	16,000	620	19,000	3.26
2	Hoàng Văn Súa	Ke Nenh village - Ta Leng	4	Cultivation land	5,700	423	7,350	5.76
3	Dương Văn Pá	Ke Nenh village - Ta Leng	6	Garden land	925	80	1,125	7.11
4	Hoàng Văn Bình	Ke Nenh village - Ta Leng	3	Garden land	760	60	4,300	1.40
5	Ngô Văn Chính	Ke Nenh village - Ta Leng	5	Forest land	11,520	1,050	13,225	7.94
6	La Văn Lành	Ke Nenh village - Ta Leng	6	Forest land	29,050	2,850	38,255	7.45
7	Hoàng Văn Tựa	Ke Nenh village - Ta Leng	5	Forest land	6,300	500	9,020	5.54
8	Cà Văn Tường	Ke Nenh village - Ta Leng	6	Cultivation land	4,800	306	6,540	4.68
9	Cà Văn Tuấn	Na Nghe village - Ta Leng	4	Cultivation land	13,050	1,200	18,620	6.44
10	Lò Văn Bình	Na Nghe village - Ta Leng	3	Garden land	1,350	90	3,100	2.90
11	Quàng Văn Yên	Na Nghe village - Ta Leng	6	Forest land	2,050	129	2,700	4.78
12	Quàng Văn Lã	Xom 1 village - Pa Khoang	4	Cultivation land	3,850	181	4,850	3.73
13	Lò Văn Ngoan	Xom 2 village - Pa Khoang	3	Cultivation land	1,320	60	3,490	1.72
14	Quàng Văn Vĩnh	Xom 1 village - Pa Khoang	6	Pond	1,700	90	4,000	2.25
15	Quàng Thị Inh	Xom 1 village - Pa Khoang	2	Residential land	2,000	59.5	6,780	0.88
16	Cà Văn Chính	Xom 1 village - Pa Khoang	4	Hill land	8,650	841	14,000	6.01
17	Lò Văn Chanh	Xom 1 village - Pa Khoang	4	Hill land	500	17.6	3,400	0.52
18	Cà Văn Phòng	Xom 1 village - Pa Khoang	6	Residential land	450	30	4,200	0.71
19	Lò Văn Mến	Xom 1 village - Pa Khoang	6	Residential land	2,800	46	5,600	0.82
20	Lường Thị Pân	Xom 1 village - Pa Khoang	3	Garden land	1,000	32	4,850	0.66
21	Lò Văn Sơn	Co Thon village - Pa Khoang	5	Garden land	1,500	65	7,000	0.93
22	Cầm Văn Toàn	Co Thon village - Pa Khoang	4	Garden land	6,100	108	7,400	1.46
23	Lò Văn Hịa	Co Thon village - Pa Khoang	3	Cultivation land	6,000	156	16,000	0.98
24	Cà Văn San	Co Thon village - Pa Khoang	6	Cultivation land	4,000	120	8,250	1.45
25	Lò Văn Khuyết	Co Thon village - Pa Khoang	5	Garden land	6,000	150	8,500	1.76
26	Cầm Văn Hiến	Co Thon village - Pa Khoang	3	Hill land	7,000	280	11,200	2.50
27	Quàng Văn Thượng	Co Thon village - Pa Khoang	4	Residential land	4,400	137	7,600	1.80
28	Lò Văn Khoi	Co Thon village - Pa Khoang	4	Residential land	2,200	109	8,250	1.32
29	Lò Văn Hạnh	Co Thon village - Pa Khoang	6	Rice field land	1,960	134	5,890	2.28



