

Resettlement and Ethnic Minorities Development Plan

Resettlement and Ethnic Minorities Development Plan
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Subproject 53: Improvement of Deposit Water Tanks in Ta Gia Khau and Din Chin Communes, Muong Khuong District, Lao Cai Province

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CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)
Exchange rate on 1th October 2014: \$1 = 21,150 VND

ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	Affected households
AP	-	Affected persons
CARB	-	Compensation, Assistance and Resettlement Board
CPC	-	Commune Peoples, Committee
CPMU	-	Central Project Management Unit
DARD	-	Department of Agriculture and Rural Development
DCARB	-	District Compensation, Assistance, Resettlement Board
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DPC	-	District Peoples, Committee
DPI	-	Department of Planning and Investment
EA	-	Executing Agency
EM	-	Ethnic Minority
EMP	-	Environmental Management Plan
FS	-	Feasibility Study
GOV	-	Government of Vietnam
IEE	-	Initial Environmental Examination
IMO	-	Independent Monitoring Organization
IOL	-	Inventory of Losses
LURC	-	Landuse Rights Certificate
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MARD	-	Ministry of Agriculture and Rural Development
NTP	-	Notice to Proceed
PCARB	-	Provincial Compensation, Assistance and Resettlement Board
PIB	-	Project Information Booklet
PPC	-	Provincial People Committee
PPMU	-	Provincial Project Management Unit
RCS	-	Replacement Cost Study
REMDP	-	Resettlement and Ethnic Minorities Development Plan
RF	-	Resettlement Framework
RP	-	Resettlement Plan
SES	-	Socioeconomic Survey
USD	-	US Dollars
VND	-	Vietnamese dong
VWU	-	Viet Nam Women's Union

Glossary

Affected person (AP) / Affected household (AH)	-	Means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or subprojects, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of affected household, it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
Detailed Measurement Survey (DMS)	-	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Compensation	-	Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off date	-	Means the date of land acquisition announcement informed by local authorities. The APs will be informed of the cut-off date for each subproject component, and any people or assets that settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
Ethnic minority	-	People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	-	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Host community	-	Means the community already in residence at a proposed resettlement or relocation site.
Income restoration	-	This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration program	-	A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socioeconomic survey and consultations
Inventory of Losses (IOL)	-	This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (PROJECT AREA) are

identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.

Land acquisition	-	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	-	This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	-	This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Resettlement and Ethnic Minorities Development Plan (REMDP)	-	A plan for resettlement of an ethnic minority population, combining the resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.
Replacement cost	-	The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	-	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	-	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.
Resettlement Plan (RP)	-	This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	-	This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, and/or (ii) have to relocate.
Stakeholders	-	Individuals, groups, or institutions that have an interest or stake in the outcome of a project. The term also applies to those potentially affected by a project. Stakeholders include landusers, country, regional and local governments, implementing agencies, project executing agencies, groups contracted to conduct project activities at various stages of the project, and other groups in the civil society which may have an interest in the project.
Vulnerable groups	-	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) 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 are landless and with no other means of support.

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EXECUTIVE SUMMARY

1. **Introduction:** This Resettlement and Ethnic Minorities Development Plan (REMDP) report is prepared for the subproject of “Improvement of Deposit Water Tanks for People Living in Two Highland Communes Ta Gia Khau and Din Chin, Muong Khuong District, Lao Cai Province”, one of the subprojects of the Sustainable Rural Infrastructure Development Project in the Northern Mountain Provinces funded by Asian Development Bank (ADB). Subproject area will be covered 2 communes of Ta Gia Khau and Din Chin of Muong Khuong district, Lao Cai Province. When completed, the improvement of water tanks is expected to provide sustainable clean water to about 2,325 persons at a capacity of 40 liters/person/day.
2. **Scope of impacts:** Based on IOL results, 16 households with 81 persons and 2 entities (Din Chin CPC and Ngai Thau Kindergartern school) will be affected by the suproject implementation. Total affected land by the subproject is 2,849 m² in which 2,568 m² is forest land, 160m² is other non-agricultural land and 121 m² is paddy rice land. Likewise, the subproject implementation will affect several trees and crops which includes about 271 *acacia mangium* trees and 121m² paddy rice crop. There is no severely AH, but there are 5 vulnerable (poor) AHs among the 16 AHs.
3. **Legal and Policy Framework:** The resettlement policy framework to be applied under this subproject is established based on policies and laws of Vietnam Government, and ADB’s policies. The overall objective of these policies is to ensure that all APs are able to improve or at least be restored to their living conditions prior to subproject implementation.
4. **Public consultation and participation:** Consultations, public meetings, and village-level discussions with the APs and local officials were conducted during the resettlement planning process. Project policies and alternatives for land compensation and resettlement, ethnic minority development plan and income restoration have been discussed during the meetings. Concerns and suggestions raised by the APs were elicited and incorporated into the REMDP. The grievance mechanism has been designed to ensure that the APs’ concerns and grievances are addressed and resolved in a timely and satisfactory manner. The APs will be made fully aware of their rights verbally and in writing during consultation, survey, and at the compensation time.
5. **Issues on gender and EMs:** All 16 AHs are EMs, belonging to the Mong, Phu La, Thu Lao and Nung tribes. There are 5 vulnerable AHs in the subproject area.
6. **Institutional arrangement:** The Ministry of Agriculture and Rural Development (MARD), through its CPMU, will assure coordination for the implementation of the REMDP. MARD will coordinate with the Lao Cai Provincial People’s Committee and instruct the provincial Department of Agriculture and Rural Development (DARD) to ensure that compensation and assistance are administered according to the provisions of this REMDP. A District Compensation, Assistance and Resettlement Board (DCARB) with representation from affected persons, will be established to implement the compensation, assistance and resettlement process.
7. **Implementation schedule:** The final REMDP will be implemented before the construction of subproject works. All the APs will be paid compensation for their affected assets in January 2015, and site clearing will be completed by the end of February 2015.
8. **Monitoring and evaluation:** The REMDP will be implemented under the internal monitoring and investigation arrangements by CPMU and PPMU officers. During resettlement implementation, CPMU and the LIC will conduct periodical monitoring missions to ensure compensation is implemented in line with approved REMDP.
9. **Total resettlement cost:** The total cost for resettlement is VND 76,243,400 equal to US \$3,605, the budget of which shall emanate from the province.

I. SUBPROJECT DESCRIPTION

A. Background: Project Objective and Location

10. The Sustainable Rural Infrastructure Development Project in Northern Mountainous Provinces is funded by the Asian Development Bank (ADB), of which the Subproject (SP53) “Improvement of deposit water tanks for people living in two highland communes Ta Gia Khau and Din Chin, Muong Khuong district, Lao Cai province”, is one of the proposed subprojects. Subproject area will cover the 2 communes of Ta Gia Khau and Din Chin. The present population of the two communes is about 465 households with 2,325 persons. When completed, the improved water system is expected to provide clean water to about 2,325 persons with a capacity of 40 liters/person/day.

11. The subproject will source water from mountain slots and divert it (water) to new water tanks for the domestic use of local residents in the 2 communes Ta Gia Khau and Din CHin. In addition, the subproject will also expand the coverage of the existing system to provide water not only to the existing service area, but to new beneficiary areas.

Figure 1. Location map of the subproject



12. The objectives of the subproject are as follows:

- To improve the health and quality of life for approximately 2,325 persons in the communes of Din Chin and Ta Gia Khau, Muong Khuong district, Lao Cai province, through the provision of adequate clean water for the daily domestic activities of the household. The clean water supply facility will replace the existing non-hygenic water supply system that is unable to meet the prescribed 40 liters/head/day capacity.
- To protect local people's health, and reduce the incidence of water borne-diseases due to contaminated water sources.
- Increase the awareness of local people on the importance of water conservation, to protect the environment and improve the quality of life for the community.
- And contribute to improving socioeconomic conditions and living standards of poor people residing in mountainous areas of the district, and alleviating poverty through sustainable agricultural development supported by potable water supply system.

13. Construct new concrete water tanks at residential areas, having the capacity from 200 m³ to 750 m³. These tanks are to be connected to existing pipelines that convey water from existing intake structures. The size of the tanks are designed to store sufficient clean water during the rainy season, to supply the domestic needs of local people during the dry season.

