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**VIE: INTEGRATED RURAL DEVELOPMENT SECTOR  
PROJECT IN THE CENTRAL PROVINCES  
(Additional Financing)**

**Subproject: Upgrading Saloun Reservoir, Ham Thuan Bac District, Binh Thuan Province**

## CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)

Exchange rate on 23<sup>th</sup> July 2016: \$1= 22,260 VND

## ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	Affected Household
APs	-	Affected Persons
APMB	-	Agricultural Project Management Board
CARB	-	Compensation Assistance and Rehabilitation Board
CPC	-	Commune Peoples' Committee
CPMU	-	Central Project Management Unit
CSB	-	Commune Supervisory Board
DARD	-	Department of Agriculture and Rural Development
DLFDC	-	District Land Fund Development Center
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DP		Displaced Person
DPC		District Peoples' Committee
DPI	-	Department of Planning and Investment
DRC	-	District Resettlement Committee
EA	-	Executing Agency
EM	-	Ethnic Minority
EMO	-	External Monitoring Agency
FGD	-	Focus Group Discussion
FS	-	Feasibility Study
GAP	-	Gender Action Plan
GOV	-	Government of Vietnam
HHs	-	Households
HIV-AIDS	-	Human Immuno Virus-Acute Immune Deficiency Syndrome
IPP	-	Indigenous Peoples' Plan
IOL	-	Inventory of Losses
IRDSPCP	-	Integrated Rural Development Sector Project in Central Provinces
IRMR	-	Internal Resettlement Monitoring Report
LIC	-	Loan Implementation Consultant
LURC	-	Land Use Rights Certificate
MARD	-	Ministry of Agriculture and Rural Development
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Affairs
MONRE	-	Ministry of Natural Resources and Environment

N-T-P	-	Notice- to- Proceed
ODA	-	Official Development Assistance
O&M	-	Operation and Maintenance
PCARB	-	Provincial Compensation, Assistance and Resettlement Board
PIB	-	Project Information Booklet
PPC	-	Provincial Peoples' Committee
PPMS	-	Project Performance Monitoring System
PPMU	-	Provincial Project Management Unit
REMDF	-	Resettlement and Ethnic Minority Development Framework
uREMDP	-	Updated Resettlement and Ethnic Minorities Development Plan
RCS	-	Replacement Cost Survey
ROW	-	Right-of-Way
SAH	-	Severely Affected Household
SES	-	Socio-Economic Survey
SP	-	Subproject
SPS	-	Safeguard Policy Statement
STI	-	Sexually Transmitted Infection
USD	-	United States Dollar
VND	-	Vietnamese Dong
VWU	-	Viet Nam Women's Union
WUGs	-	Water Users Groups

## **GLOSSARY**

- Displaced person (DP)** - Means any person or persons, household, firm, private or public institution that are fully or partially, permanently or temporarily physically displaced (relocated, lost residential land, or lost shelter) and/or economically displaced (lost land, assets, access to assets, income sources or means of livelihood) due to (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. AHs could be of three types: (i) persons with formal legal rights to land lost; (ii) persons who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who have neither formal legal rights nor recognized or recognizable claims to the lost land. In the case of a household, the term DP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
- Compensation** - Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Cut-off date** - Means the date of project land acquisition announcement by competent agency. The AHs will be informed of the cut-off date for each project component, and any person who settled or assets created in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
- Detailed Measurement Survey (DMS)** - Based on the approved detailed engineering design, this activity involves the finalization of subproject land acquisition and resettlement impacts, including final cost of resettlement. This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of AHs will be determined.
- Ethnic Minority (EM)** - Any ethnic group of Vietnam, except the dominant Kinh Group, who has the following characteristics at different levels - living in the rural and remote area or having ancestor's territory in the project area and depending on natural resources of these area and territory, and having a social or cultural identity distinct from that of the dominant group (Kinh-Viet).
- Entitlement** - A range of various activities including compensation, assistance in income restoration, shift in occupation, relocation... etc, provided to affected people based on the type and level of impact which aims to restore their socio-economic conditions.

<b>Income Restoration Programme</b>	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
<b>Land acquisition</b>	- 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
<b>Rehabilitation</b>	- This refers to additional support provided to AHs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life
<b>Relocation</b>	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
<b>Resettlement and Ethnic Minorities Development Plan (REMDP)</b>	- A plan for resettlement of an ethnic minority population, combining the resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.
<b>Replacement Cost</b>	- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs
<b>Replacement Cost Survey</b>	- This refers to the process involved in determining replacement costs of affected assets based on empirical data
<b>Resettlement</b>	- 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.
<b>Severely affected household (SAH)</b>	- 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 subproject.
<b>Stakeholders</b>	- Individuals, groups, or institutions that have an interest or stake in the outcome of a project. The term also applies to those potentially affected by a project. Stakeholders include land users, country, regional and local governments, implementing agencies, project executing agencies, groups contracted to conduct project activities at various stages of the project, and other groups in the civil society which may have an interest in the project.

**Vulnerable group**

- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who have no other means of support, (v) landless, and (vi) ethnic minorities.

**NOTE**

This Resettlement and Ethnic Minority Development Plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

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## EXECUTIVE SUMMARY

1. **Introduction:** This Resettlement and Ethnic Minority Development Plan (REMDP) is updated for the subproject "Upgrading Saloun Reservoir, Ham Thuan Bac district, Binh Thuan province", one of the subprojects of the Integrated Rural Development Sector Project in the Central Provinces (IRDSPCP)-Additional Financing proposed for ADB funding. The subproject will repair headworks (repair dam and upgrade flood discharge spillway to increase the storage capacity of the reservoir); upgrade and expand the canal system with a length of about 7,181 m and 68 structures on the canal; upgrade access road for management and operation with a length of about 2,540m.
2. The Resettlement and Ethnic Minority Development Plan (REMDP) is updated based initially on the results of a series of activities which included the socio-economic survey (SES), the updated REMDF, the Detailed Measurement Survey (DMS) done in January 2016 and the results of public consultation. This uREMDP is updated with the participation and consultation with relevant agencies, namely: Provincial Management Unit (PPMU), District Land Fund Development Centre (DLFDC), Commune Peoples' Committee, affected people and the other stakeholders.
3. **Scope of impacts:** This subproject is situated in Dong Giang commune. According to DMS results, there are 36,515.2 m<sup>2</sup> of agricultural land belongs to 130 HHs are affected. None of 130 AHs loss 10% or more their agricultural land. All the 130 AHs have donated their lands to the project. The signed deed of donation of affected lands has been attached to annex 2 of this uREMDP. In Dong Giang commune, 03 households will lose 390.5 m<sup>2</sup> of crops; 20 households will lose 326 trees when the subproject is implemented. This subproject also impacts 377m<sup>2</sup> structures owned by 08 HHs. Of the 130 affected households, 122 AHs belong to vulnerable group (including 121 AHs belong to ethnic minorities and 01 is poor Kinh AH). Of the 121 ethnic minorities AHs, there are 17 affected female-headed households and 04 poor affected households.
4. **Legal Policy Framework and Entitlements:** The updated Resettlement and Ethnic Minority Development Framework (uREMDF) prepared and applied for the project to meet the requirements of the ADB's SPS 2009 on Involuntary Resettlement Policy and the legal documents of the Government of Vietnam (GoV) that are described in Section F in detail. The terms and principles in this uREMDP are in accordance with the current regulations of Vietnam. However, in case of any discrepancy, Asian Development Bank's (ADB's) Policy will be followed.
5. **Public Consultation and Participation:** In July 2013, the first round of consultation was conducted by the consultation team to prepare REMDP of the subproject. The consultation was carried out with the participation of representatives from District People's Committee (DPC), District Land Fund Development Center (DLFDC), leaders of Commune People's Committee (CPC) and organizations at commune level, heads of villages and affected households. The second consultation was conducted in January 2016 by LIC to continuously disseminate information to affected people and solicit their comments regarding resettlement issues and concerns. Consultation results with AHs shows that the AHs agreed with compensation policies of the sub-project and agree to receive compensation amount as well as assistance in accordance with the compensation unit price approved by the PPC.
6. **Issues on Gender and Vulnerable Groups:** In Dong Giang commune, most of the population belongs to the ethnic minority. Among 130 affected households, 122 AHs belong to vulnerable group (including 121 AHs belong to ethnic minorities and 01 is poor Kinh AH). Of the 121 ethnic minorities AHs, there are 17 affected female-headed households and 04 poor affected households. These households belong to vulnerable groups who will be entitled to assistance as regulations in the uREMDF

7. In general, the implementation of subproject will have minor impact on women and ethnic people as well other affected people. Besides, mitigation measures are also prepared in this uREMDP to ensure that negative impacts are minimized. In addition, a Gender Action Plan (GAP) is incorporated in this uREMDP and will be complied with during the implementation of the subproject.

8. ***Institutional Arrangement:*** The Ministry of Agriculture and Rural Development (MARD), through its Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB), will coordinate with relevant agencies in the implementation of the uREMDP. CPMU will coordinate with the Binh Thuan Provincial People's Committee (PPC) and instruct the provincial Department of Agriculture and Rural Development (DARD) through its Provincial Project Management Unit (PPMU) to ensure that the compensation and other forms of assistance are administered according to the provisions of this uREMDP. The District Land Fund Development Center (DLFDC) is established to implement the compensation, assistance and resettlement process. During resettlement implementation, the Loan Implementation Consultant (LIC) recruited by CPMU will conduct semi-annual monitoring missions to ensure compensation is implemented in line with approved uREMDP.

9. ***Implementation Schedule:*** Civil contract award for the subproject (SP) shall not be approved by ADB unless its final uREMDP is approved. CPMU will make sure that construction work will not be implemented by contractors unless Binh Thuan PPMU: (i) has adequately finished compensation payment and (ii) ensure that necessary allowances are provided to affected people for life rehabilitation/income restoration and land clearance are completed. As per implementation schedule, compensation for all sub-project affected households/organizations will be fully paid before mid of August 2016 and site clearance will be completed by the end of August, 2016.

10. ***Monitoring and evaluation:*** Monitoring of uREMDP implementation will be internally conducted on behalf of MARD and ADB by CPMU/LIC/PPMU. The parties shall evaluate the achievement of resettlement objectives during the period from 6 to 12 months after resettlement activities have been completed. LIC will prepare and submit every six (6) months during project implementation an Internal Resettlement Monitoring Report (IRMR) to ADB through CPMU which highlights status of the uREMDP implementation, particularly the issues and concerns that may affect smooth implementation; includes also actions taken by parties and the recommendations to address the issues. LIC will also evaluate the extent of living condition restoration of AHs during and after the subproject completion.

11. ***Compensation and assistance cost:*** Binh Thuan PPC is responsible for distributing counterpart fund for land acquisition and resettlement to Ham Thuan Bac District Land Fund Development Center so that the payment will be made directly to affected households. Compensation and allowances are estimated to be about VND 715,512,289 (***equivalent to USD 32,144***). In which: (i) compensation amount for affected crops, trees and structures is VND 68,088,400; (ii) assistance amount is VND 569,632,000; (iii) Implementation Cost is VND 12,754,048; (iv) Provision Cost is VND 65,047,481.

## **A. SUBPROJECT DESCRIPTION**

### **1. Background**

1. The subproject “Upgrading Saloun Reservoir, Ham Thuan Bac district, Binh Thuan province” is one of the subprojects of the Integrated Rural Development Sector Project in the Central Provinces (IRDSPCP)-Additional Financing proposed for ADB funding. Saloun reservoir was built in 2000 on Saloun stream which is a tributary of La Nga river. This reservoir was a part of the resettlement project of Ham Thuan - Da Mi hydropower project in Dong Giang commune, a highland commune of Ham Thuan Bac district with a large ethnic minority population. Saloun irrigation system includes work items in the main dam, flood discharge spillway, Saloun weir and the canal system for irrigation consisting of the main canal (masonry stone) and N2, N4 and N6 canals (earth). The subproject aims to create a stable irrigation water supply for an area of 190 ha of farmland. Presently, the system is only able to irrigate about 70ha because the canal system is damaged, degraded and silted, thereby, unable to maximize its full efficiency. The areas that are not reached by irrigation water only rely on rainwater and can only produce in one cropping season, where the crop yield is low. Every year, Ham Thuan Bac Irrigation Management Company conducts regular maintenance and repair of the canal sections which are silted and damaged by flood at a cost of hundreds of millions. However, these activities are only remedial and temporary in nature and it is impossible to improve the irrigation water efficiency of the canal system. If the irrigation system work is comprehensively upgraded in a synchronized manner, it will significantly reduce maintenance costs and prevent the occurrence of annual flooding while crop yields will increase due to adequate and reliable supply of irrigation water to the envisaged service area.

2. The subproject will ensure adequate, stable and reliable irrigation water supply to 421 hectares of arable land in Dong Giang commune, Ham Thuan Bac district. It will also create favorable conditions for the efficient exploitation, management and operation of the system in order to achieve socio-economic development to farming households in the area. The subproject will reduce water losses in the canals and stabilize irrigation for crops. It will improve living standards and reduce poverty incidence among ethnic minorities living in Dong Giang commune through an increase in farm productivity, increase in agricultural products and the reduced sensitivity to external impacts such as drought and erosion.

3. Details of the proposal include the following items of work:

- Upgrading flood discharge spillway to enhance the living storage capacity of the reservoir.
- Concreting of the access road for operation and management with a length of 2,540m and structure of red gravel which has been degraded and damaged (connecting from Dong Giang - Da Mi to the dam head-works).
- Upgrading and expanding the main canal; upgrading, expanding and extending the primary canal (N2, N4 and N6) in combination with in-field road canals. Total length:
  - ✓ Main canal: 1,367 m.
  - ✓ Primary canal: 7,181 m (Including: Canal N2 in length of 2,658 m, canal N4 in length of 2,563 m, canal N6 in length of 1,960 m).
  - ✓ Structures on canal: 68

### **2. Subproject location and impact areas**

4. Dong Giang is a highland commune of Ham Thuan Bac district. The total area of the commune is about 9,750 ha. The Saloun Reservoir is located within the Dong Giang Commune. All 130 affected households are from Dong Giang commune.

### **3. Measures taken to Minimize Negative Impacts**

5. All upgrading works will be done within the existing location of the facilities and on existing right-of-way (ROW), except for the additional canals to be constructed under the subproject. To avoid increasing the potential impacts to the AHs, AHs were advised during the consultations not to construct new fixed structures within the ROW and/or widen and further build structures that have been documented during the IOL. A public information booklet (PIB) that explains, among others, the policy on cut-off date for eligibility, was distributed to the AHs and local governments during the preparation of the uREMDP. Affected people will be informed regarding acquisition of agricultural land and residential land in three (3) months and six (6) months, respectively before recovery. PIB will be distributed to the AHs and local governments, as needed, following ADB's concurrence of the subproject uREMDP. Other than the aforementioned, Government will ensure that the acquisition of assets, payment of compensation, assistance and rehabilitation of the AHs will be completed prior to the issuance of notice-to-proceed (NTP) to start construction works. In addition, designers also offer basic and detailed designs to avoid and/or minimize negative impact of subproject to people's assets.