No.	Name of Household Owner	Address/Commune	Number of APs	Name and type of affected assets and affected area	Area in the project site (m <sup>2</sup> )	Area of land affected by the project (m <sup>2</sup> )	Total of farm landholding of household (m <sup>2</sup> )	% of area affected
30	Lò Văn Chanh	Co Thon village - Pa Khoang	7	Rice field land	1,500	136	4,800	2.83
31	Lò Văn Địa	Co Thon village - Pa Khoang	3	Garden land	1,920	87	6,530	1.33
32	Cầm Văn Ở	Co Thon village - Pa Khoang	5	Pond	600	50	3,950	1.27
33	Lò Văn Tiên	Co Thon village - Pa Khoang	6	Garden land	1,120	67	4,257	1.57
34	Lò Văn Khoa	Co Thon village - Pa Khoang	4	Garden land	420	30	4,980	0.60
35	Lò Văn Hạnh	Co Thon village - Pa Khoang	7	Hill land	500	13	5,890	0.22
36	Lò Văn Khoi	Co Thon village - Pa Khoang	4	Garden land	1,250	122	6,730	1.81
37	Bạc Cầm Thiên	Ha village 2 - Pa Khoang	4	Garden	600	51	6,000	0.85
38	Lường Văn Sươi	Ha village 2 - Pa Khoang	4	Garden	2,600	26	8,600	0.30
39	Lò Văn Vương	Ha village 2 - Pa Khoang	3	Garden land	8,500	280.16	10,000	2.80
40	Lò Văn Đồi	Ha village 2 - Pa Khoang	5	Garden land	1,850	70	9,500	0.74
41	Lò Văn Bình	Ha village 2 - Pa Khoang	6	Garden	1,550	82	6,100	1.34
42	Lường Thị Dương	Ha village 1 - Pa Khoang	3	Rice field land	1,750	87	1,750	4.95
4	Lò Văn Thiết	Ha village 2 - Pa Khoang	4	Rice field land	300	12	4,000	0.30
44	Lò Văn Năm	Ha village 2 - Pa Khoang	4	Garden	4,680	253	7,000	3.61
45	Quàng Văn Nin	Ha village 2 - Pa Khoang	4	Hill land	600	58	8,405	0.69
46	Lường Thị Thơm	Ha village 2 - Pa Khoang	3	Garden	230	20	6,530	0.31
47	Lò Văn Xanh	Ha village 2 - Pa Khoang	3	Garden	450	27	9,500	0.28
48	Lường Văn Quyết	Ha village 2 - Pa Khoang	5	Hill land	2,000	138.6	6,430	2.16
49	Lò Văn Ban	Ha village 2 - Pa Khoang	3	Hill land	5,035	455	9,670	4.71
50	Quàng Văn Lún	Ha village 2 - Pa Khoang	4	Hill land	5,200	120	10,500	1.14
51	Cà Văn Sơn	Ha village 2 - Pa Khoang	3	Hill land	3,000	112	7,000	1.60
52	Lò Văn Mồn	Ha village 1 - Pa Khoang	5	Pond	6,000	477	8,400	5.68
53	Lường Văn Lương	Ha village 1 - Pa Khoang	3	Hill land	1,600	96	5,600	1.71
54	Lường Văn Thanh	Ha village 1 - Pa Khoang	3	Hill land	8,800	500	11,200	4.46
55	Tông Văn Phương	Ha village 1 - Pa Khoang	3	Hill land	9,800	570	13,500	4.22
56	Lò Văn Đoái	Ha village 1 - Pa Khoang	4	Rice field land	3,000	100	6,800	1.47
57	Lường Văn Xiên	Ha village 1 - Pa Khoang	7	Rice field land	1,500	40	5,300	0.75
58	Lường Văn Tỵ	Ha village 1 - Pa Khoang	6	Garden	6,320	68	9,000	0.76
59	Tông Văn Quyết	Ha village 1 - Pa Khoang	4	Garden	5,300	53	8,500	0.62