- Improvement of intakes & filter boxes;

- Installation of raw water Pipelines from intakes to storage tanks. The pipe will be buried under ground at a depth from 0.5 to 0.8 m.
- Construction of concrete tanks with a capacity from 200m³ to 750m³. The concrete will be of RC M250#, the tank height is from 2 to 4 m, of which 2 m will be under ground. Tank will be constructed with an overflow & sludge flushing DN 100 galvanized pipes. A DN40 pipe with valve (or faucet) will be likewise installed to allow local people to take water from the tank.
- A brick guard house will be built near each water tank with a floor area of 4.41 m²

[illegible]

Scheme No.	Beneficiary Villages	Water Supply Scheme Major Components		
		Intake	Pipeline	Storage tank and Capacity
1	Dìn Chìn 1 & Ngãi Thầu villages	No need to improve, the existing structure is still in good condition	Maintain the main pipelines, install new D50 HDPE branch pipe, the length of 1,000 m	3 units with 200 m³, 400 m³ & 750 m³ capacity
2	Dìn Chìn 2 village	Upgrade the intake structure	Install new D110 HDPE branch pipe, the length of 100 m	1 unit with 500 m³

Scheme No.	Beneficiary Villages	Water Supply Scheme Major Components		
		Intake	Pipeline	Storage tank and Capacity
3	Cùng Lũng & Lũng Sán Chồ villages	Upgrade the intake structure	Install new D63 HDPE branch pipe, the length of 2,000 m from Cùng Lũng village to Lũng Sán Chồ village	1 unit with 500 m ³
4	Cùng Lũng & Lũng Sán Chồ villages	Construct a new intake structure	Install new D50 HDPE branch pipe, the length of 479 m & D32 HDPE branch pipe, the length of 129 m	1 unit with 250 m ³ at Lũng Sán Chồ village
5	Lò Sừ Thành village	Upgrade the intake structure	Install new D63 HDPE branch pipe, the length of 800 m	1 unit with 500 m ³

Figure 3. Ta Gia Khau Water supply system

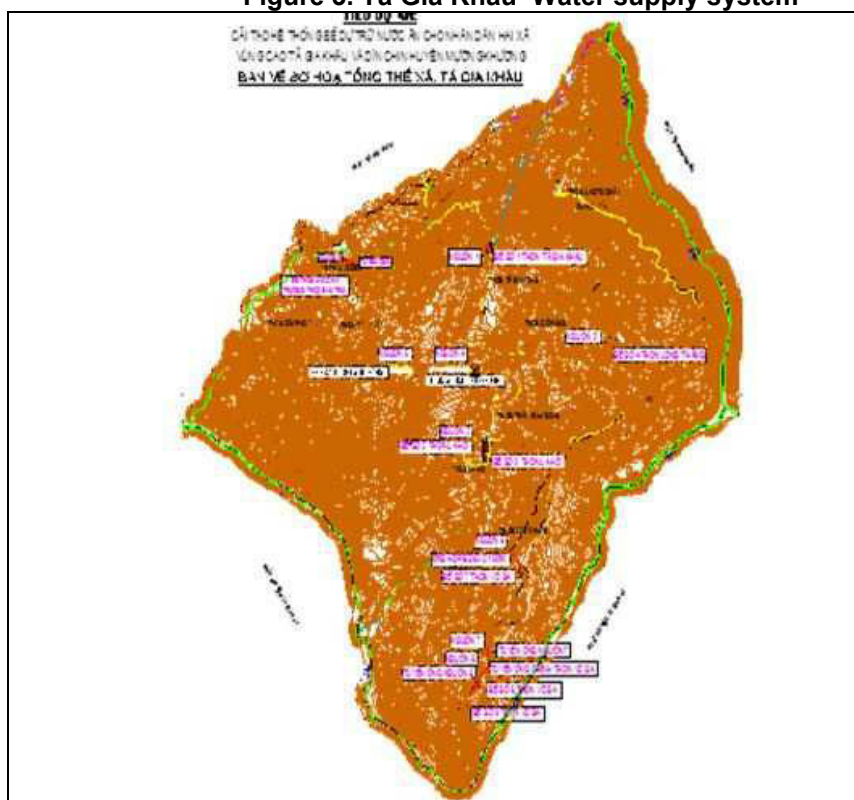


Table 2. Summary of subproject quantities in Ta Gia Khau commune

Scheme No.	Beneficiary Village	Water Supply Scheme Major Components		
		Intake	Pipeline	Store tank and Capacity
1	Tả Gia Khâu 1 village	Upgrade the intake structure	Install new D63 HDPE branch pipe, the length of 150 m	1 unit (500 m ³)
		Construct stairs as access to the well (200m length)		
2	La Hờ village	Upgrade the intake structure	Install new D63 HDPE branch pipe (160 m long)	2 units (250 m ³ & 400 m ³)
3	Lũng Thắng village	Upgrade the intake	Install new D63 HDPE branch pipe (50 m long)	1 unit (500 m ³)
4	La Hờ Súng village	Upgrade the intake structure, and construct the perimeter fence to protect the source		1 unit (300 m ³)
5	La Hờ Súng	Upgrade the intake structure, and construct the perimeter fence to protect the source.		
6	Vũ Sà village	Upgrade the intake structure	Install new D63 HDPE branch pipe (2,250 m long)	1 unit (500 m ³)
7	Vũ Sà village	Upgrade the intake structure	Install new D63 HDPE branch pipe	1 unit (200 m ³)

			(431m long)	
8	Vũ Sà village	Upgrade the intake structure	Install new D63 HDPE branch pipe (340m long)	1 unit (200 m ³)
9	Lao Chải village	Upgrade the intake structure	Install new D63 HDPE branch pipe (800 m long)	1 unit of 500 m ³)

C. Measures taken to Minimize Negative Impacts

15. Efforts to minimize adverse social impacts of the Subproject which include limiting the installation of the pipeline to within the existing road Right of Way (ROW), use of government (CPC) land to locate subproject permanent and temporary facilities, and minimizing as much as practicable the dimensions of subproject major components (filter box, and water tank) which will be located in private properties. Main outcome of efforts to minimise the impact:

- The proposed location of the water tanks (2,849 m²) are on both government property and private lands.
- The raw water pipeline are all new and will be installed underground.
- During the basic design stage, the alignment alternatives were considered and reviewed. The selected alignment had avoided possible land acquisition that would impact on the cultural, historical, and religious assets.
- Modern construction methods will be employed minimize causing damage to fixed assets of local people located adjacent to the construction site.

16. During the census of affected persons (APs) and the inventory of loss (IOL) conducted during the preparation of the initial REMDP, affected households (AH) were advised (through consultations) not to construct new fixed structures within the subproject component site which include the pipeline alignment along the road rights of way (ROW) and/or widen and further develop structures that have been documented during the IOL. 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.

D. Resettlement Plan and EM Development Plan

17. The negative impact involves the loss of lands on a total of 2,849m² property where the water tanks will be built; as well as loss of income for the APs when the land acquisition work will be done prior to the harvest of standing crops planted on these affected lands. The subproject will negatively and positively affect local people. However the negative impacts are minor and the temporary impacts are reversible.

18. All 16 AHs in Din Chin and Ta Gia Khau communes are EMs which belong to the Mong, Phu La, Thu Lao and Nung tribes.

19. Specifically, this REMDP 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 displaced persons¹ in real terms relative to pre-subproject levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.²

20. This document develops a “road map” for affected EMs. The objective is to design and implement subprojects in a way that fosters full respect for Indigenous Peoples’ (EMs’) identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of subprojects, and (iii) can participate actively in subprojects that affect them.³

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

¹ In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

² ADB. SPS 2009, Appendix 2: Involuntary Resettlement.

³ ADB. SPS 2009, Appendix 3: Indigenous Peoples.

22. This REMDP includes the following:

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

II. PROJECT IMPACTS

A. Survey process

1. The resettlement survey was carried out in the three subproject-affected communes. The activity consists of the Inventory of loss (IOL) and socioeconomic survey (SES) covering all AHs, and a replacement cost survey (RCS). In addition, consultation meetings with APs, non-affected beneficiaries, women, EM peoples, etc., were conducted to provide relevant information on the subproject and to understand their concerns and expectations as well as gender and EMs issues.

2. **Inventory of Loss (IOL):** The IOL was done based on the Subproject Basic Design. Since all households were losing only agricultural lands without any structures, enumerators completed the IOL by referencing commune cadastral records, and measured the amount of land lost with the help of stakes (landmarks) installed on the ground by government surveyors that delineate the extent of the WTP boundaries.

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

4. **Replacement Cost Survey (RCS):** The purpose of the RCS was to collect information on the market prices of land and assets in areas surrounding the subproject components and pipeline alignment, in order to evaluate the rates being used to compensate losses of land, crops, and aquaculture products, to ensure that subproject-APs (APs) would be compensated at the current market value.

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

B. Permanent impacts

24. Table 3 presents the summary of impacts.

Table 3. Summary of impacts

No.	Item of impacts	Unit	Amount	No. of affected HH/entity
I	Land	m ²	2,849	18
1	Rice land	m ²	121	2
2	Forest land	m ²	2,568	14

No.	Item of impacts	Unit	Amount	No. of affected HH/entity
3	Other non-agricultural lands	m ²	160	2
II	Rice crop	m ²	121	2
III	Tree	Tree	271	14
V	Vulnerable HH	Person	22	5

25. Based on IOL results in Table 3, 16 households with 81 persons and 2 entities (Din Chin CPC loss and Ngai Thau Kindergatern school) will be affected by the subproject implementation. Total affected land is 2,849 m² of which 2,568 m² is forest land, 160m² is other non-agricultural land [all are idle lands belonging to the Din Chin CPC (75m²) and Ngai Thau Kindergatern school (85m²)] and 121 m² is rice land. In addition, the subproject implementation will also affect several trees and standing crops which includes about 271 *acacia mangium* trees and 121m² paddy rice crop. There is no severely AH, however there will be 5 vulnerable AH (poor) among 16 AHs. All AH are EMs belonging to Mong (8 AHs), Thu Lao (5 AHs), Phu La (2 AHs) and Nung (1 AH) tribes.