6. Mitigating measures to minimize the adverse environmental impacts of the subproject during construction will include re-using excavated materials from the existing road to build the new road embankments. This will reduce the volume of construction materials to be extracted from borrow pits and transported through public roads, thereby reducing environmental impacts such as dust, air emissions, and noise that may affect communities in the subproject area particularly children and the elderly who are at greater risk to these pollutants.

### **4. Updated Resettlement and Ethnic Minority Development Plan**

7. This uREMDP ensures that the subproject will (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring subproject and design alternatives; (iii) enhance, or at least restore, the livelihoods of all affected households in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

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

9. This uREMDP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB SPS (2009) with national and provincial government policies. It includes the following:

- (i) Policy and procedural guidelines for asset acquisition, compensation, resettlement, and strategies that will help ensure full restoration of the affected household's livelihood and standard of living;
- (ii) Identification of households and communities to be adversely affected by the subproject, where they are located, what compensation and related alleviating measures to be provided to them and how and when these measures will be carried out;
- (iii) A plan on how the affected households will be involved in the various stages of the subproject, including resolution of grievances; and
- (iv) An estimated budget for resettlement and ethnic minority development implementation.

10. This uREMDP is updated based on DMS Results, following the approval of the detailed design by the PPC, social economic survey and consultation with AHs. Construction works will be

implemented after receipt of LIC's confirmation that compensation and allowances have been made and paid to AHs/AHs.

## B. SUBPROJECT IMPACTS

### 1. Survey process

11. Survey: Information on the overall socioeconomic profile of the subproject area was taken from the Provincial and district Year Book, and annual socioeconomic reports of communes. Besides, a socio-economic survey was carried out in January, 2016 by LIC. The survey collected information on the profile and characteristics of all affected households, their income levels and sources of income, ethnic composition, education levels and basic information on their plans after completion of the canals construction by directly interviewing them;

12. Consultations: In addition, consultations with AHs were organized in January, 2016 in Dong Giang commune. For affected households, the consultation aims to discuss and consult with the people about the scope and scale of impacts, entitlements, preliminary implementation schedule, and redress grievance. With the information on the overall subproject impacts, the consultations have given the affected households the opportunity to understand and share their ideas and expectations about the subproject

13. Detailed Measurement Survey (DMS): DMS was conducted in January 2016 by LFDC of Ham Thuan Bac district based on the approved technical design. Results of the DMS are summarized as follows

### 2. Permanent impact

#### 2.1. Affected households

14. Per DMS result, the subproject will impact on assets of 130 affected households (570 APs). Of the 130 affected households, 122 AHs belong to vulnerable group (including 121 AHs belong to ethnic minorities and 01 is poor AH). Of the 121 ethnic minorities AHs, there are 17 affected female-headed households and 04 poor AHs.

15. Not one among the 130 AHs belongs to those households under preferential treatment policy of the government.

#### 2.2. Affected land

16. According to DMS result, this subproject permanently affects 36,515.2 m<sup>2</sup> of agricultural land and belongs to 130 AHs. Of which, 30,524.6 m<sup>2</sup> is annual crop land ; 5,990.6 m<sup>2</sup> is perennial land. No land area is classified as forest land. Likewise, no residential land will be required. The following table summarizes affected land.

17. Through the meaningful consultation conducted by LIC, all the 130 AHs have donated their lands to the project, thus there will be no cost for compensation and assistance of job training. A voluntary donation form was signed by the landowners, attested by witnesses, and village leaders. The signed deed of donation of affected lands has been attached to annex 2 of this uREMDP.

**Table 1: Affected Land**

Commune	Residential land	Agriculture land			Other land	Total
		Annual crop land	Perennial land	Forest land		
Dong Giang	0	30,524.6	5,990.6	0	0	36,515.2

Source: DMS, 2016

### 2.3. Affected crops and trees

18. Permanent agricultural land acquisition results in the loss of crops and trees of the affected households. In Dong Giang commune, 03 households lose 390.5 m<sup>2</sup> of crops (324.8 m<sup>2</sup> of green bean, 37.2 m<sup>2</sup> of elephant grass and 28.5 m<sup>2</sup> of rice); 20 households will lose 326 trees (102 trees of cashew, 144 trees of rubber, 49 trees of banana, 15 trees bamboo, 04 trees guava, 03 trees of mango, 02 trees of *Acacia auriculiformis*, 02 trees of avocado, 02 tree of taramind, 01 tree of chinaberry, 01 tree of osaka, 01 trees of jackfruit) of all kinds when the subproject is implemented. However, these losses are offset due to an increase in crop yields as a result of an improved irrigation system.

**Table 2: Affected crops and trees**

Type of affected crops and trees	Dong Giang Commune	
	No of AHs	Area/ Quantity
Annual crops (m <sup>2</sup> )	03	390.5
Trees (quantity)	20	326

Source: DMS, 2016

### 2.4. Affected houses and structures

19. A total land area of 377 m<sup>2</sup> occupied by structures owned by eight (8) AHs will be impacted, of which 344 m<sup>2</sup> of wire fences and 33 m<sup>2</sup> of temporary lean-to's without walls. Table below shows in detail the affected areas occupied by the above mentioned types of structures.

**Table 4: Affected structures**

Type of affected structures	Quantity (m <sup>2</sup> )	Number of AHs
Wire fences	344	08
Temporary lean-tos without wall	33	
<b>Total</b>	<b>377</b>	<b>08</b>

Source: DMS, 2016

### 2.5. Affected historical or cultural heritages

20. DMS results indicate that there are no historical or cultural heritage landmarks or structures that will be adversely affected by the subproject.

## 3. Temporary Impact

21. During construction, some lands will be temporarily acquired and rented as construction sites for worker camps, material storage etc. Likewise, there will be impacts to AHs along the road alignment. However, mitigation measures will be implemented. To minimize the temporary negative impacts which are unavoidable, civil works contracts shall include the following provisions: (i) contractor to pay rent for any land temporarily required for construction work; (ii) temporarily used land will be restored or improved by contractors to its pre-subproject condition before returning to AHs with confirmation of LIC. Contractors are required to negotiate and reach an agreement with the landowner before the land is used for temporary material storage/disposal site. One of the conditions in the issuance of the final payment to civil contractors is that the contractor should submit supporting documents to prove that the temporarily acquired land has been restored to its pre-subproject conditions and there is no pending issue with confirmation of LIC.

### 3.1. Status of Land Use Rights of Affected Households

22. DMS data on status of land use rights of the 130 AHs suggest that all of them have been identified that they have proper land use rights for the affected land. The following table shows details on LURC profiles of the AHs.

**Table 3: Land Use Rights Status of Affected Households**

<b>Land Use Right Status of Affected Households</b>	<b>Number of AHs</b>
Number of households who have with land use right certificates	11
Number of HHs who are waiting for land use right certificates	119
<b>Total</b>	<b>130</b>

Source: DMS, 2016

### **3.2. Vulnerable groups**

23. The project's updated REMDF defines, vulnerable households to be those belonging to a special group who might disproportionately suffer or at risk of being further marginalized due to the negative impacts of resettlement.

24. According to DMS result, there are 122 AHs who belong to vulnerable groups (including 121 AHs belong to ethnic minorities and 01 is poor AH). Of the 121 ethnic minorities AHs, there are 17 affected female-headed households and 04 poor affected households.

25. Based on the project's definition of a vulnerable group, it shows that there are 122 vulnerable households that will be impacted during subproject construction. The project upholds the well-being of the vulnerable group by ensuring their entitlement to resettlement support and other forms of assistance to mitigate the negative impacts of the subproject to their lives. As cited in Section VII of this uREMDP on entitlements and assistance to life rehabilitation, the affected households who belong to the vulnerable group as per uREMDF definition will avail of the following resettlement assistance and additional allowances:

- Allowance in cash equivalent to 30 kg of rice (in accordance with market price) for each family member/month, for at least 36 months;
- Allowance amounting to 2.000.000 VND will be provided to all ethnic minority households and female-headed households;
- Technical support for agricultural extension at locality;
- Access to small credit amount at locality;
- Priority for employment in project for additional income generation.

26. Besides, women will be allowed to take part in subproject activities, including being employed to do unskilled labor for civil contractors; and will be paid equally with the male laborers. One (1) woman will be a member to the Commune Supervisory Boards (CSBs) and participate in the capacity building activities on agricultural production and diversification as well as in the building of market linkages. Affected female-headed households will be equally prioritized with the men in payment of compensation and other assistance as well in grievance redress related to resettlement and compensation issues.

## **C. SOCIO-ECONOMIC PROFILE AND INFORMATION**

### **1. Socio-Economic Profile of Subproject and AHs**

#### **1.1. Socio-economic features in the subproject area**

27. Binh Thuan is a coastal province located in Viet Nam's South Central Coast region. It borders with Ninh Thuan to the North, Lam Dong to the West, Dong Nai to the East and Ba Ria-Vung Tau to the South. The township of Binh Thuan is Phan Thiet city, which is 198 km far from Ho Chi Minh City to the South.

28. Population in Ham Thuan Bac district is 170,434 people (41,935 households), with average household size of 4.1 people. The ethnic minority households accounted for 6.8% of the district. Dong Giang is a mountainous commune. Total population is 2,464 people (633 households) with average household size of 3.9 people. Average population density is 28 people/km<sup>2</sup>.

**Table 4: Population in the subproject area**

No.	District, commune	No. of households	No. of people	Female	Male
1	Ham ThuanBac district	41,935	170,434	84,819	85,615
2	Dong Giang commune	633	2,464	1,230	1,234

Source: Statistical Yearbook 2012 - Ham Thuan Bac district

29. There are 104,926 people of working age in the district; with an average number of 2.5 people/household of working age. Around 87.5% of the population is working in agriculture. In Dong Giang commune, 1,716 people are of working age, with an average of 2.27 people of working age /household. Almost 92% of the population is working in agriculture.

30. Quality of the district and commune labor in the subproject area is low. Availability of professional and technical skills is limited. Thus, the application of scientific technology into production is still minimal.

**Table 5: Labor force in the subproject area**

No.	District, commune	No. of working age		Ethnic minorities	
		Total	Female	Total	Female
1	Ham ThuanBac district	104,926	55,650	9,702	<b>4,750</b>
2	Dong Giang commune	1,716	546		

Source: Statistic Book 2012- Ham Thuan Bac district

31. Binh Thuan is one of the driest regions of the country. It frequently experiences natural disasters and droughts. In the past, the poverty rate in Binh Thuan province was more than 50%. But by 2006, poverty rate was reduced to 11% and further reduced to 6.07% in 2012 which is lower than the poverty rate in the Central Coastal region and the whole country at 13.4% and 9.6% respectively. The poverty rate in Ham Thuan Bac district accounted for 8.01 % of the total population in 2012 but is higher than that in some of the communes in district. Dong Giang is a mountainous commune with a poverty rate of 34% where 89% of its population are ethnic minorities (EMs). Among EMs, poverty rate is 27.2% in the district, and 95.8% in the commune. This data suggests that when the subproject is completed, the EMs and other vulnerable group will immensely enjoy the anticipated socio-economic benefits.

32. Binh Thuan province implements Programs 134, 135 and 168 which are the GoV's poverty alleviation programs to assist and reduce poverty experienced by poor households. These are settled agricultural and residential policies in compliance with Decision No.33/TTg issued by the Prime Minister which provide assistance to significantly poor ethnic minority people. Production assistance policy in accordance with Decisions No 32/2007/QB-TTg and 126/2008/QB-TTg issued by the Prime Minister on poverty reduction. Likewise, BinhThuan Provincial Party Committee issued Resolution No. 14 on poverty reduction, investment in infrastructure for poor communes and housing assistance for poor households and Resolution No. 04 on construction and comprehensive development of people's livelihood, economic and social conditions for ethnic minorities.

**Table 6: Cumulative Profile of poor households in the subproject area over a 5- year period (2008-2012)**

No.	District, commune	Poor household rate (%)				
		2008	2009	2010	2011*	2012*
1	Ham ThuanBac district	7.7	6.2	4.7	10.1	8.0
2	Dong Giang commune	24.4	19.8	12.9	39.3	34.0

Source: Ham Thuan Bac District Division of Labor, Invalids and Social Affairs; (in 2011, 2012: as per new poverty level)

33. Dong Giang is a mountainous commune covered by phase I and II of Program 135. Pro-poor assistance programs have been implemented in the sub-project area: Program 102 provides free rice and maize varieties with a value equal to VND 80,000-100,000/person/year (depends on area II or I area III) to poor households. In 2012, 214 poor households in Dong Giang



commune received assistance from these programmes. Following Decision No. 22/2003/QB - UBBT by the Binh Thuan PPC on free insurance cards for the poor households and EM households, 2,117 people received assistance. Under resolution No. 04 on construction and comprehensive development of people's livelihood, economic, social for ethnic minorities region, 91 households received production land equivalent to 50.6ha. This assistance was very effective in contributing to the reduction of poverty rate in Dong Giang commune from 39.34 % in 2011 to 34% in 2012.

**Table 7: Profile of poor households in the subproject area in 2012**

No.	District, commune	No. of HHs		No. of persons		Poverty rate	
		Total	Ethnic minority	Total persons	Ethnic minority	Total	Ethnic minority
1	Ham Thuan Bac district	3,377	917	11,695	3,720	8.01	27.2
2	Dong Giang commune	214	205	801	791	33.97	95.8

Source: Ham Thuan Bac District Division of Labor, Invalids and Social Affairs; (in 2011, 2012: as per new poor level)

34. Causes of poverty: According to the report on a survey result by the Ham Thuan Bac District's Division of Labor, Invalids and Social Affairs which reviewed poor households during the period from 2011-2015, most of the poor households are ethnic minorities who lack productive land, funds and production facilities. In addition, these households have very limited capacities and are unaware on how to apply modern scientific technologies into production. Female-headed households accounted for nearly 50% of the total number of poor households in the subproject area (Table below).

**Table 8: Survey Results on Reasons for Poor Families**

No.	District, commune	Total poor HHs	Main characteristics of poor HHs		Cause of poverty		
			EM HHs	HHs headed by a woman	Lack of land, fund and production materials	Lack of labor, a lot of dependent people	Lack of production knowledge, sickness
1.	Ham Thuan Bac district (HHs)	4,092	1,000	2,025	2,621	927	1,524
	Rate (%)	100	24.4	49.5	64.1	22.7	37.2
2.	Dong Giang commune (HHs)	240	230	106	234	10	1
	Rate (%)	100	95.8	44.2	97.5	4.2	0.4

Source: Survey result of reviewed poor households during the period 2011-2015, Ham Thuan Bac district Division of Labor, Invalids and Social Affairs, 2011

## 1.2. Ethnic Minorities (EMs) in the subproject area

35. In 2012, Binh Thuan had a population of over 1.2 million people, including 35 ethnic groups, of which 34 are ethnic minorities, with a population of over 86 thousand people representing about 7% of total provincial population. The main ethnic minority groups are Cham, K'ho, and Gia Rai. Each ethnic group has its own culture, customs, and traditions, that create a rich and diverse local culture. In these ethnic minority communities, there are still local patriarchs called "zialang", but they are no longer as powerful and strong as in the past. People rely more on commune leaders on local issues and dispute resolution.