No.	Name of Household Owner	Address/Commune	Number of APs	Name and type of affected assets and affected area	Area in the project site (m <sup>2</sup> )	Area of land affected by the project (m <sup>2</sup> )	Total of farm landholding of household (m <sup>2</sup> )	% of area affected
60	Lường Văn Tiên	Ha village 1 - Pa Khoang	4	Hill land	920	43	5,240	0.82
61	Lò Văn Đồi	Ha village 1 - Pa Khoang	5	Hill land	4,700	270	6,200	4.35
62	Cà Văn Pan	Ha village 1 - Pa Khoang	3	Hill land	5,700	269	9,530	2.82
63	Tông Văn Trung	Ha village 1 - Pa Khoang	7	Hill land	6,100	320	8,500	3.76
64	Cà Văn Phó	Ha village 1 - Pa Khoang	5	Hill land	4,800	180	7,920	2.27
65	Quảng Văn Khún	Ha village 1 - Pa Khoang	4	Hill land	2,100	90	6,915	1.30
66	Cà Thị Hoa	Ha village 1 - Pa Khoang	6	Hill land	4,300	162	6,500	2.49
67	Lường Văn Dinh	Ha village 1 - Pa Khoang	6	Pond land	1,525	52.5	4,670	1.12
68	Lường Văn Bánh	Ha village 1 - Pa Khoang	6	Garden	4,480	354.9	7,800	4.55
69	Bạc Cầm Dục	Ha village 1 - Pa Khoanne	4	Garden land	2,000	175	5,500	3.18
70	Lường Văn Vĩnh	Ha village 1 - Pa Khoang	7	Residential land	3,040	205	8,900	2.30
71	Lò Văn Món	Ha village 1 - Pa Khoang	7	Hill land	6,000	430	7,650	5.62
72	Lò Văn Sơn	Nguu village - Pa Khoang	2	Rice field	6,028	145.8	9,050	1.61
73	Quảng Văn Hặc	Keo village - Pa Khoang	4	Rice field land	2,300	91	6,300	1.44
74	Lường Văn Thịnh	Nguu village - Pa Khoang	3	Rice field land	4,000	241	5,205	4.63
75	Lò Văn Tượng	Cong village - Pa Khoang	4	Rice field land	1,100	93	4,205	2.21
76	Lò Văn Sĩ	Cong village - Pa Khoang	6	Rice field	4,000	165	5,050	3.27
77	Lò Văn Sinh	Cong village - Pa Khoang	6	Rice field land	605	47.25	3,850	1.23
78	Lò Văn Xuân	Cong village - Pa Khoang	4	Rice field land	4,000	185	8,500	2.18
79	Lò Văn Tâm A	Cong village - Pa Khoang	4	Rice field land	1,120	50	6,298	0.79
80	Lường Văn Khự	Cong village - Pa Khoang	6	Rice field land	1,640	69	4,780	1.44
81	Lường Văn Pằng	Ten Village - Pa Khoang	4	Rice field land	1,700	144	8,690	1.66
82	Lò Văn Mứn	Cong village - Pa Khoang	7	Rice field land	600	57	3,980	1.43
83	Quảng Văn Sĩ	Co Muong village - Pa Khoang	5	Rice field land	1,690	75	5,100	1.47
84	(Chưa Rõ)	Nguu village - Pa Khoang		Rice field land	1,000	75	4,250	1.76
85	Quảng Văn Lâm	Keo village - Pa Khoang	3	Rice field land	1,240	90	4,380	2.05
86	Quảng Văn Dụn	Keo village - Pa Khoang	7	Rice field land	9,200	570	15,200	3.75
87	Lò Văn Piển	Keo village - Pa Khoang	5	Rice field	5,000	438	9,000	4.87
88	Quảng Văn Xôm	Keo village - Pa Khoang	4	Rice field land	4,556	210	6,450	3.26

No.	Name of Household Owner	Address/Commune	Number of APs	Name and type of affected assets and affected area	Area in the project site (m <sup>2</sup> )	Area of land affected by the project (m <sup>2</sup> )	Total of farm landholding of household (m <sup>2</sup> )	% of area affected
89	Lường Văn Hạc	Xom Village - Pa Khoang	5	Rice field land	4,100	296	7,250	4.08
90	Lù Văn Thắng	Keo village - Pa Khoang	4	Rice field land	470	34	3,690	0.92
91	Lù Văn Mai	Keo village - Pa Khoang	7	Hill land	2,500	192	5,000	3.84
92	Quảng Văn Thanh	Keo village - Pa Khoang	3	Hill land	8,000	255	12,000	2.13
93	Lò Văn Sâm	Dong Met 1 - Pa Khoang	6	Residential land	1,000	40	3,200	1.25
94	Lò Văn Tiên	Dong Met 1 - Pa Khoang	4	Forest land	960	75	4,650	1.61
95	Phạm Đức Chủ	Muong Phang Town	4	Forest land	2,400	161	8,050	2.00
55	Trần T Thu Hiền	Dong Met 1 village - Pa Khoang	2	Garden land	1,700	26	5,500	0.47
97	(Chưa Rõ)	Dong Met 1 village - Pa Khoang		Garden land	1,000	25	7,200	0.35
98	Phạm Văn Vĩ	Dong Met 1 village - Pa Khoang	3	Garden land	1,500	37	3,802	0.97
99	Lò Văn Học	Dong Met 1 village - Pa Khoang	4	Garden land	1,700	30	6,800	0.44
100	Lò Văn Công	Dong Met 1 village - Pa Khoang	4	Garden land	1,200	24	8,320	0.29
101	Lò Văn Uẩn	Dong Met 1 village - Pa Khoang	3	Forest land	11,550	421	15,250	2.76
102	Lò Văn Lộ	Dong Met 1 village - Pa Khoang	4	Forest land	9,000	122	11,300	1.08
103	Lường Văn Khuyết	Dong Met 1 village - Pa Khoang	6	Garden land	5,500	60	8,250	0.73
104	Lường Văn Lợi	Dong Met 1 village - Pa Khoang	4	Garden land	900	46	12,500	0.37
105	Lò Văn Ủn	Dong Met 1 village - Pa Khoang	8	Garden land	1,900	70	4,320	1.62
106	Lò Văn Hoàn	Dong Met 1 village - Pa Khoang	3	Garden land	450	36	3,000	1.20
107	Lường Văn Thiên	Dong Met 1 village - Pa Khoang	4	Garden land	300	10	4,200	0.24
108	Lò Văn Ngã	Dong Met 1 village - Pa Khoang	3	Garden land	600	40	6,750	0.59
109	Lò Văn Ngọc	Dong Met 1 village - Pa Khoang	3	Garden land	270	15	6,200	0.24
110	Lò Văn Hoàn	Dong Met 1 village - Pa Khoang	4	Garden land	550	40	5,340	0.75
111	Cầm Thị Xiển	Dong Met 2 village - Pa Khoang	2	Garden land	450	27	2,800	0.96
112	Lò Văn Tươi	Dong Met 2 village - Pa Khoang	4	Garden land	500	36	7,335	0.49
113	Lò Văn Chiến	Dong Met 2 village - Pa Khoang	11	Garden land	400	30	8,725	0.34
114	Lò Văn Khui	Dong Met 2 village - Pa Khoang	6	Garden land	300	25	6,400	0.39
115	Lò Văn Trực	Dong Met 2 village - Pa Khoang	8	Garden land	450	20	4,500	0.44
116	Lò Văn Pánh	Dong Met 2 village - Pa Khoang	5	Pond	1,970	170	6,500	2.62
117	Lường Văn Tun	Dong Met 2 village - Pa Khoang	6	Pond	500	40	3,400	1.18