26. An assessment of the landuse right certificates (LURC) carried out in the 2 affected communes shows that all of AHs have LURC for lands currently being utilized.

III. GENERAL SOCIOECONOMIC PROFILE

A. Socioeconomic Features: Project area

27. The subproject area belong to 2 communes Din Chin and Ta Gia Khau which is 30 km away from center of Muong Khuong district and 80 km away from Lao Cai City. Total total land area of the subproject beneficiary communes is 5,808 ha.

28. Din Chin commune is a border commune to the Northeast of Muong Khuong district. The borders of the District can be describe as follows:

- Eastern and Southern borders are the Ta Gia Khau commune, Si Ma Cai district of Lao Cai and China.
- Western borders include the Nam Lu and Tung Chung Pho communes.
- Nothern borders are the Pha Long and Ta Ngai Cho communes.

29. Tả Gia Khẩu commune is a border commune in the Northern portion of Muong Khuong district. The commune is 32 km to the North of Muong Khuong center. The borders of the District can be described as follows:

- Eastern border is China.
- The Southwest and the West borders is with Si Ma Cai district.
- The North and Northwest border is with Din Chin commune.

30. In the 02 subproject communes, the population densities are moderately low around 39- 40 persons/km² compared to 96 persons/km² of Lao Cai provincial average population density (or 93 persons/km² of Muong Khuong district) . Population here is mainly EMs belonging to the Mong, Phu La, Thu Lao, Nung tribes. EM population make up 98.2% in Din Chin, and 99.9% in Ta Gia Khau commune. Details of the Subproject commune's socioeconomic features are found in Table 4 below.

Table 4. Socioeconomic Features of Subproject Communes in 2013

Items	Unit	Din Chin	Ta Gia Khau
Total land area	ha	3,038	2,770
Agricultural land	ha	580	564
Number of HH	HH	627	412
Population	Persons	3,247	2,068
HH size	HH	5.2	5

Items	Unit	Din Chin	Ta Gia Khau
Population density	Person/km ²	41	39
No. of EMs	Person	62	41
% of EMs	%	98.2	99.9
No. of poor HHs	HH	404	240
% of poor HHs	%	64	58
Average income per person/year	VND	3,200,000	4,320,000
Livelihood of local people base on agriculture/forestry	%	100	100

31. Almost all HHs earn their income from agriculture and forestry. This would account for the high poverty rate of the subproject communes, specifically 64% in Din Chin commune and 58% in Ta Gia Khau commune. The average annual per capita income is 3.2 million VND and 4.32 million VND in Din Chin and Ta Gia Khau respectively which are much more lower than Muong Khuong district average income per person of 7 million VND per year.

32. Currently, clean water supply is very difficult, what is available is not enough to provide the needs of local people for their domestic needs. Residents normally have to fetch water manually from far place to supplement the amount taken from existing systems. Water will be placed on metal or plastic containers, and will be carried from the source back to the HH. Moreover, the quality of fetched water does not meet the existing MOH standards. The situation becomes more acute during the dry season when there is hardly any water in the existing sources.

33. Ta Gia Khau & Din Chin communes have gravity type WS systems. Ta Gia Khau with 12 sub-systems, Din Chin with 13 sub-systems, most of them are damaged, and are not able to meet the minimum water needs by the local people.

B. Ethnic Minorities in the Subproject Area

34. Ethnic Minorities make up the population of the subproject area. Ta Gia Khau commune has 13 villages with 7 EM tribes living together. The majority is Phu La making up 40.9% of local population, then the Mong with 32.5 %, and Thu Lao with 25.19%. The 1.41% remaining are from other tribes such as the Nung, Tu Di and Day.

35. Din Chin commune has 16 villages with 7 EMs tribes, where the Mong is majority with 67% of the population, Nung is next with 26%, Phu La 1% and 6% is made up of other tribes such as the Muong, Pa Ri, and Tu Ri tribe.

36. **Sociocultural Systems of the Mong.** The Mong value highly a social system with “father-right” as the norm. Here, the male head of the family and male relatives who is assigned to represent him in his absence or after his death, have the authority to make decisions affecting the HH and the lineage.

37. **Traditional gender roles.** There are traditional gender roles in the Mong society. A man's duty involves family responsibility and the provision for the physical and spiritual welfare of his family. Mong men have a system for making decisions that involves clan leaders. Husbands may consult their wives if they wish before making major decisions regarding family affairs, but the husband is seen as the head of the house who announces the decision. Mong women are responsible for nurturing the children, preparing meals, feeding animals, and sharing in agricultural labor. Traditionally, Mong women eat meals only after the Mong men have finished eating, especially if there are guests present in the house.

38. **Sociocultural Systems of the Phu La tribe:** Phu La ethnic live together in small community, interspersed in many ethnic areas like Mong, Dao, Tay. Each village usually has from 10 to 5 houses. The village elders , chiefs, and clan heads had a very important role in the village. The Phu La economy is based

on agriculture and terracing. Livestock raised includes cattle or horses that are used to pull plows, chickens and pigs are grown mainly for meat. They (Phu La) live in houses made from soil.

39. **Costume.** Men wear a type of chest covering made from 6 separated cloths, low neck, no buttons, chest brace edge are colored red, narrow sleeves, and wrist embroidered motifs such as in women's clothing. Phu La unmarried women often have long hair wrapped around her head. Head dress are of black or indigo color, and usually with square scarf, with its four corners and middle beaded. They usually wear short clothes with 5 pieces, long-sleeved, square neck, and low pullovers. On the background of an indigo jacket, whose body is divided into 2 regions of decoration (2 parts almost split between the body, shoulders, and sleeves as well as bear shirt). Dresses with square collar and decorated with motifs and colors used, are the style for ladies, that make them look different from other EM women.

40. **Sociocultural Systems of the Thu Lao: Belong the group Tay and Nung**

41. The Thu Lao women's costumes are usually made from Cham self-woven fabric, simple, with minimal jewelries, and the dominant color of the costumes are black. Ladies garments have 5 pieces, button set on right armpit side, bear tunic, no decoration, and sleeves usually have added light color cloth as an ornament. Thu Lao women's skirts have trap type, assembled from pieces of trapezoidal cloth. Thu Lao scarf is designed from indigo cloth with a length of about 4 m, and width of 20 cm. The scarf is folded into 4 lengthwise, then wrapped around a cone on top of head. Then it is allowed to let loose by, hanging from the neck down to the waist. These features are unique headscarves of the Thu Lao women.

B. **AH profile**

42. Beside the acquisition of land from 2 government entities (Din Chin CPC and Ngai Thau Kindergatern), the subproject will affect 16 households having 81 members (44 males and 37 females) from Din Chin and Ta Gia Khau communes. Social-economic survey were conducted with the 16 AHs. Almost all of these households are headed by men (15 out of 16) and 1 are headed by a woman. Average number of persons per household is about 5. Household size ranges from 2 to 11.

43. Mong people is very popular in the subproject area. Among 16 AHs, there are 8 Mong AHs, of which 4 are in Din Chin and 4 are in Ta Gia Khau). There is a Nung AH in Din Chin commune. And the remain 7 AHs is from the Thu Lao and Phu La tribes from the Ta Gia Khau commune. Details of the EMs and their respective residences are found in the table 5 below.

Table 5. Ethnicity Composition of AHs

Commune	Ethnic Minority Tribe of AHs				Total
	Mong	Thu Lao	Phu La	Nung	
Din Chin	4			1	5
Ta Gia Khau	4	5	2		11
Total	8	5	2	1	16

44. **Education:** Based on survey results, educational attainment level of these AH heads are fairly low. Almost all of the respondents from the 3 subproject communes have just finish 2nd grade at primary school. No respondents completed primary school.

45. The income source of AHs is mainly from agriculture. Most of the people do cultivation on field with rice, corn and some HHs palm trees. The average annual income per capita of AHs is 4 million VND per year.

46. Work distribution within the households are as follows: both men and women participate in farming; women are in charge of family works, such as looking after children, house cleaning, and other housework, while men only help in house cleaning. Household decision-making and participation to family and community meetings are mainly the responsibility of men.

47. **Vulnerability.** Among 16 AHs, there are 5 households identified as poor. These vulnerable households will get assistance from the subproject.

C. Gender issues

48. Both men and women share outdoor and indoor works such as farming, looking after children, house cleaning, and etc. Even when they (men and women) are equal in family decision-making, however only the men participate in the community activities.

49. Safe water source is very important for health and sanitation especially for women and children. It means that women and children need more water for domestic use and personal hygiene, compared to men. It is essential that health and sanitation related issues resulting from inadequate access to potable water be addressed since this will have time and cost implications to the meager family income. To achieve this target, aside from the provision of potable water supply, public information dissemination of personal health, sanitation and hygiene, as well as water use should be pursued as part of the subproject before, during and after the construction phase

D. Social impact assessment

50. **Potential negative subproject impacts on local EMs.** Provision of adequate potable water supply is beneficial to all including EMs. There may be short-term adverse social impact that the subproject construction may give specifically when migrant workers are employed. The presence of outsiders may expose EMs especially from poor villages to social evils such as violence, theft, illegal drug-use, prostitution, and women and child trafficking.