36. In 2012, population in Ham Thuan Bac district was 170,434 persons in 41,935 households. In Dong Giang commune, the population in 2012 was 2,464 persons in 633 households, where the ethnic minority people in the district accounted for 6.8% of total district population while at Dong Giang commune, the EM population is even higher at 94.2% of total commune population.

37. Access to infrastructure, health and educational facilities among the ethnic minority groups in the subproject is limited and the poverty rate is high due to lack of funds for production, poor technical skills and poor soil condition of the farming areas..

38. Most of the ethnic minority households in the subproject area are entitled to subsidized support from the government such as: the new poverty reduction programmes, programmes to redistribute land to ethnic minorities, and free medical insurance certificate.

39. K'ho is the main ethnic minority in Dong Giang Commune. K'ho account for 80.5% of the total population with about 1,985 persons. Rai ethnic group accounts for 8.8% of the total population with about 218 persons. The Cham ethnic group accounts for 3.8% with 93 people. The rest are Nung, Tay, Ra Glai (1.1%).

40. New Rice Ceremony is one of the traditional festivals of the K'ho ethnic group. The festival occurs nearly at the time with the Tet Holiday of the Vietnamese people. This ceremony is celebrated to pray to obtain favorable weather and preventing wild animals from destroying planting fields. The ceremony of new rice worship is a custom to inculcate to young people and children their appreciation of paddies and rice.

## 2. Socio-Economic Information of affected households

41. Sixty (60) AHs comprised of 244 individuals were surveyed during the socio-economic survey conducted at Dong Giang Commune, Ham Thuan Bac District during the DMS in January, 2016. Of the 244 people surveyed, 126 are males (51.6%) and 118 are females (48,4%). All of the surveyed 60 HHs and 244 individuals belong to ethnic minority groups, most of which belong to the Kho EM group. Average member per AH is 4 persons/household.

**Table 9: Size of AHs**

Commune	Affected HH members consulted				Average HH size (people/ HH)
	Number of AHs	Male	Female	Number of APs	
Dong Giang	60	126	118	244	4,0
<b>Total</b>	<b>60</b>	<b>126</b>	<b>118</b>	<b>244</b>	<b>4,0</b>

Source: SES, DMS, 2016

### 2.1. Heads of Affected Household

42. In terms of data on heads of affected households based on socio-economic survey (SES) results, of the total of 60 HHs surveyed, three (3) HHs at 5% of total are female-headed while 57 or 95% of total are male-headed households..

43. In terms of age range of the surveyed AH heads, the AH heads whose ages range from 20-40 years old is 28 persons accounting for the majority at 47%, followed by AHs heads ages 41-60 years old which are 22 persons at 37% of total while the remaining 10 persons (16%) belongs to age range 60 years old and above.

44. In terms of educational attainment, a majority of the AH heads at 48.3% (29 persons) hurdled primary school level, another 20% (12 persons) were in secondary school level while 15% (9 persons) were in high school. A few, though at 3.4% (2 persons) had college or higher education.

**Table 10: Demographic Profile of consulted heads of households**

Commune	Number of surveyed household		Group classified based on age(AHs)				Group classified based on education level (AHs)				
	Total	Female-head of HH	< 20	20-40	41-60	> 60	Not attend school	Primary	Secondary	High school	College / Higher educated
Dong Giang	60	03	0	28	22	10	08	29	12	09	02
<b>Total</b>	<b>60</b>	<b>03</b>	<b>0</b>	<b>28</b>	<b>22</b>	<b>10</b>	<b>08</b>	<b>29</b>	<b>12</b>	<b>09</b>	<b>02</b>

Source: SES, DMS, 2016

## 2.2. Affected household members

45. As to gender ratio between men and women, of the 244 people surveyed, men outnumbered the women at 51.6% to the women's 48.8%. In terms of household membership average size, it is at 4 members/household. As to ages of the 244 consulted individual population, the largest proportion of consultation participants belong to the economically active population from 20-40 years old which is at 48.4% (118 persons) of the total 244, followed by the youth, ages 20 years old and below at 28.3% (69). The individuals whose ages range from 41-60 years old accounted for 17.6% of the 244 total participants while the least number belong to the old people at only 5.7%. Details of the data on age brackets of people who were consulted are cited in table below:

**Table 11: Affected Persons Classified by Age and Gender**

Commune	No. of SAHs	No. of SAPs	Average AH size (people/AH)	Gender Ratio (%)		Age Brackets (%)			
				Male	Female	<20	20-40	41-60	> 60
Dong Giang	60	244	4.0	51.6	48.8	28.3	48.4	17.6	5.7
<b>Total</b>	<b>60</b>	<b>244</b>	<b>4.0</b>	<b>51.6</b>	<b>48.8</b>	<b>28.3</b>	<b>48.4</b>	<b>17.6</b>	<b>5.7</b>

Source: SES, DMS, 2016

46. Farming is the main economic activity of people at Dong Giang Commune. Therefore, farming is the main source of income of local people in general and by affected people in particular. Of the 244 consulted people, 73.5% (165) are engaged in farming activities as their main occupation. A few at 1.4% (3) of consulted people are freelance laborers and another 1.6% (4) are office workers. Remaining 23.5% (52) are engaged in other unspecified income sources..

47. On educational attainment of consulted people, a majority of these at 33% graduated from primary school while 24.5% and 23.5% finished secondary school and high school respectively. It is likewise, worth noting that 16.5% of total participants to the consultation are either unschooled or children who are still below the school age. Some 2.5%, albeit, few had either college or higher education.

**Table 12: Occupation and Educational Attainment of Affected Persons**

Commune	Number of consulted people	Occupation (%)				Educational Attainment (%)				
		Farmer	Freelance labor /employee	Officer/Worker	Others	Not attend school	Primary	Secondary	High school	College/Higher education
Dong Giang	244	73.5	1.4	1.6	23.5	16.5	33	24.5	23.5	2.5
<b>Total</b>	<b>244</b>	<b>73.5</b>	<b>1.4</b>	<b>1.6</b>	<b>23.5</b>	<b>16.5</b>	<b>33</b>	<b>24.5</b>	<b>23.5</b>	<b>2.5</b>

Source: SES, DMS, 2016

48. On income of consulted people, data show that the average income of consulted people is 571,107 VND/person/month and the average household income is 2, 322,500 VND /HH/month.

**Table 13: Average Income of AHs**

Commune	Number of consulted people	Average income/person/month	Monthly average income /HH
Dong Giang	244	571,107	2,322,500
<b>Total</b>	<b>244</b>	<b>571,107</b>	<b>2,322,500</b>

Source: SES, DMS, 2016

## 2.3. Access to Infrastructure Facilities and Utilities

49. The socio-economic survey result revealed that 98.3% of consulted AHs have good access to power facilities where they are connected to the national electricity grid. But the remaining 1.7%

of consulted HHs are not connected because the locations of their houses are outside the service area of the local power firm. Likewise, 91.7% of total AHs consulted have good access to clean domestic water, but only 38.3% have bathrooms while another 43.3% have toilet facilities. It is not, however, captured in the survey whether the toilet facilities are sanitary or unsanitary.

**Table 14: Access to Infrastructure and Utilities**

Infrastructure Facilities	Frequency	
	Number of AHs	Percentage (%)
Number of consulted households	60	100
Number of HHs who has access to electricity grid	59	98.3
Number of HHs with access to Tap water (domestic water)	55	91.7
Number of HHs with Bathroom facilities	23	38.3
Number of HHs with Toilet facilities	26	43.3

Source: SES, DMS, 2016

50. As to the survey respondents' access to health and educational facilities, DMS data revealed that there seems to be some problems with access to health and educational facilities in the subproject area. In terms of health facilities, the commune has a health center with some facilities and local health workers to look into the health conditions of the people but its services are only focus on some treatments and consultations for minor ailments; also concerns on primary health care. Patients whose illnesses require some treatments or hospitalization are usually sent to the district hospital at Ham Thuan Bac 45 km away from Dong Giang or at the provincial hospital in Phan Thiet city which is about 70 km from the commune. The same situation exists on access to schools and other educational institution where as per data gathered by PPMU, there is good access by both boys and girls in Dong Giang to primary school and secondary school as these are available within the commune whose distance from their residences is just less than kilometer away. However, access seems difficult once they reached high school since this is located at Ma Lam Ham Thuan Bac District where only a few of boys and especially girls continue their schooling. It is even more difficult for men and women to continue their college or university education because the University of Phan Thiet is located 70 km away from Dong Giang where students may stay in boarding schools. This situation correlates with the educational attainment of surveyed AHs and people where a majority of them have only completed either primary or secondary schools. Also, from the table below, it cannot be deduced whether the data on school attendees in high school and college or university between boys and girls speaks of those from Dong Giang or likely covers either the district or the provincial data on boys and girls enrollees.

**Table 15: Access to Schools**

Schools	Name of school	Location	Distance/ Near or far from Dong Giang commune	Accessible to both boys and girls	% of boys and girls
Primary school	Primary school of Village N02, Dong Giang commune	Village No 2, Dong Giang Commune	Less than 1 km	Easily accessible	Girls 44,7% Boys 52,3%
Secondary School	Secondary School of Dong Giang	Village No 2, Dong Giang Commune	Less than 1 km	Easily accessible	Girls 51,4% Boys 48,6%
High school	High school of Ham Thuan Bac district	Ma Lam, ham Thuan Bac district	45km away	Inaccessible	Girl 50,01% Boys 49,90%
College/ University	University of Phan Thiet	Phan Thiet city, Binh Thuan Province	70km away	Inaccessible	Girls 45,70% boys 54,30%

Source: DMS, 2016

## 2.4. Household Assets

51. Based on survey result, it appears that motorbike is becoming a popular means of transportation at subproject area with 85% of total AHs owning a motorbike while another 88.3% of total HHs own at least 1 mobile phone and 85% of total AHs consulted own a television (TV) set. This implies that people in subproject area have very good access to transport, communication and information facilities.

52. In terms of household assets used for production activities, the rate of HH ownership is rather low with only 30% of total AHs that own buffaloes/cows/horses. Likewise, the rate of AHs that own farming machines is low while only 1 AH has a bank account with deposit.

**Table 16: Assets of Affected Households**

Type of assets	Number of owners (AH)	Percentage (%)	Type of assets	Number of owners (AH)	Percentage (%)
Buffalo/cow/horse	30	50	AC/Fridge	3	5
Goat/pig	19	31.7	Computer	2	3.3
Generator	1	1.7	Washing Machine	1	1.7
Farming machine	3	5	TV/Video	51	85
Wagon truck	1	1.7	Mobile phone	53	88.3
Motorbike	51	85	Bank Account/Savings	1	1.7

Source: SES,DMS, 2016

## 3. Gender issues

53. In general, there are some gender issues in the subproject area as follows:

- (i) The K'ho household (the main ethnic minority) often prefers girls to boys, and has clear rules in the relationship between household members. There are often two (2) or three (3) generations in the K'ho family. Daughters who get married still stay in their parents' houses with their husbands because the K'ho kinship system is matrilinear.
- (ii) **Ownership and inheritance.** Many households in the district have no land-use right certificates (LURCs). Traditionally, the youngest daughters of K'ho family inherit land from their parents. With the current Land Law, the new registration of land use rights will be made in the name of both wife and husband, thus even if the daughters of K'Ho families will inherit the land, once she marries, the LURC will be made in the names of both the K'ho daughter and her husband. At Dong Giang commune, of all the 130 AHs have been identified that they have proper land use rights for the affected land.
- (iii) **Women representation in decision making.** Women have very little representation in the traditional leadership and decision-making, and their representation in the political leadership is limited to the Women's Union. Women in the subproject area have been disadvantaged in comparison to men because traditionally Vietnamese society is still patriarchal where the men assume a dominant role in political leadership. A majority of women, themselves, do not decide for their happiness and future because their parents decide and select their future husbands or through match makers. The women of the family participate in all discussions of the family activities but men usually make the final decision. To guarantee women's participation the resettlement planning activities will incorporate their concerns, representatives from the women's union will be invited in all consultations related to the subproject and election of representatives to the resettlement planning bodies will be done separately with men and women.
- (iv) **Division of Labor.** Among the AHs, both men and women share outdoor and indoor tasks such as farming, looking after the children, house cleaning, etc. But men participate in community activities more than women because women mostly spend their daily time on

housework and are unavailable. At hamlet meetings, to discuss about hamlet issues or public facilities in the commune/hamlet area, the households' heads are invited but wives only attend such meetings when their husbands are not available. Women's limited involvement in community events prevents them from engaging in leisure activities and in activities that build their self-confidence and install their self-esteem. During the public consultation, most women disclosed that they are unaware of the project information because they never attended hamlet meetings.

#### **4. Social Impact Assessment**

##### **4.1. Subproject impacts on ethnic minorities**

54. Most of the civil works will be done within the existing location of the irrigation facilities and right-of-way (ROW). Hence, adverse impacts on EMs and the vulnerable households will be limited to marginal losses of their agricultural land which they agreed to be donated, hence, will not be compensated. The subproject will ensure adequate, stable and reliable irrigation water supply to 421 hectares of arable land in Dong Giang commune, Ham Thuan Bac district. It will also create favorable conditions for the efficient exploitation, management and operation of the system in order to achieve socio-economic development to farming households in the area. The subproject will reduce water losses in the canal, stabilize irrigation for crops, improve living standards of and reduce poverty incidence among ethnic minority people living in Dong Giang commune through an increase in farm productivity, increase agricultural products and the reduced sensitivity to external impacts such as drought and erosion.

55. No adverse impact is expected from the subproject on the EMs' access to land and natural resources, cultural and communal integrity, socioeconomic status, health, education, livelihood and social security status. However, efforts will be made to ensure that they are informed and are able to participate and benefit from the subproject taking into account their traditional ways of information gathering and participation.

##### **4.2. Subproject impacts on women.**

56. The negative impacts on women from the subproject are insignificant and the gender issues expressed during the community consultation will be addressed by the Gender Action Plan (GAP). As previously cited in preceding section of this uREMDP, the subproject will result in positive effects to all subproject beneficiaries particularly women and the vulnerable group. These positive impacts include:

- (i) Opportunity for additional cropping per year and increase in household income from agriculture due to improved irrigation, thus women will not be burdened by difficulties in managing the household finances while there will be available household income to defray expenses for family's health, education of children and leisure activities; also possible household savings;
- (ii) Reduced cost, time and burden for transporting crops and accessing their farmlands;
- (iii) Temporary job/livelihood activities during the construction phase will increase women's contribution to the household income;
- (iv) The upgraded irrigation canals during rainy season will lessen the risks faced by the households especially women and the vulnerable group from adverse impacts of flooding to lives and properties as well as incidence of diseases after rainy season which largely impact on children and adversely affect women's performance of their reproductive/family nurturing genderrole.