No.	Name of Household Owner	Address/Commune	Number of APs	Name and type of affected assets and affected area	Area in the project site (m <sup>2</sup> )	Area of land affected by the project (m <sup>2</sup> )	Total of farm landholding of household (m <sup>2</sup> )	% of area affected
118	Lường Văn Hơn	Dong Met 2 village - Pa Khoang	4	Residential land	470	32	3,650	0.88
119	Lò Văn Tôm	Dong Met 2 village - Pa Khoang	7	Residential land	250	20	4,020	0.50
120	Lò Văn Muôn	Dong Met 2 village - Pa Khoang	7	Garden land	300	20	5,300	0.38
121	Lò Văn Chương	Dong Met 2 village - Pa Khoang	4	Residential land	500	40	7,128	0.56
122	Cầm Thị Duyên	Dong Met 2 village - Pa Khoang	3	Residential land	460	35	6,925	0.51
123	Lường Văn Kim	Che Can - Muong Phang	3	Garden land	640	40	4,120	0.97
124	Lường Văn Diên	Dong Met 2 village - Pa Khoang	3	Garden land	750	55	5,280	1.04
125	Lường Văn Nhô	Dong Met 2 village - Pa Khoang	6	Rice field land	730	65	5,900	1.10
126	Lò Văn Phó	Dong Met 1 village - Pa Khoang	4	Rice field land	850	70	6,100	1.15
127	Lò Văn Kiến	Mua village - Muong Phang	3	Fence	2,617	50	8,055	0.62
128	Lò Văn Hương	Mua village - Muong Phang	4	Garden land	2,350	150	3,750	4.00
129	Lò Văn Hoa	Mua village - Muong Phang	4	Garden land	1,200	72	4,800	1.50
130	Lường Văn Xương	Mua village - Muong Phang	6	Garden land	1,050	80	5,320	1.50
131	Lường Văn Quân	Mua village - Muong Phang	4	Pond	1,200	80	4,050	1.98
132	Quảng Văn Tuấn	Mua village - Muong Phang	5	Rice field land	3,200	50	6,700	0.75
133	Lù Thị Kim	Mua village - Muong Phang	2	Garden land	1,887	50	8,200	0.61
134	Cà Văn Phúc	Mua village - Muong Phang	6	Pond	2,030	70	9,240	0.76
135	Quảng Văn Biên	Mua village - Muong Phang	3	Garden land	950	30	3,450	0.87
136	Quảng Văn So	Mua village - Muong Phang	6	Garden land	2,100	50	9,400	0.53
137	Lường Văn Bích	Mua village - Muong Phang	5	Pond	827	60	8,550	0.70
<b>Total</b>	<b>137</b>		<b>617</b>			<b>22,944</b>		

**Table A2.2 Dien Bien Phu Cultural Exchange and Tourism Information Center**

<b>No.</b>	<b>Name</b>	<b>Occupation</b>	<b>Age</b>	<b>Gender</b>	<b>Affected land</b>
1	Nguyễn Thị Hà	Café business	43	FM	N/A
2	Nguyễn Thị Thủy	Café business	47	FM	N/A
3	Hoàng Văn Hà	Nursery business	49	M	9% of rented land (5,000 m <sup>2</sup> )

## **Annex 3: Record of Consultations in Dien Bien**

**Date: 21 August 2013**

**Venue: Muong Phang National Tourism Site Management Board Office**

**Participants: 21 people (15 men and 6 women) living along road to Muong Phang National Tourism Site**

The PPTA briefed participants on the following:

- Proposed infrastructure improvements;
- Temporary and permanent resettlement impacts;
- Entitlement and compensation;
- Objectives of the census and Inventory of Losses and socio-economic surveys, and eligibility for compensation including the cut-off date,
- Need for active participation of the community
- Affected persons views on the subproject, its benefits, how to avoid impacts on structures and businesses and minimize environmental and resettlement impacts.
- The following were the points of discussion:

### **Situation in the area:**

- Living condition: There are 2 opinion groups: One thought that the living condition is better than 5 years ago but not so much. The second one supposed that the living condition has not any change due to inflation.
- Muong Phang has a market but just a few people go to market for sale and purchase because they live almost entirely by self-providing products. However, some HHs, who farm much crops and livestock, often bring their products to Dien Bien Phu city for trading. Thus, travelling is their essential demand.

### **Discussion on Subproject and resettlement**

- PPTA Consultants explained further the details of the subprojects.
- Excepting Mr. Lo Van Hoang –leader of Muong Phang national tourism site management team, no one else knows about subproject (SP) prior to this meeting. Based on descriptions participants gave the following feedback:
  - **Subproject's benefits:**
  - All members of FDGs think that the investments of SP will benefit community. Construction of tourism information centre is also good. The increase of number of tourists will promote economic development and employment opportunities.
  - Construction and upgrading of roads also benefit the people of other communes. They need better travelling conditions. The SP also helps create improvements of people's livelihoods by increase of goods exchange and convenient travelling; the tourists have convenient travelling condition, have rest stops for sight-seeing (terraced fields, ecological forest, etc.) and can buy goods in community market.
  - Help women easy in travelling, children going to school conveniently even by bike, motorbike or on foot.
  - "To go to markets in Dien Bien city, we often go by motorbike. On dry season (from January to April) travelling is quite easy. On wet season (from May to August) it's extremely difficult. There is thick mud and potholes, men feel difficulty to drive not mention the women. The upgraded road will help us so much in travelling, facilitating women to do business. Tourists will come here much more easily (interviewed man of FDG).
  - Faster health-care emergency and rescue.
  - Exploit more tourism potential of localities, attracting tourists.

- Connect tourism sites throughout province in a continuous tourism cycle, so that the tourists can visit various destinations. Presently, tourist visiting De Castries Bunker often have wish to visit Muong Phang tourism site but the poor travelling condition sometimes restrict them.
- Create employment opportunities for community, promote economic development. The ethnicities of Dien Bien province have chances to develop some tourism services such as cuisine culture with local foods of forests, brocade products (weaving, making cushions, embroidered skirts and clothes). The tourism-related activities will make the positive impacts on the trades above.
- Currently, due to bad traffic road, the tourists to site and goods exchange activities are restricted. "We are so glad if the access road to Muong Phang national tourism site is upgraded. We wish for the investment from the State".
- The poverty reduction and tourism development of Dien Bien has close relationship. Investment in road upgrading has good effects on poverty reduction of local.

- **Negative impacts**

- Some HHs located along the access road to Muong Phang site may have land, house, assets and trees affected, however, not large. In some alignment bending points, if the design is not paid suitable attention, some HHs may be seriously affected, evenly need to displace. The HHs are renting places in De Castries Bunker (Thanh Truong ward) or in Muong Phang tourism site (Muong Phang commune) may be affected in livelihoods because stop of business if the management board won't facilitate re-renting the business stalls.
- Women are mostly the vendors in tourism sites. If they have to stop business, they will be directly affected and their families accordingly.
- The good road however may rise risk of traffic accidents if the adults and children are not aware of or don't comply with the traffic rules. "The ethnic minority people have just known how to drive the motorbike without any awareness of traffic rules. They drive in the way that they want; this may increase the risk of traffic accidents which are dangerous for themselves and others" (Chief of village Phang 3).
- Developed tourism may make prostitution increase. Criminals are easy to act and disrupt public security. The increased number of tourists also make volume of waste increased which needs the proper treatment method not to pollute the people's living environment (Head of residential block 6 – Thanh Truong ward).
- The construction of SP's items will make temporary impact on travelling of people due to materials and construction disposal. If the construction duration is prolonged, it will make significant impacts on living of HHs along the road.
- The business HHs at centre of Muong Phang commune may be affected due to temporary stop of business. Women will likely be impacted by loss or reduced area to sell.
- Conflicts may occur between construction labour and local people. This has happened already in Phang village/Bua village between residents with road workers.

### **Community's experience with tourists**

- Generally, people have a positive experience with tourists. They are considered polite and want to visit and learn about local history and relics. Tourist's coming will promote local economic development.