51. **Expected positive impacts on women.** When the subproject is implemented, it is expected to have a positive impact on the people in the 3 beneficiary communes in general and on women and children in particular. These effects are:

- (i) Immediate provision of potable water instead of current polluted water source. In the long term, this subproject will be able to improve health, sanitary and hygienic conditions for the whole community.
- (ii) Create new opportunities for livelihood, trading and services; creation of jobs to increase income for women, especially poor women during subproject construction time, temporarily contributing to poverty alleviation in the subproject communes; and
- (iii) Providing opportunities to improve the status of women and enhance their participation in community activities through gender action plan, in particular, increase women's participation and representation in Component 3 of the subproject: "Water supply management system ensure sustainability and effectiveness in water supply service".

52. **Negative impacts on gender.** The provision of adequate potable water supply may not necessarily result in improvement of sanitation and hygiene conditions for Women.

- (i) The World Health Organization (WHO) estimated that unsafe water, inadequate sanitation and poor hygiene is the fourth leading cause of deaths and the second leading cause of disease in low-income countries (WHO 2009) (in Rheinlander T., Le ThiThanhXuan et al. 2011).⁴ In Viet Nam, hygiene and sanitation issues have been at the top of the political agenda for decades.
- (ii) Official statistics from 2004 concluded that only 18% of the population in the Northeast had safe water supply (General Statistics Office, 2006) (in Rheinlander T., Le ThiThanhXuan et al. 2011). Research has shown that motivation for individuals to practice hygiene are often not based on biomedical knowledge but based much on cultural, social and traditional habits (in Rheinlander T., Le Thi Thanh Xuan et al. 2011).
- (iii) Therefore, the construction of water supply system does not guarantee that traditional habits in daily activities relating to lack of awareness on sanitation and hygiene can be changed.
- (iv) Hence, public education on sanitation and hygiene for the purpose of raising awareness and behavior change should be integrated into development programs such as SRIDP.

53. **Raising women's voices to safe water and sanitation:** Sustainable potable water supply with gender equity (and sanitation) is mutually reinforcing. Involving women and men in influential roles in potable water supply programs at all levels can hasten achievement of sustainability. Management of water in an integrated way can contribute greatly to gender equity. On one hand, improved water services can reduce

⁴Source: Rheinkabderm Le ThiThanhXuan et.al (2011) Hygiene and Sanitation promotion strategies among ethnic minority communities in Northern Vietnam: a stakeholder analysis, Health Policy and Planning 2012 1-13

time, health, and care-giving burdens for women. On the other hand, community-based management of water source can provide women opportunities to participate in decision making process.

E. Measures to Minimize Negative Impacts.

54. To mitigate the negative impacts on EMs, before and during the design process, compensation and resettlement assistance, as well as supervision of construction works, the PPMU staff will facilitate the dissemination of subproject information to EMs to ensure that they (EMs) get maximum benefit from the advantage conditions brought by the subproject.

F. Gender action plan.

55. Eventhough women will not be significantly affected by the subproject, but based on the analyses above, a gender action plan is necessary to facilitate women participating in subproject processes and to provide new opportunities for women thereby increasing their income without making their burdens increase, and to raise the social status of women in the subproject area.

56. From the above analysis of subproject impacts, a gender action plan has been prepared for the overall subproject key facets which are adopted for the subproject (please refer to Table 12) to facilitate maximum participation of women in the construction phase, providing new opportunities for them (women) to increase income, but not increase the burden on their lives, and contribute to increase the role and status of women in the subproject area. The specific objectives of this plan are:

- (i) The local contractor will use at least 30% female workers in the subproject construction, maintenance and repair;
- (ii) For a similar type of work, women workers must be paid the similar amount as male laborers;
- (iii) The safety conditions must be the same for both men and women;
- (iv) The local contractor will not use child labor;
- (v) Encourage the use of local labor (both men and women);
- (vi) The women's group and the Woman Union will be consulted in the design of the Subproject;
- (vii) Training on gender mainstreaming for the implementing agencies at provincial, and local agencies (i.e. PPMUs, and other stakeholders);
- (viii) Training and capacity building for women to participate in community decision making and subprojects in a most meaningful way (i.e. training on participation and negotiation skills, marketing skills, cultivation skills and eliminating illiteracy for women);
- (ix) The extension services targeted at women are designed and delivered to women; and
- (x) At least one woman will be the representative of the commune women in the commune supervisory boards (accounting for about 1/3 of its members).

Table 6. Gender and EM development action plan

Project outputs	Activities and Indicators	Responsibilities	Time
Output 1: Subproject water tanks are replaced and other facilities rehabilitated.	<ul style="list-style-type: none"> – Contractors will prioritize the use of local unskilled labor (through subcontracting); at least 30% of the labour force will be local unskilled labor; – Among the 30% of local labor, priority is given to the unskilled female laborers; – Male and female unskilled workers will receive equal pay for equal work; – Contractors will not employ child labor on civil works contracts; – Persons interested will write their names at village level; commune authorities and village chiefs will provide the names to the contractors; and priority will be given to members of the poorest households 	<ul style="list-style-type: none"> – PPMU/Project Loan Implementing Consultant will be responsible to ensure this clause is included in the contract; – Commune authorities will submit to the contractors the list of interested persons (to work in the subproject); – Commune authorities will be responsible for ensuring that targets are met; – Women's Union at commune level will also ensure that women are hired; 	During construction
Output 2: capacity building on adaptation and flexibility in taking advantage of benefits brought by the Subproject	<i>At least 30% of women participate in the extension program</i>	PPMU staff, district PC, commune PCs	During subproject implementation
Output 3:	<i>HIV/AIDS and Human Trafficking Campaign</i>	– WU at the provincial and commune	Monthly, before and

Project outputs	Activities and Indicators	Responsibilities	Time
Awareness of potential social problems is enhanced among vulnerable people, especially women	Community-Based Risk Mitigation Campaign <ul style="list-style-type: none"> – The risk mitigation information will be delivered to subproject-affected communes and villages using a participatory approach with a special focus on the poor, vulnerable households (e.g. households headed by women, and families with disabled and elderly members, and out-of-school youth). – Materials will be gender-responsive and culturally- and linguistically-appropriate; – Training of facilitators will be conducted by women's unions and representatives of HIV/AIDs centers and communes in each of the two project areas; – Campaigns will be conducted at commune & village levels by 2 facilitators per village (village chief & 1 woman member of the WU) – Campaigns will be conducted at village level and during market days, through distribution of leaflets, use of loud speakers, and presentation of plays; 	<ul style="list-style-type: none"> – levels will be responsible for the whole campaign organization (training of facilitators, materials development) in collaboration with district and commune health centers. – WU at the village level will be responsible for the dissemination of information – Commune/district health centers will assist WU at commune level – Loan Implementation Consultant will include international and national gender and EM specialists – The gender and EM specialists from the Loan Implementation Consultants will review the existing materials and, if necessary, supplement the existing materials. 	during construction
	Construction-Setting Risk Mitigation Campaign <ul style="list-style-type: none"> – PPMU and Contractors will work closely with health services at the district and commune levels to develop awareness, training, prevention, and diagnosis and treatment programs for workers. – All programs and materials developed will integrate gender issues, including key vulnerabilities and needs of men and women. – In particular contractor will: <ul style="list-style-type: none"> • Develop awareness programs for the employees and the community including information, education and communication activities that address HIV transmission and promote preventive measures; • Provide voluntary counseling and encourage testing for HIV/AIDS to make sure that all employees know their status; • Facilitate access to health care and be supportive of people who have disclosed their HIV status; • Provide basic medical care and facilities (free condoms) at workers, camps; 	<ul style="list-style-type: none"> – PPMU, Contractors – Local health centers – Commune authorities – Women's union will carry out overall coordination to create greater synergy on HIV focused activities. 	During construction
Project Management	<ul style="list-style-type: none"> – Gender and development briefing and training will be provided to PPMU staff, local organizations and contractors. – All capacity development activities will include targets for female participation 	<ul style="list-style-type: none"> – Loan Implementation Consultants – PPMU 	During design and initial implementation

IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Information Disclosure

57. In compliance with the ADB requirements, the PPMU will assist the CARB to publicly disseminate the final REMDP as approved by the PPC and ADB. The subproject information booklet shall be made available in the Vietnamese.

58. APs are notified in advance about resettlement activities, including: (i) community meetings about the scope of the subproject, road alignment plan, site clearance plan and construction plan, (ii) detailed measurement and survey results, (iii) lists of eligible APs and their entitlements, (iv) compensation rates and amounts, (v) payment of compensation and other assistances and (vi) other contents such as the grievance mechanism. Notices are posted in the commune PC offices or other easily accessible locations; letters, notices or small brochures are delivered individually to APs; and radio announcements.

59. This REMDP will be uploaded in ADB websites in both English and Vietnamese and disclosed to the EMs through commune and village meetings. The staff of CPC and mass organizations will translate into EM language and disseminate the information to the EM through loud speakers and other oral communication mean in market days as well as in public meetings. In the table the different public consultation meetings pursued and planned and their description and methodology are listed.