##### **4.3. Measures to Minimize Negative Impacts**

57. In addition to providing compensation for their crop and trees' losses, the District LFDC will

disseminate subproject information to EMs in coordination with their traditional leaders to ensure that EMs get maximum benefit from the positive conditions brought about by the subproject. In particular, the following actions will be done:

- (i) The CPMU will coordinate with local/traditional patriarchs (zialang) in the conduct of consultations, information dissemination and grievance redress involving households from ethnic minorities.
- (ii) A representative from each EM group will be included in the district/village resettlement committee.
- (iii) During the DMS, the district LFDC ensured that both men and women, and female-headed EM households were informed and participated. They were provided translation of the information into their local language as needed which resulted in their understanding and were in agreement with the DMS results. Adversely impacted EMs are considered vulnerable and are now entitled to support and other assistance for vulnerable households as per GoV's poverty alleviation programmes.
- (iv) All public information and consultation meetings in ethnic minority villages at DMS time used the local language spoken by EMs as medium which ensured that information and exchange of views were smoothly facilitated with all men and women AHs. Village meetings were held to raise AHs' awareness and understanding of resettlement-related issues such as project timing, entitlements, compensation determination and payments, grievance redress process, support to relocation/ rebuilding etc., and specific women focus groups were also be reached out to discuss the same issues.
- (v) Monitoring of consultation and awareness building activities, as well as DP rehabilitation and satisfaction levels will be undertaken by the PPMU and CPMU with the support of the Loan Implementation Consultants using gender and ethnicity disaggregated data and performance variables and indicators.
- (vi) Internal monitoring will ensure that results of consultation activities will be translated to EM languages spoken in minority villages and for minorities living in villages of other ethnicity.

58. Both male and female EM members will be hired in unskilled labors j that are created during road upgrading where both male and female will be equally paid. Likewise, women will be tapped to provide labor in agriculture-related activities during the operation and maintenance (O&M) phase; also as leaders and members in water user groups (WUGs). In the surveys and stakeholder meetings held, all EM groups expressed interest in the job opportunities as well as in increasing their incomes from agriculture and other activities.

#### **4.4. Gender action plan**

59. Although women will not be significantly adversely affected by the subproject, a gender action plan (GAP) is necessary to facilitate women's participation in subproject processes and provides opportunities for women to increase their income but decreasing their burdens in performing housework and other activities related to their reproductive/nurturing gender role; and to raise the social status of women in the subproject area by prioritizing them in capacity building and other self-confidence building activities of the project. There are 17 female-headed AHs among the total 130 AHs. As per uREMDF and GoV's policy for vulnerable group, additional support will be provided to women AHs. Affected women who head their households will be prioritized equally with men on compensation payments and other assistance as well as in the resolution of their resettlement-related grievances.

60. The gender action plan will include the following:



- Women, especially women and those from vulnerable group will be enjoined to participate in the consultation and information disclosure/feedback during subproject implementation and O&M phase;
- Ham Thuan Bac Irrigation Management Company will encourage women to be members of Water Users Group (WUG);also employ women in regular maintenance and repair work of the completed irrigation facilities during O&M phase;
- Provisions will be made in the civil works contracts for women to be tapped to do unskilled labor alongside men with the following conditions: (a) equal pay for men and women workers with similar type of unskilled labor, (b) safe working conditions for both men and women; (c) compliance with labor core-issues like refraining from the use of child labor; (d) encouraging the use of local labor (both men and women) and (e) raising awareness of men and women beneficiaries and more importantly contractors and their workers on the social and health issues on Human Immuno Virus/Acute Immune Deficiency Syndrome (HIV/AIDS), Sexually-transmitted Infections (STI), Prostitution and Human Trafficking;
- Coordination will be made with the Women's Union in the conduct of surveys, consultations and design works during the detailed design phase. Similar regular coordination will be made during the construction and O&M phase to ensure that women's concerns are identified and addressed;
- Training on gender mainstreaming for the implementing agencies at provincial, and local levels will be part of the project's capacity-building activities (i.e. PPMUs, and other stakeholders);
- Training and capacity building for women to participate in community decision making and sub-projects in a most meaningful way (i.e. training on participation and negotiation skills, marketing skills, cultivation skills and functional literacy/numeracy training for women in WUGs);
- The designs of the agricultural extension services will target women participants and delivered these to them;
- At least one woman will be representative to the commune supervisory board (CSB) accounting for about 1/3 of its members.

## **D. INFORMATION DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION**

### **1. Information Disclosure**

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

62. Given the above-mentioned objectives and in compliance with the ADB requirements, the PPMU and the Ham Thuan Bac District's Land Fund Development Center conducted the second series of information disclosure at DMS time and will publicly disseminate to AHs and other subproject beneficiaries the final uREMDP once approved by the PPC and ADB. The project information booklet (PIB) that will be made available in the Vietnamese and/or the local EM



language spoken in Dong Giang commune will also be distributed to the beneficiaries.

63. AHs were notified in advance about resettlement activities before the DMS and in succeeding activities which include: (i) community meetings about the scope of the subproject, subproject alignment plan, site clearance plan and construction plan, (ii) detailed measurement and survey results, (iii) lists of eligible AHs and their entitlements, (iv) compensation rates and amounts, (v) payment of compensation and other assistances and (vi) other contents such as the grievance redress mechanism. Notices will be posted in the commune PC offices or other easily accessible locations. Other forms of media will be employed such as letters, notices or small brochures which will be delivered individually to AHs; and radio announcements.

64. Consultation with local community and affected people were conducted to ensure that affected people and stakeholders are able to fully understand the resettlement requirements such as the resettlement schedule/plan, compensation, suitable resettlement and rehabilitation measures. Updated compensation plan will be disseminated to affected people in public places within the subproject areas such as the CPC Office in order to keep them regularly and fully informed.

65. This updated REMDP is a result of consultations and information dissemination activities done with AHs regarding entitlements and types of assistance.

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

## **2. Public Consultation and Participation**

### ***2.1. Consultation and participation during REMDP preparation and updating***

67. During REMDP preparation and updating, two (2) consultations were conducted at Dong Giang CPC's Office, Ham Thuan Bac District, Binh Thuan Province.

68. In 2013, a community consultation was conducted in July-2013. This first consultation aimed to inform the local authority and people about subproject features, compensation policy for cope of impacts of land acquisition.

69. In January 2016, after detailed design of subproject was approved, LIC cooperated with PPMU and CPC continued to conduct the second consultation with local authority and organizations and affected people. Minutes of consultation and list of participant are attached in Annex 1 of this uREMDP.

70. LIC consultant together with representatives of Binh Thuan PPMU organized consultation meetings in Dong Giang commune on 20th January, 2016 with participation of representatives of CPC, representatives of organizations/unions of the CPC and representatives of affected AHs.

71. In July 2016, a third consultation meeting was conducted with donated households with witness of the stakeholders. In this meeting, PPMU cooperated with LIC and CPC continued to conduct meaningful consultation with land donation households with witness of the stakeholders. The consultation minute for each household with signatures of three parties was prepared and added in the annex 2.

72. These meetings focused on:

- Detailed design of subproject
- Scope of land acquisition and level of impact;
- The DMS, sub-project impact, eligibility particularly on the cut-off dates for this sub-project,

- Mechanisms of payment, and grievance redress;
- Compensation and allowance policies, entitlements and benefits under the subproject;
- Consulting on the replacement cost, compensation payments and other entitlements of AHs as well as the additional assistance and allowances to the severely affected households;
- Land donation procedure;
- Implementation schedule;
- Gender, ethnic minority and vulnerable group issues

73. For all public consultation meeting, the local authorities, communities and potentially affected households agreed on implementing of the subproject. All attendants were aware of project benefits and they will active participate during subproject implementation.

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

**Table 17: Consultation meetings information**

Date	Number of participants			Summary feedback/opinion from participants
	Male	Female	Total	
13/7/2013	15	9	24	<ul style="list-style-type: none"> <li>- AHs participating in the meetings state that because upgrading and improving of the works are mainly implemented on the existing route, scope of impacts and effect caused by the subprojects on people's living as well as production activity are not serious;</li> <li>- All of the affected HHs participating in the meeting which was held in 04, July 2016 donated their land for the subproject and no require compensation and assistance for affected land. They signed in the minutes of voluntary land donation (see annex 2).</li> <li>- All of the affected HHs participating in the meetings agree with compensation policy of the project and agree with compensation unit price for all non – land assets issued by the PPC;</li> <li>- The participants in the meetings propose that it needs to have strict coordination of PPMU and contractor with local authority to ensure security as well as environment during the construction process;</li> <li>- The affected HHs propose that PPMU should require contractor to restore the site to its original status after construction;</li> <li>- Representatives of the affected HHs propose to be employed by contractor to do suitable work during the construction process.</li> </ul>
20/01/2016	50	10	60	
04/07/2016	109	21	130	

Source: DMS, 2016 Public consultation and participation during REMDP preparation and updating

## **2.2. Consultation during REMDP implementation:**

75. During uREMDP implementation, PPMU, LFDC and CPCs are responsible for regular dissemination of project information which is translated into the local language spoken in the area. The information is delivered through various types of media such as meetings, seminars, presentations where AHs and beneficiaries are invited to participate. Project Information Booklet (PIB) and other documents are prepared by PPMU and distributed to AHs. Participants are encouraged and can freely raise their opinions/feedbacks/comments on technical proposal and impacts of various designs. Particularly, AHs are effectively consulted and can give their feedbacks regarding resettlement activities of subproject. These feedbacks are then incorporated into subproject design and into emerging progress of subproject implementation.

76. The project gives high priority to local people, especially AHs for employment to do suitable jobs during subproject construction.. Moreover, they can monitor and provide feedback on the status and issues in subproject construction and the implementation of the uREMDP. Some may join the Commune Supervisory Board(CSB)to monitor the implementation process. They can articulate their grievances if they find any illegal actions or any situation where they disagree in uREMDP and subproject implementation.

## **E. GRIEVANCE REDRESS MECHANISM**

77. To ensure that complaints and grievances of AHs regarding any aspect of land acquisition, compensation, and resettlement are timely and effectively addressed a grievance redress mechanism with detailed procedures was established and agreed with AHs during the consultation meetings. AHs can send questions and grievances to implementation agencies about their rights in relation to their entitlement to compensation, compensation policy, rates, land acquisition, resettlement, allowance and assistance in income restoration. Furthermore, AHs will not pay any fee for resolving the grievance and complaints at any level and in trial courts. Grievances will be transmitted through three (3) levels of arbitration/re solution beginning at commune to the district and at the province level prior to submission to the Court for litigation as a last resort when grievances and complaints are not resolved in the three (3) levels of arbitration/mediation. The executing agency (EA) will shoulder all administrative and legal fees that might be incurred in the resolution of grievance and complaints.

78. The following stages/levels for grievance redress are established based on the Complaint Law No. 02/2011/QH13, dated 11/11/2011:

- **First Stage, Commune Peoples' Committee (CPC):** The aggrieved affected household (AH) can bring his/her complaint in writing or verbally to any member of the Commune Peoples' Committee, through the Village Chief or directly to the CPC. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC, as a whole body will meet personally with the aggrieved affected household and will have 30 days and a maximum of 60 days after the lodging of the complaint to resolve the complaint, however, depending upon whether it is a complicated case or case comes from a remote area. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- **Second Stage, District Peoples' Committee (DPC):** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the DPC. The DPC in turn will have 30 days or a maximum of 70 days after the lodging of the complaint to resolve the case, however, depending on whether the case is complicated or in remote area. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DRC of any decision made and the DRC is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure that the complainant is notified of the decision made.
- **Third Stage, Provincial Peoples' Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision made on his/her complaint, the affected household may bring the case, either in writing, to any member of the PPC. The PPC has 30 days or a maximum of 70 days to resolve the complaint to the satisfaction of all concerned. However, depending if the case is complicated or from a remote area. The PPC is responsible for documenting and keeping the files of all complaints that reach the same.

- **Final Stage, the Court of Law Arbitrates:** If after 30 days after the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a Court of law for adjudication. If the court rules in favour of the complainant, then PPC will have to provide the compensation at an amount decided by the court. In case the court will rule in favour of the PPC, then the complainant will receive the compensation approved by PPC.

79. The above grievance redress mechanism was disclosed and discussed with affected people during the public disclosure and consultation activities to ensure that grievance procedures are understood and agreed by all parties. PPMU/DARD and LIC as internal monitor in behalf of the C/PPMU are responsible for monitoring the progress of the grievance redress process. Local regulations and law will prevail to redress the complaints. For the meantime, as the grievance is in the process of redressing, compensation money and allowances will be deposited to an escrow account until it is properly resolved to the satisfaction of all parties. It must be impressed that the above procedures will not impede the aggrieved AH from seeking resolution of the court and may at any given level elevate his/her complaints to the appropriate local peoples' court for arbitration/mediation of his/her grievance/complaints.

## **F. LEGAL AND POLICY FRAMEWORK**

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

### **1. Legal basis of the Government of Vietnam**

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

- (i) The Constitution of the Socialist Republic of Vietnam (2013) confirms the right of citizens to own and protect the ownership of a house.
- (ii) Law on Land 2013 (No. 45/2013/QH13) dated 29/11/2013.
- (iii) Decree No.38/2013/ND-CP on management and use of Official Development Assistance (ODA) and Concessional Loan of Donors.
- (iv) Decree No. 43/2014/ND-CP dated 15 of May 2014 on detailing a number of articles of the land law 2013.
- (v) Decree No. 44/2014/ND-CP dated 15 of May 2014 on Regulations on Land prices.
- (vi) Decree No. 47/2014/ND-CP dated 15/05/2014 of the Government of Vietnam on Regulations on compensation, assistance, and resettlement upon land recovery by the State.
- (vii) Circular No. 36/2014/TT-BTNMT on land pricing method;
- (viii) Circular No. 37/2014/TT-BTNMT on Guidelines in implementation of Decree No.47/2014/ND-CP
- (ix) Decision No. 775/QĐ-TFGM dated 20/5/2013 of the Prime Minister on policy on supporting

housing land, agricultural land, clean water to poor ethnic households and needy ones in the disadvantaged communes;

- (x) Decree No. 75/2015/ND-CP dated 09/9/2015 of the Government of Vietnam on Mechanism and policies on forest protection and development in combination with sustainable and fast poverty alleviation and support for ethnic groups during 2015 – 2020.

82. With regard to ethnic minorities (EMs) Viet Nam's constitution (2013) mandates the State to "Implement a policy on equality, unity and support for all ethnic groups in the development of a civilized society, and respect benefits, traditional cultures, languages and religions of ethnic minority groups (Article 5). Related to this, a ministerial-level government body, Committee for Ethnic Minority Affairs (CEMA) is tasked for developing and overseeing policies and programs to promote the welfare of EMs.