- People think that Dien Bien has many things to introduce to tourists, firstly the historical relics such as De Castries Bunker, A1 hill, Him Lam hill, Muong Phang command headquarters. Some others like local identified food of Thai, Mong people and others ethnicities. The third is majestic mountain scenery of Dien Bien.
- Willingness of community to host tourists.
- The construction and upgrading of road will be implemented as soonest to local people and tourists can benefit.
- In many past years, the road has been repaired many times for damage due to rains, storms, flood and landslides. “We would like to propose the Management Board pay reasonable attention to controlling and checking work’s quality, because the road will bear high load of coaches and weather conditions. Work maintenance should be done after completion to avoid quick downgrading” (Deputy head of ethnic minority committee; head of Muong Phang site management board).
- Should pay attention to construction duration and prevent dust, construction disposals affect working environment and travelling of people. “We would like to propose that the management board control construction status to ensure it won’t make serious impacts on people’ living conditions”.
- Facilitate women selling goods in tourism site: “We wish that the tourist sites after completion will have selling places for us. It will be more polite and civilized if we have not follow tourists to invite them to buy”. (woman – FGD in Muong Phang site).
- Demand on community’s capacity building and tourism promotion.
- There should have the support actions from State’s tourism development agencies to make plan for community tourism development.
- “Dien Bien tourism has much potential but less developed because the service is simple and less diversified. If there is not the guidance and supports for development, local people will do business spontaneously. The high potential needs chance to develop” (Deputy Head of ethnic minority committee).
- Create favourable conditions for poor HHs, especially ethnic minority women to have stalls on tourism site. If not, the SP won’t benefit the poverty reduction for people.
- Training/guidance on community tourism products for women in villages: “We would like to learn more about “home stay” service like in Lao Cai to have more attractive tourism activities”.
- Training to increase awareness of people and tourists on environment protection and maintaining tourism landscape. “If the people are not aware of protection of environment and historical relics, upgrading of the tourism site will become meaningless”.
- Arrange the traffic rules course for local people.

**The group had some recommendations as follows:**

- Improvement of road and electricity infrastructure to facilitate local economic development  
“The current electric system is 2-phase system, it restricts us doing everything. We wish to be supported in investment of 3-phase system, and then people can invest kinds of machines, rice mills, sawmills to have new employment opportunities to gain more income”.
- Support to build the cultural house for villages.
- “Currently there is not cultural house. Once there is the community activity such as meeting or discussions have to take place in private house of village chief”.
- Disseminate more public information about the SP and implementation plan (road upgrading and information centre) to people for monitoring.



**Figure A3.1: Attendance Sheet: Consultations in Dien Bien**



**Công ty cổ phần Xây dựng và Môi trường Việt Nam (ViCen)**  
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**LIST OF PARTICIPANTS**  
**DANH SÁCH THAM DỰ**

Content/ Nội dung: Hợp thảo luận về dự án DTTS  
 Nhóm Người Phức: Xã Mường Phăng  
 Dated on/Thời gian: ..... Location/Địa điểm: .....

No. STT	Full name Họ và Tên	Agency/ Unit Đơn vị công tác	Amount Số tiền	Sign Ký Nhận
1	Cà Văn Sĩ	Bản Bản	20.000	<i>[Signature]</i>
2	Cà Văn Sĩ	nt.	20.000	<i>[Signature]</i>
3	Cà Văn Sĩ	nt.	20.000	<i>[Signature]</i>
4	Cà Văn Sĩ	nt.	20.000	<i>[Signature]</i>
5	Cà Văn Sĩ	nt.	20.000	<i>[Signature]</i>
6	Liêng Văn Sĩ	Bản Făng I.	20.000	<i>[Signature]</i>
7	Liêng Văn Sĩ	nt.	20.000	<i>[Signature]</i>
8	Liêng Văn Sĩ	nt.	20.000	<i>[Signature]</i>
9	Liêng Văn Sĩ	Bản Făng II.	20.000	<i>[Signature]</i>
10	Liêng Văn Sĩ	Bản Făng III.	20.000	<i>[Signature]</i>
11	Liêng Văn Sĩ	Bản Făng II.	20.000	<i>[Signature]</i>
12	Liêng Văn Sĩ	Bản Făng III.	20.000	<i>[Signature]</i>
13	Liêng Văn Sĩ	nt.	20.000	<i>[Signature]</i>
14	Liêng Văn Sĩ	nt.	20.000	<i>[Signature]</i>
15	Liêng Văn Sĩ	nt.	20.000	<i>[Signature]</i>
16	Liêng Văn Sĩ	Bản Făng II.	20.000	<i>[Signature]</i>
17	Liêng Văn Sĩ	Bản Făng II.	20.000	<i>[Signature]</i>
18	Liêng Văn Sĩ	NT.	20.000	<i>[Signature]</i>
19	Liêng Văn Sĩ	NT	20.000	<i>[Signature]</i>
20	Liêng Văn Sĩ	Bản Bản	20.000	<i>[Signature]</i>
21	Liêng Văn Sĩ	Bản Bản	20.000	<i>[Signature]</i>

Tổng: 22 người = 440.000 đ.