B. Public Consultation and Participation

60. Public consultations and community participation is encouraged in all the subproject cycle, including planning, designing, implementing, and monitoring. The objective of the Public Consultation and Participation is to develop and maintain avenues of communication between the Subproject, stakeholders and APs in order to ensure that their views and concerns are incorporated into subproject preparation and implementation with the objectives of reducing or offsetting negative impacts and enhancing benefits from the Subproject. The feedback from consultations is an important component of, and crucial methodology of the planning process, leading to the formulation of mitigation measures and compensation plans for subproject-affected communities, and for environmental mitigation measures.

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

- (i) Provide full and impartial information to APs about the Subproject, its activities, and potential impacts that affect them, and to provide an opportunity for their feedback on the Subproject;
- (ii) Explore a range of options for minimizing subproject negative impacts, and for those impacts that cannot be avoided, explore the range of options for, and ensure APs participate in the design of mitigation measures;
- (iii) Gather information about the needs and priorities of APs as well as their feedback on proposed resettlement and compensation policies, options and activities;
- (iv) Obtain the co-operation, participation and feedback of APs on activities to be undertaken in resettlement planning and implementation, in particular on the location for resettlement, planning and design of housing (if necessary), land and community facilities, and the development and implementation of the livelihood program to affect livelihood restoration and development;
- (v) Provide a mechanism for continued dialogue, raising of concerns and monitoring of implementation;
- (vi) Exploring options for the co-management of natural resources through participatory approaches aimed at sustainable use and conservation.
- (vii) Method of consultation and participation has to ensure two-way exchange of information between the community, people and affected groups by a consultation method in accordance with the traditional cultural of the locality, taking into account gender issues, social justice and the principle of equality.

1. Consultation and participation during the REMDP preparation

62. **Objectives.** The objective of the consultation meeting with the communes in 14 October 2014 is to provide information, as much as possible, about the subproject to the APs, discuss and gather their comments on the subproject issues, specifically:

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

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

64. Consultation meetings organized at communes with participants including the AHs, representatives of beneficiaries, CPMU, PPMU, CPC, resettlement specialists, gender specialists, and national experts on

EMs, environmental specialist, village leaders, and representatives of farmer associations, women union, fatherland front association and youth union. Contents consulted include:

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

65. The consultations are organized in 14 October 2014 at Din Chin and Ta Gia Khau communes where the stakeholders mentioned above coming from affected communes attended. Details of the participants that attended the consultation meetings and the Minutes are presented in Appendix 1 and Appendix 2.

2. Public consultation and Participation mechanisms during implementation of REMDP

66. Public consultation and participation of community is encouraged throughout the subproject cycle.

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

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

V. GRIEVANCE REDRESS MECHANISM

69. Grievances related to any aspect of the subprojects/components under the Sustainable Rural Infrastructure Development Project in the North Mountain Provinces Project will be handled through negotiation aimed at achieving consensus. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. The complainants will be exempted from all administrative and legal fees that might be incurred in the resolution of their grievances and complaints.

70. Grievances redress mechanism of the project will be followed Land Law 2013; Law on complaint No. 02/2011/QH13; and Decree and regulation on grievance at Government.

- (i) Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by the presidents of the People's Committees of rural districts, urban districts, provincial capitals or provincial towns, but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at People's courts or continue to complain with presidents of the provincial/municipal People's Committees. In case of complaining with provincial/municipal People's Committee presidents, the decisions of the provincial/municipal People's Committee presidents shall be the final ones;
- (ii) Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by provincial/municipal People's Committee presidents but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at People's courts;
- (iii) According to Article 9 of Grievance Law No. 02/2011/QH13: The statute of limitation for complaining about administrative decisions or administrative acts regarding land management shall be ninety days (90) as from the date of receiving such administrative decisions or knowing about such administrative acts. In case the complainant is not done right to appeal in accordance with the statute of limitations because of illness, natural disasters, sabotage, travel, distant learning or other objective obstacles, obstacles that time not included in the time limit for lodging.

71. In dealing with a complaint: Law on complaint, Article 14: The rights and obligations of the first settlement of complaints

- (i) Rights:
 - a. Ask the complainant, agencies, organizations and individuals concerned to provide information, documents and evidence within 07 days from the date of the request as a basis for settlement of complaints;
 - b. Decide on the application, cancel the emergency measures as provided for in Article 35 of this Law;
- (ii) Obligations:
 - a. To receive complaints and notified in writing to the complainant, agencies, organizations, or individuals the right to lodge complaints and state inspection agencies at the same level of acceptance to settle complaints of administrative decisions, administrative acts;
 - b. To resolve complaints against administrative decisions, administrative acts when the complainant requested;
 - c. To organize a dialogue with the complainant, the complaint and the agencies, organizations and individuals concerned;
 - d. The decision to resolve the complaint and take responsibility before law for the resolution of the complaint. In cases of complaints by agencies, organizations and individuals, the authority to transfer must be noted and results are settled by agencies, organizations and individuals in accordance with the law;
 - e. To provide information, documents and evidence related to the complaint when the complainant requests; provide records and resolve complaints considering the second complaint settlement or court requirements.
- (iii) First-time complaint for settlement of compensation, and compensation for damage caused by administrative decisions, administrative acts in accordance with the law on the State's liability.
- (iv) First complaint solver shall implement rights and obligations as prescribed by law.

72. Article 12 Decree No. 75/2012/ND-CP dated October 03, 2012 of the Government detailing a number of articles of the Law on complaints). Publication of Decision on complaint settlement

- (i) Within 15 days from the decision to settle the complaint, those who are competent to settle the second complaint are responsible for publication of decision on complaint settlement in one of the forms prescribed in Clause 2 of Article 41 of the Law on Complaints.
- (ii) In case of publication at the meeting, the meeting attending composition must include: The person who makes decision to resolve the complaint, the complainant or the representatives, the respondent and concerned agencies, organizations and individuals. Before conducting the public meetings/person that is competent to settle complaints must send notice to the concerned agencies, organizations and individuals. Notice period should be three days in advance.
- (iii) The notice of the decision on settlement of complaints on the mass media is performed on radio, television, print press, and electronic press. Persons who are competent to settle complaints are responsible for choosing one of the mass media to make the announcement. In case the agency of person who is competent to settle complaints has e-portal or electronic information page, it must be publicized on e-portal or electronic information page. The number of times publicized on the radio: at least 02 times; television: at least 02 times; print press: at least 02 times; time to publish in the e-press, on the electronic portal or on electronic information page is at least 15 days from the date of notification.
- (iv) In case of posting in offices or places where receive citizens of the agencies, organizations that have resolved the complaints, time to post complaint settlement decisions is at least 15 days from the date of post.

73. Grievance redress can be summarized in the stages provided below.

- (i) **First Stage, Commune People's Committee:** For first complaint, an aggrieved AH may bring his/her complaint to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC of the complaint. The CPC will meet personally with the aggrieved AH and will have 10 days following the lodging of the complaint to register it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles. Time limit for handling complaints for the first time not exceeding 30 days from the date of registration; for complicated cases, the time limit may be extended but not more than 45 days from the date of registration. In hinterlands and remote areas with difficult access and

transportation, the time limit for appeal is 45 days from the date of acceptance; for complicated cases, the time limit may be extended but not more than 60 days from the date of acceptance (Article 28, Law No. 02/2011/QH13 dated on Nov. 11th 2011). During 30 days (or not more than 45 days for hinterlands and remote areas with difficult access and transportation) from the expiration day for settlement of complaint, if first complaint is not resolved, or from the day the complaint receives the decision of first complaint settlement if the complainant does not agree with it, they can complain secondly to the District People's Committee, or can initiate a lawsuit people's court.

- (ii) **Second Stage, District People's Committee:** if persons with related interests and obligations disagree with those administrative decisions or administrative acts, they may file a complaint to the District People's Committees, District People's Committee president shall handle the complaint within the time limit prescribed by the Law on Complaints. Settlement decisions of the District People's Committee president shall be made public and sent to the complainant and other persons with related interests and obligations, (iv) Within forty-five (45) days from the date of receipt of settlement decisions of the district People's Committee president that the complainant does not agree with the settlement decision, they may initiate a lawsuit people's court or complain to the Provincial People's Committees. The time limit for appeal maybe longer but not more than 60 days from the date of acceptance for complicated case. In remote areas with difficult access, the time limit for appeal not exceeding 60 days from the date of acceptance; for complicated cases, the time limit for appeal may be longer, but not too 70 days from the date of acceptance (Article 37, GrievanceLaw No. 02/2011/QH13 dated on Nov. 11th 2011) and Agency receiving the complaint shall be responsible for recording the entire track of settling complaints.
- (iii) **Third Stage, Provincial People's Committee:** if persons with related interests and obligations disagree with the administrative decisions or administrative acts, they may file a complaint to the Provincial- People's Committees, President of the provincial People's Committee shall resolve the complaint within the time limit prescribed by the Law on Complaints, Complaint settlement decisions of the provincial-level People's Committee president shall be made public and sent to the complainant and other persons with related interests and obligations,.
- (iv) **Final Stage, the Court of Law Arbitrates:** Within forty-five (45) days from the date of receipt of settlement decisions of the provincial-level People's Committee president that the complainants do not agree with the settlement decision, they may sue in people's Court. The time limit for appeal maybe longer but not more than 60 days from the date of acceptance for complicated case. In remote areas with difficult access, the time limit for appeal not exceeding 60 days from the date of acceptance; for complicated cases, the time limit for appeal may be longer, but not too 70 days from the date of acceptance. Agency receiving the complaint shall be responsible for recording the entire track of settling complaints.