83. Programs that target EMs are numerous and diverse and cover a wide range of issues including poverty reduction, resettlement and settled agriculture, productive and residential land allocation, education, health and communication, cash subsidies on land reclamation, improvement of commune and village infrastructure, etc. Following are key regulations involving EMs in Viet Nam.

2011	Decree No. 80/2011/NQ-CP on sustainable poverty reduction, period of 2011-2020
2011	Decree No. 05/2011/ND-CP on the work of ethnic minority.
2010	Decree No. 82/2010/ND-CP of government, dated 20 July 2010 on teaching and learning of ethnic minority languages in schools.
2008	Resolution No. 30a/2008/NQ-CP of government, dated 27 Dec. 2008 on support program for rapid and sustainable poverty reduction for 61 poorest districts
2008	Decree No. 60/2008/ND-CP dated 9-May-2008 of the government on the functions, tasks, authorities and structure of the Committee for Ethnic Minorities and Mountainous Areas Affairs.
2007	Decision no. 112/2007/QD-TTg of the Prime Minister dated 05 March 2007 on the policy of assistance for relocation and agriculture for Ethnic Minorities from 2007 to 2010.
2007	Decision no. 33/2007/QD-TTg of the Prime Minister dated 20 July 2007 on the policy of assistance to improve knowledge of laws as a program of 135, phase 2.
2007	Decision no. 01/2007/QD-UBND dated 31 May 2007 of the Ethnic Minorities Committee on the recognition of communes, districts in the mountainous areas
2007	Decision no. 05/2007/QD-UBND dated 06 September 2007 of the Ethnic Minorities Committee on its acceptance for three regions of ethnic minorities and mountainous areas based on development status
2007	Circular no. 06 dated 20 September 2007 of the Ethnic Minorities Committee guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the decision 112/2007/QD-TTg
2007	Decision no. 06/2007/QD-UBND dated 12 January 2007 of the Ethnic Minorities Committee on the strategy of media for the program 135-phase 2

1998 - 2003	Decree no. 59/1998/ND-CP dated 18 Jul 1998 prescribing lump-sum allowance regime applicable to relatives of people with meritorious services to the revolution who had died before January 1, 1995  And Decree no. 51/2003/ND-CP, amending and supplementing a number of articles of decree no. 87ND-CP of December 19, 1996 detailing the assignment of responsibilities for managing, drafting, implementing and settling the state budget
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84. With regard to Land acquisition in Binh Thuan province, Binh Thuan PPC has promulgated the Decisions, letters for compensation, assistance and resettlement policy when land is acquired by the State in Binh Thuan province as follow.

- (i) Decision No. 08/2015/QĐ-UBND dated on March 02, 2015 by Binh Thuan PPC on promulgating compensation, assistance and resettlement policy when land is acquired by the State in Binh Thuan province.
- (ii) Decision No. 05/2015/QĐ-UBND dated on February 13, 2015 by Binh Thuan PPC on promulgating compensation price unit for affected assets when land is acquired by the State in Binh Thuan province.
- (iii) Decision No. 59/2014/QĐ-UBND dated on December 26, 2014 by Binh Thuan PPC on promulgating price unit for types of land in period of 2015-2019 in the territory of Binh Thuan province.

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

85. ***Involuntary Resettlement (SPS 2009)***: covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary.

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

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of AHs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with AHs, host communities, and concerned non-government organizations. Inform all AHs of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the AHs' concerns. Support the social and cultural institutions of displaced persons and their host population.
- (iii) Improve, or at least restore, the livelihoods of all AHs through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically AHs with needed assistance, including the following:

- (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status<sup>1</sup>.
- (vii) Ensure that AHs without title to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating on AHs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose both the draft and final resettlement plan in a form and language understandable to AHs and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or programme. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of AHs, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

87. Calculation of full replacement cost will be based on the following elements: (i) fair current market value at the time of compensation; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, structures will be compensated at replacement costs without deduction for the value of salvageable materials. It is expected that qualified and experienced experts will undertake the valuation of acquired assets<sup>2</sup>.

88. Persons or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such

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<sup>1</sup>ADB involuntary resettlement safeguards is applicable to negotiated settlements if expropriation would result upon the failure of negotiations. Negotiated settlement should be based on meaningful consultation with affected persons, including those without legal title to assets. In doing so, the borrower is required to offer adequate and fair price for land and/or other assets. The borrower is also required to engage an independent external party to document the negotiation and settlement processes. Refer to paragraph 25, Appendix 2 (involuntary resettlement) of ADB SPS (2009).

<sup>2</sup>Refer to paragraph 10, Appendix 2 (Involuntary Resettlement) of ADB SPS (2009).

as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

89. ***Indigenous Peoples' Policy (SPS 2009)***: The Indigenous Peoples' Policy states that safeguards are triggered if a project/subproject directly or indirectly affects the dignity, human rights, livelihood systems, or a culture of Indigenous People own, use, occupy, or claim as an ancestral domain or assets. The term Indigenous People is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; customary cultural, economic social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.

90. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy. Projects financed and/or administered by ADB are expected to observe the following policy principles related to indigenous people:

- (i) Screen early on to determine (I) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples
- (iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (I) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns
- (iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (I) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural



resources and that their benefits are equitably shared.

- (vi) Prepare an Indigenous Peoples' Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders
- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

### **3. Reconciliation of Government and ADB Policies on Resettlement**

91. The similarity between regulations of The Government of Vietnam and ADB Safeguard Policy is the entitlement for beneficiaries/eligible ownership. The current regulation stipulates guidance on (i) identifying market price/replacement cost and compensation payment, assistance for different types of affected assets; (ii) land compensation plan and cash compensation assistance ; (iii) relocation support during transitional period ; (iv) allocating land and house with use right certificate; (v) additional support to severely affected households and vulnerable household; (vi) assistance to livelihood restoration and training ; and (vii) information disclosure , consultation, grievance redress mechanism

92. Law on land 2013 (No.45/2013/QH13) stipulates regulations on information disclosure (Article 67) and publication of compensation plan to affected people (Article 69). Accordingly, affected people should be informed in advance at least 90 days for agricultural land and 180 days for non-agricultural land prior land recovery. Compensation plan should be disseminated to affected people and posted at CPC Office before submission for approval.

93. However, ADB Safeguard Policy does not consider the absence of legal rights of AHs on acquired land as an impediment to receiving compensation for non-land assets and for rehabilitation assistance. No business license registered by affected people is neither an impediment for them to receive business restoration assistance. Engagement of an independent external party to document negotiation and settlement process is required under ADB Policy.

94. With regards to ethnic minority, there is a difference in definition of affected people, Laws of Vietnam do not have any specific requirement to development projects having impact on ethnic minority.

95. Policy framework and regulations to address resettlement impacts and ethnic minority issues for sub-project "Upgrading Saloun Reservoir " are prepared on the basis of relevant policies

and laws of Vietnam and ADB Safeguard Policy Statement (SPS 2009).

96. Decree No.38/2013/ND-CP on management and use of official development assistance (ODA) and concessional loan of donors stipulates that compensation and assistance and resettlement for programs and projects funded by ODA should be in compliance with current regulations and international conventions on ODA and concessional loan which the Socialist Republic of Vietnam is an official member. In case of discrepancy between the Laws of Vietnam and International Conventions, the International Conventions will prevail. Similarly, the Article 87 of the 2013 Land Law requires the projects using loans from foreign and international organizations for which the State of Viet Nam has committed to a policy framework for compensation, support, resettlement, such framework shall be applied.

97. Due to some discrepancies between the Policy of the Government of Vietnam and ADB Policy, a project policy framework is prepared to ensure these discrepancies are properly reconciled. The table below shows the differences and presents project policy to address these discrepancies.

98. With the promulgation of the Land Law 2013, including Decree No.47/2014/ND-CP and Decree No.43/2014/ND-CP, Decree No.44/2014/ND-CP, the policies and practices of the national Government have become more consistent with ADB's Policy on Involuntary Resettlement (The SPS 2009). However, there are still some significant gaps between the Government policies and the ADB's Policy on Involuntary Resettlement.

99. The following table provides a comparison of ADB's Policy (SPS 2009) and those of the Government on key areas of involuntary resettlement, and regulates the implementation of the resettlement issues under the subproject.

**Table 18: Discrepancies between Vietnam Regulations and ADB SPS (2009) and Project Policy**

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
<b>Severely impacted AHs losing productive land</b>	<b>Decree 47/2014/ND-CP, Article 19, Item 3:</b> AHs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.	AHs who are (i) physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating) are considered severely impacted.	AHs losing 10% or more of their productive assets shall be considered as severely affected.
<b>AHs without LURC</b>	<b>Land Law 2013, Article 77, item 2 and article 92:</b> Persons who have used land before 1 <sup>st</sup> July 2004 and directly involved in agriculture production on the acquired land without LURC will be compensated for the acquired land area but not exceed quota of agricultural land allocation.  But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, clause 1, article 64 and	AHs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost, if created before the cut-off date. Safeguards cover involuntary restrictions	AHs without legal or recognizable legal claims to land acquired, will be equally entitled to participate in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before the cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
	items b, d, clause 1, article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	
<b>Compensation for structures</b>	<b>Land Law 2013, Article 89, item 1:</b> houses/structures used for living purpose will be compensated at replacement cost. <b>Decree 47, article 9:</b> Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure. <b>Land Law 2013, Article 92:</b> Land-attached assets which are illegally created or created after the notice of land recovery by a competent state agency takes effect will not compensated	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments. Structures constructed on land with no LUCR before the cut-off date will still be compensated.	Full compensation at replacement cost will be paid for all affected structures (including structures constructed on land with no LUCR before the cut-off date) without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.
<b>Monitoring</b>	No monitoring requirement	Monitoring is required. In case of significant or sensitive impacts, an external monitoring organization should monitor RP and REMDP implementation	The EA must undertake internal monitoring of REMDP. Anticipated negative impacts from the project are minor. No need to recruit an external monitoring organization.
<b>Third-party validation of consultation related to land donations</b>	Not required.	The borrower is required to engage an independent third-party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donation involving marginal portions of land, the LIC will verify and report on the negotiation and settlement processes. A voluntary donation form signed by the landowners, witnesses, and village leaders will be attached to the RP or REMDP

100. To address the discrepancies between ADB SPS (2009) and relevant GOV regulations as described in the table above, the project principles on resettlement policy 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) All subprojects will be screened in terms of impacts related to involuntary resettlement.

Safeguards due diligence for existing facilities and previous resettlement activities conducted in anticipation of the Project will also be conducted and corrective action will be prepared in case of non-compliance.

- (iii) Compensation and assistance will be based on the principle of replacement cost at the time of acquisition.
- (iv) Severely affected household (SAH) is considered when they are losing 10% or more of the household's productive land or other assets (generating income) or are physically displaced from housing.
- (v) Displaced persons (AHs) without title or any recognizable legal rights to land are eligible for resettlement assistances and compensation for non-land assets at replacement cost.
- (vi) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to AHs.
- (vii) Meaningful consultation will be carried out with the AHs and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the AHs and communities will be taken into account.
- (viii) The RP/REMDP will be disclosed to AHs in a form and language(s) understandable to them prior to submission to ADB. RPs/REMDPs will be disclosed on the ADB website.
- (ix) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- (x) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- (xi) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- (xii) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- (xiii) Resettlement transition stage should be minimized. Restoration measures will be provided to AHs before the expected starting date of construction in the specific location.
- (xiv) Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the project provinces.
- (xv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of resettlement and ethnic minority development plan should be carried out by PPMUs and CPMU. Monitoring reports will be disclosed on the ADB website.
- (xvi) The CPMU will not issue notice of possession to contractors until the CPMU are officially confirmed in writing that (i) payment has been fully disbursed to the AHs and rehabilitation measures are in place (ii) already-compensated, assisted AHs have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.
- (xvii) Cut-off date is the date of notification on land recovery for the subproject by the competent State agency. The notification is sent to every land user whose land is recovered, publicized in meetings with AHs and posted at offices of the commune-level PCs, and common public places.
- (xviii) All subprojects will be screened for presence of ethnic minorities in the subproject area and

impacts on ethnic minorities (EMs). Subprojects with significant adverse impacts on EMs will be excluded.

- (xix) Local patriarchs (zialang) will be engaged in the conduct of consultations for the preparation of the subproject. In case there are potential adverse impacts (including minor land acquisition), an REMDP will be prepared. For subproject with only positive impacts on ethnic minorities, the subproject preparation and implementation will include measures for ensuring their participation and inclusion in subproject benefits as elaborated in the Project Administration Manual.

## **G. ENTITLEMENTS, ASSISTANCE AND BENEFITS**

### **1. Eligibilities**

101. Eligibility will be determined with regard to the cut-off date. The AHs will be informed of the cut-off date for each subproject component, and any person who settled or assets created in the project area after the cut-off date for the specific subproject will not be entitled to compensation and/or assistance under the subproject. For this subproject, cut-off date is December 28, 2015.

102. In addition, legal rights to the concerned land determine the extent of eligibility for compensation with regards to that land. There are three of AHs eligible for compensation:

- (i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially
- (ii) persons who lost land they occupy in its entirety or partially but do not currently possess a LURC, however, have claims that are recognized under national laws, or;
- (iii) persons who lost land they occupy in its entirety or partially who do not have recognized claim to that land.

103. AHs included under i) and ii) above shall be compensated for the affected land and assets upon land. AHs included under iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they will have to be relocated.

### **2. Compensation and Assistance**

104. **Compensation to the owners of affected land:** Through meaningful consultation, all the 130 AHs have donated their lands to the project, thus there will be no budget for compensation and assistance of job training. A voluntary land donation minutes was signed by the landowners, attested by witnesses, and village leaders. The signed deed of donation of affected lands has been attached to this uREMDP in annex 2.

105. **Compensation for affected annual crops and trees:** Similarly, estimated value of potentially affected crops and trees was based on the February, 2015 official published rate (Decision No.05/2015/QĐ-UBND dated 13/2/2015 on principle and compensation unit price for assets). For the potentially affected 390.5 m<sup>2</sup> of growing annual crops and various types of 326 trees, compensation amount is estimated at VND59,617,500.

106. **Compensation for affected structures:** Similarly, estimated value of affected structures was based on the February, 2015 official published rate (Decision No.05/2015/QĐ-UBND dated 13/2/2015 on principle and compensation unit price for assets). For the potentially affected 377 m<sup>2</sup> wire fences and temporary lean-tos without wall, compensation amount is estimated at VND 8,369,400.

107. **Assistance to affected vulnerable households:** There are 122 AHs belong to vulnerable group (including 121 AHs belong to ethnic minorities and 01 is poor AH). Of the 121 ethnic minorities AHs, there are 17 affected female-headed households and 04 poor affected households and they will get one assistance, whichever is higher. Then five (5) poor AHs (including 4 EM Ahs

and 01 Kinh Ahs) will be entitled in cash equivalent to 30 kg of rice (in accordance with market price) for each family member/month, for at least 36 months and 117 other vulnerable AHs will be entitled to 2,000,000 VND each AH as per uREMDF.