Prepared by/ Người lập biểu: *[Signature]*

## Annex 4

### Resettlement Plan Sample Public Information Booklet GMS Tourism Infrastructure for Inclusive Growth Viet Nam Ministry of Culture, Sports and Tourism

#### ***What is the GMS Tourism Infrastructure for Inclusive Growth Project?***

The proposed GMS Tourism Infrastructure for Inclusive Growth Project will improve last mile tourism access and environmental infrastructure and provide capacity building support to promote inclusive tourism growth in the GMS corridors. The Ministry of Culture, Sports and Tourism and Dien Bien Department of Culture, Sports and Tourism is implementing the project, with financial assistance from the Asian Development Bank (ADB).

#### ***How extensive is the need to acquire land and other assets for the project?***

This Resettlement Plan concerns the subprojects in Dien Bien, which are the Dien Bien Cultural Exchange and Tourist Information Centre and the Muong Phang Access Road Improvements.

Development of the **Dien Bien Culture Exchange and Tourist Information Center (TIC)** is proposed to take place on the outskirts of Dien Bien City on the same plot of public land occupied by De Castries Bunker, an important national historic relic. Parts of the 9 ha site are currently leased by a bonsai nursery operator and two small cafes that operate near the current entry gate. These 3 businesses will be affected by the subproject activities. The cafes will be dismantled and moved to new purpose-built facilities constructed by the project, to be developed within the TIC approximately 50 meters from their current location. The nursery operator will continue to conduct business at the site but will lose approximately 9% of leased land and usage of one building on the TIC site, which is currently leased from the National Museum Board.

The **Muong Phang Access Road Improvements** subproject will upgrade a 19 km segment of the Him Lam–Muong Phang access road, develop two rest areas, and improve tourist amenities at the Muong Phang National Tourist Site. The subproject will require some sections of the existing road to be widened to a 5.5 m carriageway (the existing road width is 5.5 m in some sections and 5 m in others) and minor land acquisition for development of the rest areas. According to the Inventory of Losses (IOL) finalized on 20 January 2014, subproject activities will require minor land acquisition from 137 affected households (AHs) with 617 affected persons (APs). The total land acquisition is 22,944 m<sup>2</sup> of which 803.70 m<sup>2</sup> is categorized as residential land; 6,835.61 m<sup>2</sup> is agriculture land; 3,575 m<sup>2</sup> is garden land; 10,720 m<sup>2</sup> is forest; and 1,009.5 m<sup>2</sup> is aquaculture land (ponds).

#### ***What will happen to the people losing assets and sources of livelihood?***

Compensation will be paid at *replacement cost* in cash or in-kind (for example, land-for-land) for all assets affected, including sources of livelihood. Other forms of assistance will also be provided to households depending on the severity of project impacts.

#### ***What is “replacement cost”?***

This is the amount needed to replace an affected asset without deductions for taxes or costs of transactions. Replacement costs relevant for this project are calculated as follows:

- Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;

#### ***What are the key principles for helping affected households under the project?***

- Avoid, if not minimize, land acquisition and relocation, and impacts on sources of livelihoods of people;
- Restore the standard of living of affected households;

- Replace and compensate lost assets at replacement cost, on top of providing allowances and income restoration support, as warranted;
- Inform and consult the affected households about the Project, impacts, options for compensation and assistance, and grievance redress mechanism;
- Protect social/cultural institutions;
- Non-titled affected households (those who have no title to the land or no customary rights) have rights to receive Project entitlements for affected non-land assets provided that they meet the cut-off date for eligibility;
- Identify and assist vulnerable groups at high risk of impoverishment, such as female-headed households with dependents, ethnic minorities, disabled household heads, households falling under the generally accepted indicator for poverty, children and the elderly households who are landless and with no other means of support, landless households, and ethnic minorities; and
- No demolition of assets/entry to properties will be done until the affected household is fully compensated and relocated.

**Who are eligible to be compensated and assisted under the project?**

All affected people, households, and institutions/organizations that satisfy the cut-off date for eligibility are eligible to be compensated and assisted under the Project. The cut-off date coincides with the period the census of affected persons (regardless of tenure status) and the inventory of losses (IOL) were completed (20 January 2014), to be validated and updated later during the detailed measurement survey (DMS). Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have been included among the affected due to changes in project design.