74. The grievance redress mechanism has been disclosed to APs during REMDP preparation and will be continuously disseminated to people during REMDP implementation.

VI. LEGAL AND POLICY FRAME WORK

75. The legal and policy framework for addressing the resettlement impacts of the Subproject (SP53) "Improvement of deposit water tanks for people living in two high land communes Ta Gia Khau and Din Chin, Muong Khuong district, Lao Cai province" is provided by relevant policies and laws of Viet Nam (Land law 2013) and the ADB's Safeguard Policy Statement (SPS 2009) on Involuntary Resettlement. The following section outlines the relevant policies and laws, and highlights where differences exist, and the policies and principles that applied under this Project.

A. ADB Policies

76. **Involuntary Resettlement.** The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize the impacts on people, households, businesses and others affected by the acquisition of land and other assets, including livelihood and income, in the implementation of development subproject, such as the "Improvement of deposit water tanks for people living in two high land communes Ta Gia Khau and Din Chin, Muong Khuong district, Lao Cai province". Where resettlement is not avoidable, the involuntary resettlement must be minimized by exploring subproject and design alternatives, and enhance or at-least restore the living standards of the APs to at least their pre-subproject levels. The SPS 2009 also stresses on a new objective of improving the standards of living of the displaced poor and other vulnerable groups. The

policy applies to full or partial, permanent or temporary physical and economic displacement resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition that results in displacement.

77. **Indigenous Peoples⁵ (IP)/ EMs (EM).** The main objectives of ADB's safeguards requirements on IP under the SPS 2009⁶ are to: (i) avoid adverse impacts of projects on the environment and APs, where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and APs when avoidance is not possible; and (iii) assist in strengthening country safeguard systems and develop the capacity to manage environmental and social risks. The policy is triggered if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of EMs or affects the territories or natural or cultural resources that EMs own, use, occupy, or claim as their ancestral domain. Should ADB projects affect EMs, a set of general policy requirements are observed to maintain, sustain, and preserve their cultural identities, practices, and habitats (SR-3 of SPS 2009). A set of special requirements are in place should projects be (i) within ancestral domains and lands and related natural resources, (ii) commercial development of cultural resources and knowledge of EMs; (iii) physical displacement from traditional or customary lands; and (iv) commercial development of natural resources within customary lands under use that would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of EMs.

78. **Gender.** The ADB Policy on Gender and Development (1998) and the Gender Mainstreaming Criteria Guidelines (2010) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. The findings of a culturally gender sensitive analysis is to be included in the REMDP, and at all stages ensuring that gender concerns are incorporated, including gender-specific consultation and information disclosure.

B. National Laws on Involuntary Resettlement, EMs and Gender

79. **Compensation, Assistance and Resettlement.** The principal documents include:

- (i) The Constitution of the Socialist Republic of Viet Nam (2013)
- (ii) The Land Law No.45/2013/QH13, on comprehensive land administration regulations. The 2013 Land Law supersedes earlier versions of 1987, 1993 and 2013.
- (iii) Complaint Laws No.02/2011/QH11
- (iv) Ordinance number 34/2007/PL-UBTVQH11 dated April 20th, 2007 by the Standing Committee of the National Assembly on promulgating the regulation on the exercise of democracy in communes, including requirements for consultation with and participation of people in communes.
- (v) Decree No.43/2014/ND-CP dated May 15, 2014 on the implementation of the Land Law.
- (vi) Decree No.44/2014/ND-CP dated May 15, 2014 On Regulations on Land Prices
- (vii) Decree No.47/2014/ND-CP dated May 15, 2014 on compensation, rehabilitation and resettlement when the State recovers lands.
- (viii) Decree No.75/2012/ND-CP dated on 3 October 2012 guiding on implementation of Complaint law
- (ix) Decree 38/2013/ND-CP, dated on 23 April 2013 on the management and use of Official Development Assistance (ODA).
- (x) Decree 11/2010/ND-CP, dated on 24 Feb 2010 on management and protection of road; and Decree 100/2013/ND-CP amending Decree 11/2010/ND-CP.
- (xi) Decree 42/2012/ND-CP, dated on 11 May 2012, on management and use of paddy land

80. **EMs.** The definition of EM status in Vietnam is based on the following criteria:

- (i) A language different from the national language;
- (ii) Long traditional residence on, or relationship with land, and long traditional social institutional system;
- (iii) A self-provided production system; and

⁵ The term of Indigenous Peoples is equivalent "Ethnic Minorities Peoples" in Viet Nam.

⁶ Safeguard Policy Statement, 2009.

- (iv) A distinct cultural identity and self-identification as a distinct cultural group that is accepted by neighboring ethnic groups.

81. Article 5 of the Constitution of Viet Nam (2013) acknowledges equality and equal rights among ethnic groups, upon which also the Government policy and programs on EM development are based upon. Articles 58 and 61 of the Constitution appoint that EMs and people living in the mountainous regions are given priority in education and health care services.

82. The main vehicle for implementing government policies concerning EMs in the central level is through the Committee for EMs (CEMA), which is a cabinet-level committee established in 1993 (with the name Committee for EMs and Mountainous Areas or CEMMA and changed to the current name of Committee for Ethnic Minorities Affairs (CEMA) in 2003). The task of CEMA is to identify, coordinate, implement, and monitor projects targeted to EM development and has its own budget to be spent on the main programs and projects. At the provincial level, the Department of EMs is the implementing agency for developing policies concerning EMs, at district level this office has been established under management of district PC to develop provincial policies concerning EMs and implement programs/projects for EMs.

83. The state-owned Social Policy Bank (SPB) is providing micro loans targeted for poverty and EM households and households in communities that are classified by the GOV as extremely difficult areas. To be qualified for a loan from SPB, the borrower has to be a member of one village-level micro credit group. Mass organizations (Women's Union, Farmers, Association, Fatherland Front, Youth Union) support these groups and further cooperate with SPB in disseminating information on loan availability, procedures and management. Mass organizations also give recommendations for priority listing of households for loan attainment. Added to facilitating the SPB loan procedures, provincial Women's Union also has a credit fund with funds from the national WU (i.e. governmental funding) to provide loans to poor WU members for income generation improvement.

84. **Gender.** Constitution of the Socialist Republic of Vietnam recognizes the equal rights of men and women. The Vietnam Women's Union was established in 1930. This is a political-society organization in the political system, which represents the legitimate rights and interests of the elite women of Vietnam, strives for the empowerment of women and gender equality. To date, members of this Women Association were present in almost all sectors and levels.

85. The Gender Equality Law was legalized on November 29, 2006 by the National Assembly of Socialist Republic of Vietnam. This is an important legal for the formulation of policies and practical actions on gender equality in Vietnam. Specifically, 5 years after the Law on Gender Equality was born, the National Programme on Gender Equality period 2011-2015 has been approved by the Prime Minister's Decision No.1241/QĐ-TTg on 22nd July 2011 with implementation fund of VND 955 billion.

86. The above policies highly affirmed the role of women in the socioeconomic development of the country and the Government of Vietnam's determination to bring the gender relationship to equality.

87. **Government Decision on EM and gender.** Government released several decisions to support EMs for improving conditions of livelihood and living standard, the list below presents these decisions:

- (i) Decision 134/2004/CP dated 20 July 2004 of Prime Minister on "Some assistant policies providing productive land, residential land, houses and clean water to EMs in remote areas
- (ii) Decision 03/2005/QĐ-BNN dated 07 January 2005 of MARD promulgates regulation on wood exploitation for supporting EMs to build houses under the Decision 134/2004/QĐ-TTg dated 20 July 2004 of Prime Minister
- (iii) Decision 146/2005/QĐ-TTg Dated 15 June 2005 of Prime Minister on the policy recovering productive land of state farms to provide poor EM HHs
- (iv) Decision 33/2007/QĐ-TTg dated 05 March 2007 on policy of supporting to emigrants and resettlement for EMs
- (v) Decision 32/2007/QĐ-TTg dated 05 March 2007 on the loan for developing production of poor ethnic minority HHs
- (vi) Decision 1592/QĐ-TTg dated 12 October 2009 of Prime Minister on continuing implementation of supporting assistant policies providing productive land, residential land, houses and clean water to EMs in remote areas.

88. **Lao Cai People's Committee Decisions on Land Acquisition and Resettlement.** Legal regulations of Lao Cai Province include:

- (i) Decision No. 26/2013/QĐ-UBND of the Lao Cai Province's People's Committee issued on May 27th, 2013 on promulgating regulations of compensation, assistance and resettlement and when the State recovers land in the province by the State over the Phu Tho Province area.
- (ii) Decision No. 52/2013/QĐ-UBND dated December 20, 2013 issued by Provincial People's Committee in respect of unit price of land types, classification of the land, area and street, land location in Lao Cai province in 2014.

C. Reconciliation of Government and ADB Policies on Resettlement

89. With the promulgation of the 2013 Land Law, including Decrees No. 43/2013/QH13; Decree No 44/2014/ND-CP and Decree No. 47/2014/ND-CP; the policies and practices of the national Government have become more consistent with ADB's safeguards requirements on Involuntary Resettlement in the SPS (2009). However, there are still some gaps between the Government policies and the ADB's safeguards requirements on Involuntary Resettlement.