108. **The bonus:** All the 130 AHs donated their lands to the project will awarded 1,000,000 VND each AHs base on Binh Thuan PPC's policy .

109. **Unforeseen impacts:** If there are any person or household affected arising during the process of implementation of the subproject, compensation and/or assistance will be also applied to them according policy of the project.

### 3. Entitlement Matrix

110. Entitlement matrix as shown in table below is to be applied under this subproject

**Table 19: Project Entitlement matrix of households affected by this subproject**

No	Impacts	Level of impacts	Eligible AHs	Entitlement	Implementation issues
<b>I</b>	<b>Structures, trees and crops</b>				
1.1	Structures	Affect 377m <sup>2</sup> of structures (in which, 344 m <sup>2</sup> of wire fences and 33 m <sup>2</sup> of temporary lean-tos without wall).	08 AHs in Dong Giang commune	Cash compensation at full replacement cost for materials and labor and with no deduction for depreciation or salvageable materials; OR Cash or in-kind assistance to relocate affected structures or property; OR Cash assistance to repair of property to original or better condition.	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures. Costs for repairing the remaining house/structure should be negotiated with DP AHs will fully receive compensation prior to conducting site clearance and not be deducted utilized assets.
1.2	Rice and crops	Affect 390.5 m <sup>2</sup> of rice and crops	03 AHs in Dong Giang commune	Cash compensation of un-harvested crops at market values based on the average production over past 3 years.	A minimum of 3 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights. Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years. Affected HHs will fully receive compensation prior to conducting site clearance and not be deducted utilized assets.
1.3	Trees	326 trees to be cut down	20 AHs in Dong Giang commune.	Cash compensation at current market prices given the type, age and productive value of the affected trees.	Calculation of compensation for trees is based on the age and diameter of the tree. AHs have the right to use salvageable trees. AHs will fully receive compensation prior to conducting site clearance

No	Impacts	Level of impacts	Eligible AHs	Entitlement	Implementation issues
					and not be deducted utilized assets.
<b>III. Assistance</b>					
3.1	Assistance for poor AHs to improve socio-economic condition	Affected HHs are under the national poverty line	Five (05) determined as the poor HHs in Dong Giang commune.	These AHs receive assistance in accordance with approved policy framework of the project as follows: poor AHs will receive allowance in cash equivalent to 30 kg of rice (in accordance with market price) for each family member/month, for at least 36 months in accordance with Decree No. 17/2006/ND-CP by the Government.	AHs will receive assistance in cash prior to site clearance.
3.2	Assistance for vulnerable AHs	Affected HHs are under the vulnerable groups (except poor AHs)	All 117 other vulnerable AHs (including Female-headed households and ethnic minority household).	These AHs will receive allowance of VND 2 million/AH in accordance with uREMDF to improve socio-economic condition or applying allowance in accordance with regulation of the province. Any regulation with higher value will prioritize to be applied.	
3.3	Bonus	HHs have land affected	130 AHs have agreed to donate their lands to the project.	AHs have agreed to donate their lands to the project will awarded 1,000,000 VND each AHs base on Decision No. 08/2015/QĐ-UBND dated on March 02, 2015 by Binh Thuan PPC.	AHs will receive assistance in cash after donate their land.

## H. INCOME RESTORATION REHABILITATION

111. In order to assist affected persons to restore livelihoods and income levels, the project will provide income restoration allowances tailored to the needs and situation of the affected persons as determined in the socio-economic surveys. The affected persons covered by the income restoration allowances are identified in the entitlement matrix. The scope of the entitlements includes an allowance to cover living costs during a period of reduced income while affected persons restore current livelihood and income-generating activities or make a transition to new income-generating activities. In-kind assistance to strengthen or initiate income-generating activities will also be provided.

112. Based on DMS results, there is no SAHs in this subproject. All 130 affected land HHs are marginal AHs with the land impact rate of under 10%.

113. The results of consultation with AHs shows that all of land AHs voluntarily donated land to the project. Therefore, these AHs did not request for compensation and restoration assistance for the land they had donated.

114. Nevertheless, all affected non-land assets of these AHs will be compensated according to

the replacement price. Besides, the allowance for vulnerable AHs and rewards for land donation will be paid to AHs for them to restore livelihoods and income levels. The entitlements on compensation and allowances are specifically stipulated in this entitlement matrix framework.

## **I. RESETTLEMENT BUDGET AND FINANCING PLAN**

115. Because all the 130 AHs have agreed to donate their lands to the project, thus there will be no cost for compensation and assistance for affected land.

116. Calculation of compensation for crops is based on the average productivity of the last 3 years and price of rice on the market. Compensation for trees is calculated by type, age and diameter of the tree. Compensation unit price issued by the province for crops, trees and structures is presented in table below:

117. Result of consultation with affected AHs in Dong Giang communes showed that all participants into the meetings agreed with compensation policy of the project and agreed to receive compensation and assistance in accordance with unit price issued by Binh Thuan PPC.



**Table 20: Compensation price for crops, trees and structures issued by Binh Thuan PPC**

No.	Items	Unit	Compensation price (VND)
1	Annual crops	m <sup>2</sup>	6,000
2	Trees	tree	176,000
3	Structures	m <sup>2</sup>	22,200

118. The total resettlement cost for the subproject is about VND 715,522,289 equal to US \$32,141 of which compensation and assistance is about VND 637,720,400. This resettlement cost will be provided by the Binh Thuan People PPC, using the provincial budget. The table below is a detailed presentation of the uREMDP implementation budget

**Table 21: Summary compensation cost**

No.	Item	Unit	Quantity	Price (VND)	Cost (VND)
<b>A</b>	<b>Compensation and assistance Cost = A1+A2</b>				<b>637,720,400</b>
A1	<i>Compensation for annual crops, trees and structures</i>				<i>68,088,400</i>
1	Crops	m <sup>2</sup>	390.5	6,000	2,343,000
2	Trees	tree	326	176,000	57,376,000
3	Structures	m <sup>2</sup>	377	22,200	8,369,400
A2	<i>Assistance cost</i>				<i>569,632,000</i>
1	Assistance to poor AHs	HH	05 (17 members)	(17x30x36x11,200/kg)	205,632,000
2	Assistance to vulnerable AHs (female - headed households and EMs HH)	HH	117	2,000,000	234,000,000
3	Bonus for land donation	HH	130	1,000,000	130,000,000
<b>B</b>	<b>Implementation Cost (2%xA)</b>				<b>12,754,408</b>
<b>C</b>	<b>Provision Cost (10%x(A+B))</b>				<b>65,047,481</b>
<b>D</b>	<b>Total (A+B+C)</b>				<b>715,522,289</b> <b>(Equivalent to USD 32,144)</b>

## J. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

### 1. National Level

119. Ministry of Agriculture and Rural Development (MARD) shall entrust to the Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB) as its authorized project management unit responsible for:

- (i) Providing overall management plan, coordination and supervision of project implementation;
- (ii) Coordinating with executing agency to implement all components of project.
- (iii) Recruiting resettlement specialists to support for resettlement implementation of the project;
- (iv) Screening and appraising safeguard policy issues of the sub-projects with the assistance of LIC;
- (v) Supporting PPMU in the preparation and updating of uREMDP of subproject's components to be submitted to PPC and ADB for approval;
- (vi) Preparing reports on project progress regarding land acquisition and resettlement prepared by PPMU to be submitted to relevant agencies and ADB.
- (vii) Supervision of resettlement activities implementation and preparing semi-annual monitoring report to submit to ADB for review.

## **2. Provincial Level**

120. Provincial People's Committee (PPC) is the executing agency of sub-project. PPC is responsible for appraisal and approval of uREMDP. PPC is responsible for issuance of decisions and approvals related to uREMDP implementation which include compensation unit prices, notice and approval to undertake information disclosure, land acquisition and compensation payment, decision on allocation of replacement land (if available) and grievance redress. PPC is responsible for establishment of Land Evaluation and Pricing Committee and authorize responsibilities of agencies at commune and district levels.

121. PPC entrusts to the Department of Agriculture and Rural Development (DARD) the monitoring of the progress of land acquisition, resettlement. Department of Agriculture and Rural Development as per its competence, established the PPMU to implement project components and internal monitoring of uREMDPs implementation progress. PPMU's specific responsibilities are:

- (i) Supervision of all the activities of District LFDC during uREMDP implementation. PPMU is responsible for:
- (ii) Preparation, updating, supervision and monitoring of status of uREMDP implementation of subprojects.;
- (iii) Guide District LFDC to implement resettlement activities in accordance with approved uREMDP; and addressing any failure or shortcoming identified through internal resettlement monitoring to ensure that the objectives of resettlement plan are achieved and to financially and technically support District LFDC and Commune Measurement Team with adequate facilities.
- (iv) Coordinate with District LFDC and CPC to implement information dissemination activities and consultation with stakeholders based on Project Implementation Guideline;
- (v) Coordinate with other relevant agencies to ensure that restoration and rehabilitation measures are timely provided to affected people;
- (vi) Internal monitoring of Resettlement progress, establishment and maintenance of database on affected people for each subproject component in compliance with project procedures and preparation of reports to be submitted to CPMU through LIC;
- (vii) Timely implementation of mitigation measures following results of internal monitoring.

## **3. District Level**

122. District People's Committee (DPC) will establish District Land Fund Development Centre for implementation of uREMDP; also approves compensation plan as authorized by PPC; and redressing complaints and grievances of affected people.

123. District LFDC in coordination with PPMU/CPC and under the direction of PPMU implements subproject activities, particularly:

- (i) Public information disclosure and other documents to ensure that site clearance and resettlement procedures are understood by all affected people.
- (ii) Planning and implementation of the Detailed Measurement Survey (DMS) and disbursement for compensation.
- (iii) Identification of affected people and severely affected households; prepare and provide them restoration measures.
- (iv) Assistance in locating resettlement area and new agricultural land for AHs who have to relocate.
- (v) Support CPC in grievances redress.

#### 4. Commune Level

124. The CPC will assist the District LFDC in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- (i) Cooperate with District level and with commune level local mass organizations in the mobilization of people who will be tasked to implement the compensation, assistance and resettlement policy according to the approved uREMDP;
- (ii) Cooperate with LFDC and Working groups in communicating the need for land acquisition to the people whose land be acquired for the subproject. Also, notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
- (iii) Assign Commune officials to assist the District LFDC in the updating of the uREMDP and implementation of resettlement activities;
- (iv) Identify replacement land for affected households;
- (v) Sign the Agreement Compensation Forms along with the affected households;
- (vi) Assist in the resolution of grievances.

#### K. IMPLEMENTATION SCHEDULE

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

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

127. The implementation schedule for resettlement activities for the subproject is presented in the table below, including (i) activities that have been completed to prepare the uREMDP; (ii) resettlement implementation activities; and, (iii) independent monitoring activities

**Table 22: Indicative schedule of resettlement and compensation activities**

Activities	Time
Updated REMDP to be approved by ADB	End of 7/2016
Public uREMDP on ADB website and at locality	Beginning of 8/2016
Compensation and assistance payment	Mid of 8/2016
Land acquisition and site clearance	End of 8/2016
Bidding and award of civil works	Beginning of 9/2016
Internal monitoring of PPMU	Beginning of 6/2016
The next semi-annual report of LIC	Every 06 month from the first monitoring
Commencement of civil works	Beginning of 9/2016

#### L. MONITORING AND EVALUATION

##### 1. Objectives of internal monitoring

128. The Project will establish systems for internal monitoring and evaluation. The main purpose of the monitoring and evaluation program is to ensure that matters related to involuntary resettlement have been implemented in accordance with the policies and procedures of the RPs following ADB SPS 2009 and the uREMDF. Monitoring will be done by the PPMU and the CPMU (assisted by its Loan Implementation Consultant). Engagement of external experts is not required

for this project because only minor involuntary resettlement impacts are anticipated in the subprojects.

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

## 2. Responsible agencies for monitoring

130. The PPMU will establish an internal resettlement monitoring system and prepare progress monitoring reports on all aspects of land acquisition and resettlement activities for this subproject, Internal reports of uREMDP implementation will be initially prepared by the PPMU and submitted to the CPMU which then is transmitted to LIC for the preparation of the semi-annual Internal Resettlement Monitoring Report (IRMR) to be submitted by CPMU to ADB. Likewise, all related information will be collected from the field to assess the progress of the uREMDP implementation and included in the project's quarterly progress reports;

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

## 3. Indicators of monitoring

132. Table below is presented the Monitoring and Evaluation Indicators for this subproject.

**Table 23: Monitoring and evaluation criteria**

Type	Indicator	Examples of Variables
<b>INPUTS INDICATORS</b>	Staffing and Equipment	<ul style="list-style-type: none"> <li>Number of project dedicated PPMU staff</li> <li>Formation of LFDC</li> <li>Number of LFDC members and job function</li> <li>Adequate equipment for performing functions (including grievance recording)</li> <li>Training undertaken for all implementing agencies</li> <li>Construction Contractor meeting local employment targets for unskilled labor</li> </ul>
	Finance	<ul style="list-style-type: none"> <li>Resettlement budgets disbursed to LFDC and AHs in timely manner</li> </ul>
<b>PROCESS INDICATORS</b>	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>Distribution of PIB to all AHs</li> <li>uREMDP available in all districts</li> <li>Translation at ethnic minority villages and for individual minority AHs in villages of other ethnicity</li> <li>Consultations and participation undertaken as scheduled in the uREMDP</li> <li>Grievances by type and resolution</li> <li>Number of local-based organizations participating in subproject</li> </ul>
<b>OUTPUT INDICATORS</b>	Acquisition of Land	<ul style="list-style-type: none"> <li>Area of cultivation land acquired</li> <li>Area of residential land acquired</li> <li>Fishponds acquired</li> </ul>
	Buildings	<ul style="list-style-type: none"> <li>Number, type and size of private houses/structures acquired</li> <li>Number, type and size of community buildings acquired</li> <li>Number, type and size of government assets affected</li> </ul>

Type	Indicator	Examples of Variables
	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> <li>• Number and type of crops acquired</li> <li>• Crops destroyed by area, type and number of owners</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 houses demolished</li> <li>• Number of porches/kitchens dismantled</li> <li>• Number of replacement houses built by AHs on the same plot</li> <li>• Number of replacement houses built by AHs on other plots they own</li> <li>• Number of replacement houses built by AHs on allocated plots</li> <li>• Number of replacement businesses constructed by AHs</li> <li>• Number of owners requesting assistance for additional replacement land</li> <li>• Number of replacement land purchases effected</li> <li>• Number of land titles issued</li> <li>• Number of vulnerable groups provided additional assistance</li> <li>• Number of AHs who received support under livelihood restoration program</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>



## ANNEXES

### ANNEX 1: MINUTES OF CONSULTATION MEETING

*Dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung – Khoản vay bổ sung*

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

**DỰ ÁN PHÁT TRIỂN NÔNG THÔN TỔNG HỢP**  
**CÁC TỈNH MIỀN TRUNG - KHOẢN VAY BỔ SUNG**  
**BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG**  
**Về Chính sách an toàn Tái định cư và Dân tộc thiểu số**

*Hưng Giang*, ngày *21* tháng *1* năm 201*6*

Tên DATP: *Cải tạo nông cấp công nghiệp và du lịch vùng Sa loan*

Xã *Đông Giang*, huyện *Huế Thủy Bắc*, tỉnh *Kiên Giang*

**I. Thành phần tham dự:**

Ông/Bà <i>Nguyễn Văn Dũng</i>	Chức vụ <i>Cán bộ CHAT Ban QLDA TN</i>
Ông/Bà <i>Nguyễn Hồng Trường</i>	Chức vụ <i>Cán bộ CHAT Ban QLDA TN</i>
Ông/Bà <i>Nguyễn Anh Tuấn</i>	Chức vụ <i>Chủ tịch UBND xã</i>
Ông/Bà <i>Phạm Thị Hồng</i>	Chức vụ <i>Chủ tịch Hội Phụ nữ xã</i>
Ông/Bà <i>Nguyễn Văn Dũng</i>	Chức vụ <i>Đại diện tại cấp xã LEC</i>
Ông/Bà <i>Nguyễn Thanh Hòa</i>	Chức vụ <i>Đại diện DTTS - LEC</i>
Ông/Bà <i>Nguyễn Văn Dũng</i>	Chức vụ <i>Đại diện QLDA - LEC</i>

- Đại diện những hộ bị ảnh hưởng: ..... người.