**What are the entitlements of affected households?**

Project entitlements listed in Table 1 are based on the impacts identified during the census and IOL. Said entitlements will be adjusted and updated, as needed consistent with the project resettlement policy, based on the results of the DMS to reflect a more precise inventory and assessment of impacts on assets and on the people.

**Project Entitlement Matrix**

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Productive Land (agriculture, garden, forest).	Legal owner or occupant identified during DMS.  AH = 125	Loss of less than 10% of land: cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, certification costs, administration fees).	Voluntary donation of land will not be allowed by the project.
Residential Land.	Legal owner or occupant identified during DMS. AH = 12	Cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, and free from transaction costs (taxes, certification costs, administration fees).	Voluntary donation of land will not be allowed by the project
Totally Affected Houses/Shops and Secondary Structures (the two cafes and bonsai building)	Owners of affected structures  AH = 3	Cash compensation at replacement cost for the entire structure equivalent to current market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover dismantling.	A guaranteed location or equal size of grater in newly constructed tourist information centre for 2 cafe owners.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		Provision of temporary selling location until new tourist information center is built	
Loss of leased land for business operation.	Bonsai nursery business AH=1	Compensation for investment in lost land (according to business records) pro-rated to remaining period of lease. Provision of replacement land for lease of equivalent size to area lost.	
Crops and Trees.	Owner of crops and trees AH = 30	If annual crops were planted at the time of construction, and cannot be harvested, cash compensation at replacement cost equivalent to the highest production of crop over the last three years multiplied by the current market value of crops. For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity. For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and diameter at breast height (DBH) of trees.	APs to have advance notification and to the extent possible access to replacement land prior to start of construction.
<b>Other Assistance</b>			
Loss of Business Income.	Owners of relocating/totally affected cafes/shops  Owner of nursery business  AH = 3	Cash compensation equivalent to the average monthly income pro-rated to the number of days of business disruption. Transportation assistance, if needed. A guaranteed location for continuing their business in the new TIC. Priority for participation in project business development training activities (for income restoration). For owner of nursery business with long term lease, compensation for loss of business income during relocation.	
Transportation Allowance.	Households or businesses relocating to other sites. AH = 3	Provision of transport to haul all old and new building materials and personal possessions.	APs may also opt for cash assistance. The amount (cost of labour and distance from relocation site) to be determined during implementation.
Vulnerable AHs- ethnic minorities; poor households; households headed by women, the elderly or	AHs =134 with 617 APs.	Ethnic Minorities allowance of 30 kg of rice per person in the household for 3 months. Poor households; households headed by women, the elderly or	

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
disabled.		disabled eligible for additional allowance of 30 kg of rice per person in the household for 3 months. The contractors will make all reasonable efforts to recruit APs and vulnerable APs as laborers for civil works. Eligible to participate in income restoration program.	
Temporary Use of Land.	Legal owner or occupant	For agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and (ii) full restoration of land to pre-impact conditions.	

***How are the grievances of affected persons (or households) heard and resolved?***

An aggrieved affected household may bring his/her complaint before any member of the Commune People's Committee, either through the Village Chief, a project staff, or directly to the CPC, in writing or verbally. The CPC will meet personally with the aggrieved person (or household) and will have 15 days to resolve the complaint. If the affected person (or household) is not satisfied with the action taken by CPC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the District People's Committee (DPC). The DPC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by DPC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the Provincial People's Committee (PPC). The PPC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by PPC on his/her complaint, the aggrieved person (or household) may bring the case to a court of law for adjudication. All legal and administrative costs incurred by an affected person/household and their representatives are to be covered by the Project.

***What is the tentative schedule for implementing resettlement?***

Resettlement Plan Updating Activities	Schedule
Consultations carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plans by Dien Bien PPC and ADB	Quarter 4, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and Quarter 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
External Monitoring	End of Quarter 2 and 4, Year 2
Start of civil works.	Quarter 4, Year 2

***How can an affected person or household participate in the Project?***

All affected persons or households are encouraged to participate in all consultation meetings and other project related activities in order to ensure that they are fully informed and consulted. Their active participation during the DMS and implementation of the Resettlement Plan will help MCST determine the appropriate measures to mitigate impacts, identify problems or potentials problems, and identify ways of responding expeditiously to solve any problems.

***Where can affected households get additional information about resettlement related information?***

The full RP, detailed project entitlements and compensation unit rates are available from the CPC, DPC, and PPC, and from the office of the Provincial Implementation Unit.

***Who might be contacted for any inquiries about the Project?***

Mr. Tran Van Ngoi, Ministry of Culture, Sports and Tourism. Phone number:

Province, District, Commune PPC:

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