90. The following table provides a comparison of ADB's safeguards requirements (in SPS 2009) and those of the Government on key areas of involuntary resettlement and measures applied for the project.

Table 7. Comparison of 2013 Land Law and ADB SPS (2009)

Issue	ADB SPS 2009	Government of Viet Nam (Land Law 2013)	Project Policy
Criteria of severe AHs	Severely affected households are those losing 10% or more of their productive assets and source of livelihood and/or relocation	Severely affected households are those losing 30% or more of their productive land (Decree 47/2014/ND-CP, Article 19)	Severely affected households are those losing 10% or more of their productive assets and source of livelihood and/or relocation
Compensation price for non-land assets on illegal land	All affected non-land assets established before the cut-off date, irrespective of land tenure status, need to be compensated at the full replacement cost.	Non-legitimate land-attached assets or assets established after the cut-off date are not compensated and assisted (Articles 88 and 92)	All affected non-land assets established before the cut-off date, irrespective of land tenure status, need to be compensated at the full replacement cost through cash or replacement assets.
Compensation for non-land assets on legal land	All affected non-land assets established before the cut-off date, irrespective of land tenure status, need to be compensated at the full replacement cost.	<p>Certain structures are not compensated as per Article 92:</p> <ul style="list-style-type: none"> - land-attached assets which are illegally established - land-attached assets on land which is not used in accordance with the allocated, leased land purpose - land-attached assets on land which is not subject to be transferred, donated as stipulated by law but is transferred and donated; and - land-attached assets on land which is not subject to be transferred the land use right as stipulated by the law is encroached, occupied due to the irresponsibility of the land users. - Certain structures are not compensated based on the 	All affected non-land assets established before the cut-off date, irrespective of land tenure status, need to be compensated at the full replacement cost.

Issue	ADB SPS 2009	Government of Viet Nam (Land Law 2013)	Project Policy
		value of a new structure (Article 89.2)	
Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved. Disclose monitoring reports. For projects with significant impacts (category A), there is requirement for engaging an external expert to monitor.	<ul style="list-style-type: none"> - For specific projects, there is no specific requirement to monitor and evaluate the resettlement outcomes and their impacts on the standards of living of displaced persons. - For projects with significant impacts, there is also no requirement for engaging an external expert to monitor. 	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved. Disclose monitoring reports.
Third-party validation of consultation related to land donations	The borrower is required to engage an independent third-party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	<ul style="list-style-type: none"> - There is no requirement for third party validation of consultation related to land donation 	In case of land donations involving marginal portions of land, A third-party will be engaged to verify and report on the negotiation and settlement processes as part of the due diligence report. A voluntary donation form signed by the respective landowners, witnesses, and village leaders will be attached in the report.

D. Subproject policies

91. In pursuit of the above resettlement objectives, the following specific principles are adopted:

- Poor and vulnerable non-titled users will be provided appropriate assistance to help them improve their socio-economic status. The type of assistance will be identified during RP/REMDP preparation as per consultation with APs.
- Temporary affected land and commercial infrastructure will be restored to pre-Project conditions before returning to the affected owners.
- During finalization of RP/REMDPs, an experienced appraiser will conduct a RCS to identify the market rates and replacement costs for the affected lands and assets upon lands.
- All AHs will be compensated for income loss as a result of disruption or cessation of business due to the subproject, in addition to other forms of assistance, as needed and in a manner consistent with their requirements, to help restore living standards to pre-Project levels.
- Assistance in life and production stabilization will be provided to those who lose 10% or more of their productive income generating assets and/or being physically displaced. The project will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people and will be entitled to participate in an income restoration program, which will be mainstreamed in the District Extension Program.
- Assistance shall be provided in accordance with the current Provincial regulations for those below the official poverty line, and for vulnerable groups.
- Social impact assessment will be conducted and updated to use similar methods to assess potential subproject impacts, both positive and adverse, on EMs.

- Capacity-building programs for EMs in the subproject area will be provided. Meaningful consultations with local EMs will be carried in all stages of the Subproject. The grievance redress mechanism has been developed and will be discussed and disclosed publicly in the communities.
- The Subproject will ensure the rights of local EMs to benefit from the use of their cultural resource and knowledge.
- The issues of access restriction and physical displacement from protected areas and natural resources will be avoided as much as possible.
- The RP/REMDP shall be prepared and consultants will be recruited to assist the RP/REMDP preparation, implementation and monitoring.
- Key information in the RP/REMDP, including measurement of losses data, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to the APs in an understandable format and in the local language, such as the posting of the full RP/REMDP in commune offices and the distribution of project information booklets (PIBs) to the APs.
- Meaningful consultation with local EMs will be made to define areas with customary rights and to reflect the issues in a REMDP with particular actions to protect or compensate the areas.
- Internal monitors of RP/REMDP implementation will be carried out by PPMU under support of LIC resettlement consultant.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Eligibilities

92. Legal rights to the land concerned determine eligibility for compensation with regard to land. There are three types of APs: i) persons with Landuse Rights Certificates (LURCs) to land lost in entirety or partially, ii) persons who lose land they occupy who do not currently possess a LURC but have a claim that is recognizable under national laws, or, iii) persons who lose land they occupy in its entirety or partially who do not have any recognizable claim to that land. APs included under i) and ii) above shall be compensated for the affected land and assets upon land. APs included under iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they have to relocate.

93. All APs who satisfy the cut-off date for eligibility are entitled to compensation for their affected assets (land, structures, trees and crops), and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.

94. Non-eligible APs include those making claims based on subsequent occupation after the cut-off date. The cut-off-date for eligibility will coincide with the day of land acquisition announcement of local authorities.

B. Entitlement Matrix

95. Entitlement matrix as shown in Table 8 is to be applied under this subproject.

Table 8. Entitlement matrix

No.	Type of Loss/Impacts	Level of Impact	Eligible Persons	Entitlements	Implementation Arrangements
I. LANDS					
1	Productive Land (Agricultural, Aquaculture, Forest, Garden).	Partial loss (loss productive land of the HH and the remaining unaffected portion is viable for continued use)	All AHs with LURC or legalizable according to the IOL (Total 2,689 m ² belonging to 16 AHs will be affected: 121 m ² rice land and 2,568 m ² forest land)	- Cash compensation for acquired land at replacement cost. Compensation for non-land affected assets at replacement cost. See item II and III below.	AHs will fully receive the compensation at the replacement cost before site clearing. They will keep using the remaining part for their production purposes.
2	Public land	Loss of public land	All APs including Government entities having	Land owned by government that are	The affected public land will not be compensated.

No.	Type of Loss/Impacts	Level of Impact	Eligible Persons	Entitlements	Implementation Arrangements
			jurisdiction over affected public lands. (A total of 160 m ² of Other non-agricultural land: 75 m ² of Din Chin CPC and 85 m ² of Ngai Thau Kinder Garten)	used by state entities without payment of rentals will not receive compensation when acquire land for the public purpose (Article 14, Decision No.26/2013/QĐ-UBND dated on 25 July, 2013 of Lao Cai province). Compensation for APs for non-land Affected assets. See items II and III below.	
3	For portion of land to be used temporarily on agriculture land: Cash compensation on average productivity of three years multiplied with duration of use. The land must be restored at pre-project conditions before returning the affected owners. For portion of land to be used temporarily on residential land with no house thereon: cash compensation for land lease at the market cost. The land must be restored at pre-project conditions before returning the affected owners.				
II	Trees and Crops				
6	Trees, Crops, and aquaculture products	Loss of or damage to assets	All AHs according to the IOL. (Total 121 m ² of rice land belonging to 2 AHs, and 271 acacia trees belonging to 14 AHs,).	For the trees and annual crops will be paid cash compensation at replacement cost at the time of land acquisition.	APs will be informed 90 days before land recovered so that they could harvest their crops on time or stop cultivation on the affected land. APs will receive cash compensation at current market value for any unharvested crops that are near or ready to harvest at the time of land acquisition.
III. Transition Assistance					
8	Assistance for job changing/creation	Loss of productive land	AHs who will lose productive land (Total 2,689 m ² belonging to 16 AHs, of which 121 m ² is rice land and 2,568 m ² is forest land)	Assistance equal to 2 times the productive land prices	Assistance will be paid before site clearing.
9	Assistance for vulnerable groups	Loss of land	Affected vulnerable groups (5 vulnerable HHs with 22 persons)	Cash assistance based on the updated Project Resettlement Framework (30 kg of rice per person per month for 3 months. Price of rice is 10,000 VND/kg. Then the assistance per person is 900.000 VND/person)	Using the information from the resettlement surveys, the DCARB will prepare the list of vulnerable persons.

C. Compensation and Assistance

96. *Compensation to owners of affected land.* Acquisition of land will have compensation price of 5000 VND/m² for 2,568 m² forest land, and 28,000 VND/m² for 121 m² rice land. The total compensation expenses for the affected lands are 16,228,000VND, equivalent to \$767.
97. *Compensation for standing paddy rice crop and trees.* Total compensation for both standing crops and trees is 7,759,400 VND (605,000 VND for rice and 7,154,000VND for trees).