(Xem danh sách đại biểu tham dự đính kèm)

**II. Nội dung**

**2.1 Các nội dung phổ biến thông tin:**

- Phổ biến các thông tin chung về dự án như mục tiêu, địa điểm, phạm vi xây dựng...
- Phổ biến thông tin về phạm vi ảnh hưởng và Khu vực Tái định cư và phát triển DTTS.
- Phổ biến quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.

**2.2 Tham vấn cộng đồng:**

- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án;
- Tham vấn về Chính sách đền bù và quyền được đền bù của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và khả năng tiến hành các biện pháp phục hồi cuộc sống;
- Tham vấn các vấn đề về tái định cư, các tác động dự kiến, quyền lợi của người bị ảnh hưởng, các biện pháp giảm thiểu tối đa các tác động tiêu cực đến người bị ảnh hưởng.

1

### III.1.Các vấn đề về đền bù, tái định cư

Từ văn Tục ngữ, bao gồm quy mô khác nhau, DẠD và phân  
viết khác và các tài liệu về Dị ứng đã ghi lại.

Người dân đã có các hình thức phân  
và các loại bán gạo mỗi ngày từ 10 giờ  
trước buổi trưa.

Người BAK cho biết họ làm công việc rất vất vả do bị  
an ninh thời kỳ trước gây tai tiếng, từ các hoạt động  
chính trị trong thời kỳ trước, là sản xuất của họ

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

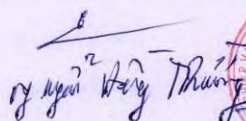
Khi lập như là BAH là một dân tộc thiểu số  
và họ đang ở với các chính sách dân cư và đất đai của  
do UBND tỉnh Bình Thuận ban hành  
Do các tác động của chính sách dân cư và đất đai của  
đang là những hộ dân được ưu tiên 10% dân tộc thiểu  
số, nên các hộ BAH đang ở với các hộ dân này  
và họ không chịu các chi phí.  
Do phân và xử lý, nên là dân cư này hiện đang  
nhu cầu là BAH được 10% tổng diện tích đất nông nghiệp.

### IV. Kết luận

- Đại diện dân cư địa phương, các tổ chức đoàn thể  
các đoàn thể và giới thiệu và hỗ trợ và hỗ trợ và  
thực hiện dự án ở địa phương và các điều kiện.  
A. Về địa điểm
- Người BAH đang ở với các chính sách dân cư và đất đai.  
Đa phần là các hộ dân này họ đang ở với các  
phần dân cư do UBND tỉnh Bình Thuận.

Cuộc họp tham vấn kết thúc vào lúc ..... ngày 21 tháng 1 năm 2016

Đại diện Ban QLDA tỉnh

  
Nguyễn Văn Thuận

Đại diện Cộng đồng

PHÓ GIÁM ĐỐC

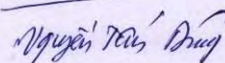


Nguyễn Ngọc Đông

Đại diện UBND xã



Đại diện tư vấn

  
Nguyễn Văn Thuận



**DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP**  
(Tham vấn cộng đồng về Chính sách an toàn Tái định cư và Dân tộc thiểu số)

Tên DATP: Nâng cấp công trình hồ chứa nước Sa Lơ, ngày 21 tháng 11 năm 2016  
Xã Đông Giang, huyện Huân, tỉnh Bình Thuận

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Thăng Văn Nê	Nam	Côn 2, Đông Giang	K
2	Mang Văn Chai	Nam	Côn 3, Đông Giang	Chai
3	Mang Văn Sang	Nam	Côn 3, Đông Giang	
4	Mang Văn Già	Nam	Côn 3, Đông Giang	
5	Bồ Văn Chích	Nam	Côn 2, Đông Giang	Ch
6	K Văn Nức	Nam	Côn 3, Đông Giang	
7	Thăng Minh Đức	Nam	Côn 3, Đông Giang	Thăng
8	Giai Văn Yên	Nam	Côn 3, Đông Giang	Yên
9	K Văn Phụng	Nam	Côn 2, Đông Giang	
10	K Văn Nhân	Nam	Côn 2 - Đông Giang	
11	Nang Văn Long	Nam	Côn 3 - Đông Giang	
12	Mang Văn Muôn	Nam	Côn 3 - Đông Giang	
13	Nga Minh Hồng	Nam	Côn 3 - Đông Giang	
14	K Chi Hiệp	Nam	Côn 2 - Đông Giang	
15	K Văn Nức	Nam	Côn 2 - Đông Giang	
16	K Văn Dân	Nam	Côn 3 - Đông Giang	Dân
17	K Văn Ghin	Nam	Côn 2 - Đông Giang	Ghin
18	K Văn Tha	Nam	Côn 2 - Đông Giang	Tha
19	K Văn Minh	Nam	Côn 3 - Đông Giang	
20	K Văn Diên	Nam	Côn 2 - Đông Giang	

Đại diện Ban QLDA tỉnh

*Nguyen*

Đại diện Cộng đồng

**PHÓ GIÁM ĐỐC**



*Nguyễn Ngọc Đông*

Đại diện UBND xã



Đại diện tư vấn

*Nguyễn Tài Đức*

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

**DỰ ÁN PHÁT TRIỂN NÔNG THÔN TỔNG HỢP  
CÁC TỈNH MIỀN TRUNG - KHOẢN VAY BỔ SUNG  
BIÊN BẢN HỢP THAM VẤN CỘNG ĐỒNG  
Về Chính sách an toàn Tái định cư và Dân tộc thiểu số**

.....  
Đông Giang, ngày 22 tháng 1 năm 2016

Tên DATP: Năng cấp công trình hệ thống hồ chứa nước Sa Loan

Xã: Đông Giang, huyện: Hàm Thuận Bắc, tỉnh: Bình Thuận

**I. Thành phần tham dự:**

- Ông/Bà: <u>Trần Văn Dũng</u>	Chức vụ: <u>Cán bộ Ban QLDA Trung ương</u>
- Ông/Bà: <u>Nguyễn Tiến Dũng</u>	Chức vụ: <u>Tư vấn tái định cư LTC</u>
- Ông/Bà: <u>Nguyễn Hải Hiền</u>	Chức vụ: <u>Tư vấn Dân tộc thiểu số LTC</u>
- Ông/Bà: <u>Nguyễn Hồng Trường</u>	Chức vụ: <u>Cán bộ Ban QLDA tỉnh</u>
- Ông/Bà: <u>Nguyễn Như Điền</u>	Chức vụ: <u>Chủ tịch UBND xã Đông Giang</u>
- Ông/Bà: <u>Phạm Thị Hồng</u>	Chức vụ: <u>Chủ tịch Hội Phụ nữ xã Đông Giang</u>
- Ông/Bà: <u>K. Thị Lư</u>	Chức vụ: <u>Nhường Thuận 2</u>

- Đại diện những hộ bị ảnh hưởng: ..... người.

(Xem danh sách đại biểu tham dự đính kèm)

**II. Nội dung**

**2.1 Các nội dung phổ biến thông tin:**

- Phổ biến các thông tin chung về dự án như mục tiêu, địa điểm, phạm vi xây dựng...
- Phổ biến thông tin về phạm vi ảnh hưởng và Khung Tái định cư và phát triển DTTS.
- Phổ biến quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.

**2.2 Tham vấn cộng đồng:**

- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án;
- Tham vấn về Chính sách đền bù và quyền được đền bù của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và khả năng tiến hành các biện pháp phục hồi cuộc sống;
- Tham vấn các vấn đề về tái định cư, các tác động dự kiến, quyền lợi của người bị ảnh hưởng, các biện pháp giảm thiểu tối đa các tác động tiêu cực đến người bị ảnh hưởng.



- Thu thập các ý kiến khác liên quan đến công tác đền bù tái định cư và dân tộc thiểu số.

### III. Ý kiến thảo luận

#### III.1. Các vấn đề về đền bù, tái định cư

- Đại diện chủ quyền địa phương và các tổ chức Hội/đoàn thể ở địa phương là người thường tiếp xúc, giải quyết khiếu nại và giải quyết khiếu nại.
- Đại diện tư vấn tái định cư đã thông báo về quy mô ảnh hưởng của công trình tới chủ sở hữu; tham vấn các bên liên quan và các tác động, phân tích ảnh hưởng và chủ sở hữu quyết định.
- Đại diện chủ quyền địa phương và Hội phụ nữ, hội nông dân cho biết việc đền bù và bồi thường và đồng ý hiến đất nên diễn ra bị ảnh hưởng, không đáng kể.
- Các bên tham dự cuộc họp cho biết, về cơ bản các tác động của việc xây dựng công trình không ảnh hưởng đến đời sống và sinh kế của người dân. Về ảnh hưởng đến các hộ dân trong vùng được đền bù theo mức giá của nước.
- Đại diện chủ quyền địa phương và các bộ phận chỉ đạo cho biết việc đền bù và bồi thường không gây ra tác động về di dời/tái định cư nên không cần phải làm việc với bên ngoài là tư vấn di dời.
- Đại diện các bên tham gia tổng hợp đồng ý ủng hộ việc thực hiện đền bù của địa phương, đồng ý với việc chủ sở hữu và các quy định về đền bù của địa phương.
- Chủ quyền địa phương và các tổ chức thực hiện đền bù phải hợp tác với chủ sở hữu thực hiện đền bù.

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

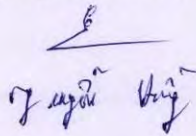
- Có 80% hộ gia đình là người dân tộc thiểu số trên toàn xã; trong đó tỷ lệ hộ B.M.L. người dân tộc thiểu số được công tác tốt hơn.
- Số lao động là 28 %.
- Các bên tham gia cho biết do công việc đòi hỏi kỹ năng cao, dù làm việc một phần vẫn ảnh hưởng không đáng kể đến đời sống, việc dân tộc thiểu số.
- Đa số dân tộc thiểu số còn thiếu kiến thức về kỹ thuật canh tác, không ảnh hưởng đến việc học và tiếp nhận sự phát triển của người dân tộc thiểu số.

### IV. Kết luận

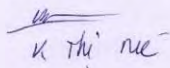
- Các bên tham gia đã gặp hàng rào về việc tiếp cận đất đai ở địa phương, nên các thông tin tổng quan về quy hoạch công việc và phạm vi ảnh hưởng.
- Các bên tham gia đồng ý với việc cải thiện lợi ích của dự án và cho biết phải ảnh hưởng không đáng kể đến tài sản và đất đai của người dân.
- Người dân và di dân địa phương mong muốn sống trên đất đai, đồng công tác.

Cuộc họp tham vấn kết thúc vào lúc ..... ngày 21 tháng 1 năm 2016

Đại diện Ban QLDA tỉnh

  
Nguyễn Văn Hùng

Đại diện Cộng đồng

  
K. Thi Nue

PHÓ GIÁM ĐỐC



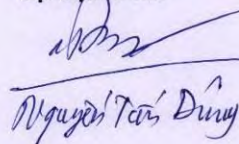
Nguyễn Ngọc Đông

Đại diện UBND xã



Nguyễn Như Diễn

Đại diện tư vấn

  
Nguyễn Tấn Dũng



**DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP**  
(Tham vấn cộng đồng về Chính sách an toàn Tái định cư và Dân tộc thiểu số)

Tên DATP: Huyện Quảng ngày 20 tháng 11 năm 2016  
Xã: Huyện Quảng, huyện Hàm Thuận Bắc, tỉnh Bà Rịa - Vũng Tàu

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	K. Văn Ninh	Nam	CB. Địa chính - Xây dựng	
2	Phạm Đức Hồng	Nữ	Chủ tịch Hội phụ nữ xã	
3	Phạm Xuân Thu	Nam	CB. Địa chính - Xây dựng	
4	K. Văn Du	Nam	Chủ tịch Hội nông dân	
5	K. Văn Sỹ	Nam	Bí thư thôn 3	
6	K. Thị Mè	Nữ	Trưởng thôn 2	
7	<del>Cao Văn Sự</del>			
8	K. Văn Xí	Nam	Chủ tịch mặt trận	
9	K. Văn Văn	Nam	Bí thư xã	
10	K. Văn Viên	Nam	Trưởng thôn 1	
11	Nguyễn Văn Xê	Nam	Cán bộ PPMU	
12	Nguyễn Hồng Thủy	Nam	Cán bộ PPMU	
13	Nguyễn Thanh Toàn	Nam	Tư vấn PPMU	
14	Nguyễn Như Điển	Nam	CT. UBND	
15	Hồng Chiến Cường	Nam	PC.T. UBND	
16	Hoàng Anh Tuấn	Nam	tư vấn Lic	
17	Nguyễn Thanh Hiền	Nam	tư vấn Lic	
18	Nguyễn Đăng Đoàn	Nam	tư vấn Lic	
19	Nguyễn Tiến Dũng	Nam	tư vấn Lic.	
20				

Đại diện Ban QLDA tỉnh

Đại diện Cộng đồng

K. Thị Mè

Đại diện UBND xã



Đại diện tư vấn

Nguyễn Tiến Dũng

**DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP**  
(Tham vấn cộng đồng về Chính sách an toàn Tái định cư và Dân tộc thiểu số)

Tên DATP: Naung cấp công trình hồ chứa nước Sắt Sơn Đông Giang, ngày 22 tháng 1 năm 2016  
Xã: Frông Fray, huyện Hầm Đ. huân Đ. aca, tỉnh Bình Phước

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	K. Chi Hân	Nữ	Xóm 1 - Thôn 1 - Đông Giang	Hân
2	K. Thị Hân	Nữ	Xóm 1 - Thôn 1 - Đông Giang	Hân
3	K. Văn Linh	Nam	Xóm 2 - Thôn 1 - Đông Giang	Linh
4	K. Văn Đức	Nam	Xóm 5 - Thôn 1 - Đông Giang	Đức
5	K. Văn Đức	Nam	Xóm 5 - Thôn 1 - Đông Giang	Đức
6	K. Chi Nguyễn	Nữ	Xóm 5 - Thôn 1 - Đông Giang	Chi Nguyễn
7	K. Văn Đức	Nam	Xóm 5 - Thôn 1 - Đông Giang	Đức
8	K. Văn Xê	Nam	Xóm 5 - Thôn 1 - Đông Giang	Xê
9	K. Văn Rô	Nam	Xóm 5 - Thôn 1 - Đông Giang	Rô
10	K. Văn An	Nam	Xóm 5 - Thôn 1 - Đông Giang	An
11	K. Văn Long	Nam	Xóm 5 - Thôn 1 - Đông Giang	Long
12	K. Văn Nguyễn	Nam	Xóm 5 - Thôn 1 - Đông Giang	Nguyễn
13	K. Văn Đức	Nam	Xóm 2 - Thôn 1 - Đông Giang	Đức
14	K. Văn Sỹ	Nam	Trưởng thôn 5	Sỹ
15	K. Văn Xê	Nam	CĐ. UYMITOUN Xa	Xê
16	Phạm Xuân Tý	Nam	CĐ. HỒ CHÍ MINH Xa	Tý
17	K. Văn Đức	Nam	CĐ. địa chính	Đức
18	Nguyễn Như Diễn	Nam	CĐ. UBND xã Đông Giang	Diễn
19	K. Văn Viêm	Nam	Trưởng xóm 1	Viêm
20	K. Chi Mè	Nữ	Trưởng xóm 2	Mè

Đại diện Ban QLDA tỉnh

Nguyễn Thị Thùy

Đại diện Cộng đồng

Ch. quyết  
Thị Ch. quyết

PHÓ GIÁM ĐỐC



Nguyễn Ngọc Đông

Đại diện UBND xã



Nguyễn Như Diễn

Đại diện tư vấn

Nguyễn Văn Dũng



## ANNEX 2: MINUTES OF VOLUNTARY LAND DONATION

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc Lập- Tự Do – Hạnh Phúc

**CAM KẾT HIẾN ĐẤT**

Tôi tên là: Trác Thị Mỹ, Sinh năm: 1950.....Nghề nghiệp: Làm Nông  
Nơi cư trú: Thôn 2, xã Đông Giang, huyện Hàm Thuận Bắc, tỉnh Bình Thuận

Tôi chứng nhận rằng tôi đã được chính quyền địa phương thông báo về các quyền đền bù đối với bất kỳ thiệt hại nào về vật chất (nhà, đất, và cây cối) do việc xây dựng của DATP *Nâng cấp hệ thống công trình hồ chứa nước Saloun* thuộc Dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung (khoản vay bổ sung) tại huyện Hàm Thuận Bắc, tỉnh Bình Thuận.

Tôi khẳng định rằng tôi đồng ý tự nguyện hiến mảnh đất có diện tích 361,4 mét vuông tại thôn 2, xã Đông Giang, huyện Hàm Thuận Bắc tỉnh Bình Thuận để xây dựng Dự án. Tôi cũng khẳng định rằng tôi không yêu cầu bất cứ khoản bồi thường nào cho diện tích đất bị thu hồi nêu trên và mong Chính quyền tỉnh coi đây là sự đóng góp của tôi cho Dự án.

Loại đất thiệt hại	Diện tích (m2)	Tổng	Ghi chú
BHK	303,3	303,3	
CLN	58,1	58,1	
Tổng	<b>361,4</b>	<b>361,4</b>	

Vì vậy, tôi xin lập và ký bản chứng nhận này để chứng minh quyết định của tôi. Hơn nữa, tôi chứng nhận rằng tôi đã đưa ra sự đồng ý của mình mà không bị bất kỳ sự ép buộc/cưỡng chế nào bởi bất cứ ai, kể cả các cơ quan dự án.

Hàm Thuận Bắc, ngày 4 tháng 7 năm 2016

**Chủ sở hữu đất (Điền tên và ký)**



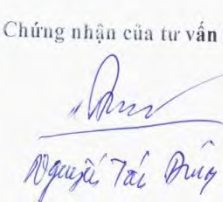
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Trác Thị Mỹ

**Nhân chứng:**

1. [DIỆN TÊN] và ký xuống dưới tên  
Trác Thị Mỹ
2. [DIỆN TÊN] và ký xuống dưới tên  
Nguyễn Văn Hùng
3. [DIỆN TÊN] và ký xuống dưới tên  
Nguyễn Văn Hùng

Chứng nhận của Ban QLDA tỉnh      Chứng nhận của UBND xã      Chứng nhận của tư vấn LIC

 Nguyễn Ngọc Đông       Nguyễn Như Diễm       Nguyễn Tài Đức

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc Lập- Tự Do – Hạnh Phúc

**CAM KẾT HIỂN ĐẤT**

Tôi tên là: K Văn Tin, Sinh năm: ...1975... Nghề nghiệp: Làm Nông

Nơi cư trú: Thôn 2, xã Đông Giang, huyện Hàm Thuận Bắc, tỉnh Bình Thuận

Tôi chứng nhận rằng tôi đã được chính quyền địa phương thông báo về các quyền đền bù đối với bất kỳ thiệt hại nào về vật chất (nhà, đất, và cây cối) do việc xây dựng của DATP *Nâng cấp hệ thống công trình hồ chứa nước Saloun* thuộc Dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung (khoản vay bổ sung) tại huyện Hàm Thuận Bắc, tỉnh Bình Thuận.

Tôi khẳng định rằng tôi đồng ý tự nguyện hiến mảnh đất có diện tích 343,1 mét vuông tại thôn 2, xã Đông Giang, huyện Hàm Thuận Bắc tỉnh Bình Thuận để xây dựng Dự án. Tôi cũng khẳng định rằng tôi không yêu cầu bất cứ khoản bồi thường nào cho diện tích đất bị thu hồi nêu trên và mong Chính quyền tỉnh coi đây là sự đóng góp của tôi cho Dự án.

Loại đất thiệt hại	Diện tích (m2)	Tổng	Ghi chú
CLN	343,1	343,1	
Tổng	<b>343,1</b>	<b>343,1</b>	

Vì vậy, tôi xin lập và ký bản chứng nhận này để chứng minh quyết định của tôi. Hơn nữa, tôi chứng nhận rằng tôi đã đưa ra sự đồng ý của mình mà không bị bất kỳ sự ép buộc/cưỡng chế nào bởi bất cứ ai, kể cả các cơ quan dự án.

Hàm Thuận Bắc, ngày 4 tháng 7 năm 2016

Chủ sở hữu đất (Điền tên và ký)

**Nhân chứng:**

1. [ĐIỀN TÊN] và ký xuống dưới tên

*Phạm Xuân Tý*

2. [ĐIỀN TÊN] và ký xuống dưới tên

*K Văn Tin*

3. [ĐIỀN TÊN] và ký xuống dưới tên

*K Văn Tin*

Chứng nhận của Ban QLDA tỉnh

Chứng nhận của UBND xã

Chứng nhận của tư vấn LIC



*Nguyễn Như Diễn*

*Nguyễn Ngọc Linh*



CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc Lập- Tự Do – Hạnh Phúc

**CAM KẾT HIỂN ĐẤT**

Tôi tên là: K Văn Phấn, Sinh năm: 1984.....Nghề nghiệp: Làm Nông

Nơi cư trú: Thôn 3, xã Đông Giang, huyện Hàm Thuận Bắc, tỉnh Bình Thuận

Tôi chứng nhận rằng tôi đã được chính quyền địa phương thông báo về các quyền đền bù đối với bất kỳ thiệt hại nào về vật chất (nhà, đất, và cây cối) do việc xây dựng của DATP *Nâng cấp hệ thống công trình hồ chứa nước Saloun* thuộc Dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung (khoản vay bổ sung) tại huyện Hàm Thuận Bắc, tỉnh Bình Thuận.

Tôi khẳng định rằng tôi đồng ý tự nguyện hiến mảnh đất có diện tích 63,2 mét vuông tại thôn 3, xã Đông Giang, huyện Hàm Thuận Bắc tỉnh Bình Thuận để xây dựng Dự án. Tôi cũng khẳng định rằng tôi không yêu cầu bất cứ khoản bồi thường nào cho diện tích đất bị thu hồi nêu trên và mong Chính quyền tỉnh coi đây là sự đóng góp của tôi cho Dự án.

Loại đất thiệt hại	Diện tích (m2)	Tổng	Ghi chú
CLN	63,2	63,2	
Tổng	<b>63,2</b>	<b>63,2</b>	

Vì vậy, tôi xin lập và ký bản chứng nhận này để chứng minh quyết định của tôi. Hơn nữa, tôi chứng nhận rằng tôi đã đưa ra sự đồng ý của mình mà không bị bất kỳ sự ép buộc/cưỡng chế nào bởi bất cứ ai, kể cả các cơ quan dự án.

Hàm Thuận Bắc, ngày 4 tháng 7 năm 2016

**Chủ sở hữu đất (Điền tên và ký)**

**Nhân chứng:**

1. [ĐIỀN TÊN] và ký xuống dưới tên

Phạm Xuân Ty

2. [ĐIỀN TÊN] và ký xuống dưới tên

Nguyễn Văn Khoa

3. [ĐIỀN TÊN] và ký xuống dưới tên

K. Văn Phấn

**K Văn Phấn**

Chứng nhận của Ban QLDA tỉnh Chứng nhận của UBND xã Chứng nhận của tư vấn LIC

**PHÓ GIÁM ĐỐC**



Nguyễn Như Diễn

Nguyễn Tài Dũng

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc Lập- Tự Do – Hạnh Phúc

**CAM KẾT HIỂN ĐẤT**

Tôi tên là: K Văn Dêm, Sinh năm: 1987.....Nghề nghiệp: Làm Nông

Nơi cư trú: Thôn 2, xã Đông Giang, huyện Hàm Thuận Bắc, tỉnh Bình Thuận

Tôi chứng nhận rằng tôi đã được chính quyền địa phương thông báo về các quyền đền bù đối với bất kỳ thiệt hại nào về vật chất (nhà, đất, và cây cối) do việc xây dựng của DATP *Nâng cấp hệ thống công trình hồ chứa nước Saloun* thuộc Dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung (khoản vay bổ sung) tại huyện Hàm Thuận Bắc, tỉnh Bình Thuận.

Tôi khẳng định rằng tôi đồng ý tự nguyện hiến mảnh đất có diện tích 254.6 mét vuông tại thôn 2, xã Đông Giang, huyện Hàm Thuận Bắc tỉnh Bình Thuận để xây dựng Dự án. Tôi cũng khẳng định rằng tôi không yêu cầu bất cứ khoản bồi thường nào cho diện tích đất bị thu hồi nêu trên và mong Chính quyền tỉnh coi đây là sự đóng góp của tôi cho Dự án.

Loại đất thiệt hại	Diện tích (m2)	Tổng	Ghi chú
CLN	254,6	254,6	
Tổng	254,6	254,6	

Vì vậy, tôi xin lập và ký bản chứng nhận này để chứng minh quyết định của tôi. Hơn nữa, tôi chứng nhận rằng tôi đã đưa ra sự đồng ý của mình mà không bị bất kỳ sự ép buộc/cưỡng chế nào bởi bất cứ ai, kể cả các cơ quan dự án.

Hàm Thuận Bắc, ngày 4 tháng 7 năm 2016

Chủ sở hữu đất (Điền tên và ký)



(Người vợ phải của vợ K Thị Chên.)

K Văn Dêm

**Nhân chứng:**

1. [ĐIỀN TÊN] và ký xuống dưới tên

Phạm Văn Tý

2. [ĐIỀN TÊN] và ký xuống dưới tên

Nguyễn Văn Kiao Nhi

3. [ĐIỀN TÊN] và ký xuống dưới tên

K Văn Dêm

Chứng nhận của Ban QLDA tỉnh

**PHÓ GIÁM ĐỐC**



Nguyễn Ngọc Long

Chứng nhận của UBND xã



Nguyễn Như Diễm

Chứng nhận của tư vấn LIC

Nguyễn Văn Dũng



CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc Lập- Tự Do – Hạnh Phúc

**CAM KẾT HIẾN ĐẤT**

Tôi tên là: K Văn Thơm, Sinh năm: 1974, Nghề nghiệp: Làm Nông

Nơi cư trú: Thôn 3, xã Đông Giang, huyện Hàm Thuận Bắc, tỉnh Bình Thuận

Tôi chứng nhận rằng tôi đã được chính quyền địa phương thông báo về các quyền đền bù đối với bất kỳ thiệt hại nào về vật chất (nhà, đất, và cây cối) do việc xây dựng của DATP *Nâng cấp hệ thống công trình hồ chứa nước Saloun* thuộc Dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung (khoản vay bổ sung) tại huyện Hàm Thuận Bắc, tỉnh Bình Thuận.

Tôi khẳng định rằng tôi đồng ý tự nguyện hiến mảnh đất có diện tích 229,2 mét vuông tại thôn 3, xã Đông Giang, huyện Hàm Thuận Bắc tỉnh Bình Thuận để xây dựng Dự án. Tôi cũng khẳng định rằng tôi không yêu cầu bất cứ khoản bồi thường nào cho diện tích đất bị thu hồi nêu trên và mong Chính quyền tỉnh coi đây là sự đóng góp của tôi cho Dự án.

Loại đất thiệt hại	Diện tích (m2)	Tổng	Ghi chú
BHK	229,2	229,2	
Tổng	229,2	229,2	

Vì vậy, tôi xin lập và ký bản chứng nhận này để chứng minh quyết định của tôi. Hơn nữa, tôi chứng nhận rằng tôi đã đưa ra sự đồng ý của mình mà không bị bất kỳ sự ép buộc/cưỡng chế nào bởi bất cứ ai, kể cả các cơ quan dự án.

Hàm Thuận Bắc, ngày 4 tháng 7 năm 2016

**Chủ sở hữu đất (Điền tên và ký)**

**Nhân chứng:**

1. [DIỆN TÊN] và ký xuống dưới tên

*Phạm Xuân Kỳ*

2. [DIỆN TÊN] và ký xuống dưới tên

*K Văn Thơm*

3. [DIỆN TÊN] và ký xuống dưới tên

*K Văn Vĩnh*

*Thăm*

**K Văn Thơm**

Chứng nhận của Ban QLDA tỉnh

Chứng nhận của UBND xã

Chứng nhận của tư vấn LIC



*Nguyễn Tài Bình*

*Nguyễn Ngọc Đông*

*Nguyễn Như Diễn*