98. *Assistance for job changing/creation to AHs losing productive land.* Since there are 16AH losing productive land, according to the Decision No. 26/2013/QĐ-UBND, dated 25 July 2013 of Lao Cai Provincial People's Committee, regarding support to change of job and creating job, 16 AHs qualify with support level equal to 2 times the value of equivalent productive land. Total support for the expenses is 32,456,000 VND, equivalent to \$1,535.
99. *Assistance for Affected Vulnerable AHs.* According to the above policies, 5 poor HHs will be affected by the subproject. They will be supported with 30kg rice/person/month for 3 months. The total support is computed at 22persons x 30 kg of rice x 3 months x 10.000 VND amounting to 19,800,000 VND, equivalent to \$936.
100. *Unforeseen impacts.* New AHs/APs that will emerge in the course of subproject implementation due to changes in the scope of work, and other acceptable causes, will be provided the same entitlements as those of the other AHs/APs.

VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

101. Survey results on the replacement cost from the Rapid Replacement Cost Assessment revealed that the average market price of land and crops are lower or equal the prices have been promulgated by provincial authority. The comparison between provincial promulgated price and market price of land and crops are presented in Table 9. All these prices will be used to estimate the cost of compensation and resettlement, and for unforesee impacts during REMDP implementation.

Table 9. Replacement price for land and crops

Items	Unit	Average Market price (VND)	Provincial promulgated price (VND)	Applied Compensation Price (VND)
Rice land	m ²	28,000	28,000	28,000
Forest land	m ²	5,000	5,000	5,000
Rice	m ²	5,000	5,000	5,000
Trees (Acacia tree with diameter of 18 cm – below 20 cm)	tree	26,400	26,400	26,400

102. Total compensation cost for lost land and other assets is estimated to be VND 76,243,400 equal to US \$ 3,605.

103. It should be noted that costs estimated above are all direct costs. The indirect costs such as expenditures for doing resettlement work, contingencies, management costs, etc. Also, the amounts have not considered variation of prices of major construction materials, labor and crops in comparison with those at the time of issuance of the unit price used in this report. Total resettlement cost is estimated at VND 85,545,095 equivalent to US \$ 4,045. The cost breakdown are presented in table 10 below.

Table 10. Summary of compensation cost

No.	Item	Unit	Quantity	Land price (VND)	Cost (VND)	Cost in USD
I	Affected assets				23,987,400	1,134
I.1	Land	m ²	2,689		16,228,000	767
I.2	Rice Land	m ²	121	28,000	3,388,000	
	Forest	m ²	2,568	5,000	12,840,000	
	Rice	m ²	121	5,000	605,000	
I.3	Tree	Tree	271	26,400	7,154,400	
II	Assistance				52,256,000	2,471
	<i>For job change/creation</i>	m ²	2,689		32,456,000	1,535

No.	Item	Unit	Quantity	Land price (VND)	Cost (VND)	Cost in USD
	<i>To vulnerable households</i>	person	22	900,000	19,800,000	936
Subtotal Direct Cost					76,243,400	3,605
Management cost					1,524,868	
Subtotal					77,768,268	
Contingency					7,776,827	
Total Resettlement cost					85,545,095	4,045

IX. INSTITUTIONAL ARRANGEMENT

A. National Level

104. The Ministry of Agriculture and Rural Development (MARD) is the Executing Agency for the Sustainable Rural Infrastructure Development Project in Northern Mountainous Provinces, and assures overall coordination, planning, implementation, and reporting for the Project.

105. During the implementation of the REMDP, CPMU under MARD has the responsibilities as follow:

- (i) Provide overall planning, coordination, and supervision of the resettlement implementation;
- (ii) Guide implementing agencies (DCARB/DLFDC) and PPMUs to implement resettlement activities in accordance with policy of the approved REMDP; and advise local authorities to resolve timely and successfully any mistakes or shortcomings identified through internal monitoring of REMDP implementation to ensure that the objectives of the REMDP are met;
- (iii) Finalize REMDP and obtain PPCs and ADB's approval before implementing approved REMDP;
- (iv) Provide resettlement training to implementing agencies, all PMU staff and CARBs staff;
- (v) Coordinate with other implementation agencies and relevant institutions during periods of preparation, planning and implementation of the REMDP;
- (vi) Establish a database of APs for each component, as well as for the Project as a whole;
- (vii) Establish procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies;
- (viii) Establish procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation for impacts occurring during construction;
- (ix) Establish procedures for the prompt implementation of corrective actions and the resolution of grievances;
- (x) Report periodically on resettlement implementation progress to the ADB.

B. Province Level

106. Lao Cai Provincial People's Committee (PPC) is responsible for resettlement activities within its administrative jurisdiction. The main responsibilities of PPC include:

- (i) Approve final REMDPs;
- (ii) Issue decisions approving land valuations applied for compensation rates, allowances and other supports to APs, especially vulnerable groups, based on principles of REMDP;
- (iii) Approve budget allocation for compensation, support and resettlement;
- (iv) Direct and supervise provincial relevant departments to implement effectively the REMDP.
- (v) Authorize the district-level People's Committees to approve compensation, assistance and resettlement plans;
- (vi) Direct the relevant agencies to settle APs' complaints, grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
- (vii) Direct the relevant agencies to examine and handle the violations in the compensation, assistance and resettlement domain.

107. Lao Cai Provincial Project Management Unit (PPMU) is responsible for comprehensive REMDP implementation and internal monitoring. The main tasks of CPMU include.

- (i) Prepare, update, and supervise REMDP implementation of Subproject components;
- (ii) Guide CARB to implement all resettlement activities in compliance with the approved REMDP; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the REMDPs are met; and otherwise, to provide appropriate technical, financial and equipment supports to CARB and Commune-level Inventory Working Groups.
- (iii) Conduct, in coordination with CARB and CPCs, information campaigns and stakeholder consultation in accordance with established project guidelines;
- (iv) Coordinate with other line agencies to ensure delivery of restoration and rehabilitation measures to APs;
- (v) Implement internal resettlement monitoring, establish and maintain AP databases for each component in accordance with established project procedures and providing regular reports to CPMU; and
- (vi) Implement prompt corrective actions in response to issues/problems raised in internal monitoring reports.

C. District Level

108. The DPC undertakes comprehensive management on compensation, assistance and resettlement. The DPC is responsible to the PPC to report on progress, and the result of land acquisition. The DPC's primary task includes:

- (i) Approve the schedule and monitor the progress of land acquisition and resettlement implementation in compliance with REMDP;
- (ii) Establish the CARB and Resettlement team and direct CARB and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
- (iii) Approve and take responsibility before the law on the legal basis, and accuracy of the detailed compensation, assistance and resettlement options in the local area; Approve cost estimates on implementation of compensation, assistance and resettlement work;
- (iv) Take responsibility for acquiring LURC, certificate on land owning right of the households and individuals who have land, house entirely recovered; adjust LURC for households and individuals who have land, house partially recovered, in accordance with authorization issued by the PPC;
- (v) Direct Commune People's Committees and relevant organizations on various resettlement activities;
- (vi) Review and endorse the REMDP for approval of the PPC;
- (vii) Resolve complaints and grievances of APs

D. District Compensation, Assistance and Resettlement Board (DCARB)

109. The composition of the DCARB includes DPC vice-chairman (playing role as the head of REMDP), the representatives of Department of Natural Resources and Environment, Department of Finance, Department of Agriculture, CPC chairmen and AHs representative (including affected women HH head), members of District Farmers' Association and Women's Union. The main responsibilities of District Officials and/or the CARB are the following:

- (i) Organize, plan and carry out compensation, assistance and resettlement activities;
- (ii) Perform the DMS, consultation and disclosure activities, design and implementation of income restoration program, coordination with various stakeholders;
- (iii) Prepare compensation plan and submit to DPC for approval. Implement compensation, assistance and resettlement alternative; Take responsibility for legal basis applied in compensation, assistance and resettlement policy following approved REMDP;
- (iv) Assist in the identification and allocation of land for relocated households;
- (v) Lead and coordinate with the CPC in the timely delivery of compensation payment and other entitlements to AHs; and
- (vi) Assist in the resolution of grievances.

E. Commune Level

110. The CPC will assist the DCARB in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- (i) In co-operation with District level and with commune level local mass organizations, mobilize people who will be acquired to implement the compensation, assistance and settlement policy according to approved REMDP;
- (ii) To co-operate with CARB and Working groups to communicate the reason for acquisition to the people whose land is to be acquired; To notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
- (iii) Assign Commune officials to assist the CARB in the updating of the REMDP and implementation of resettlement activities;
- (iv) Identify replacement land for AHs;
- (v) Sign the Agreement Compensation Forms along with the AHs;
- (vi) Assist in the resolution of grievances; and,
- (vii) Actively participate in all resettlement activities and concerns.

X. IMPLEMENTATION SCHEDULE

111. The implementation schedule for resettlement activities for the subproject is presented in Table 11. These activities include: (i) activities that have been completed to prepare the REMDP; and (ii) resettlement implementation activities;

Table 11. Indicative Schedule of Resettlement and Compensation Activities

Activities	Schedule
Prepare RP	
Detailed engineering and demarcation of land to be acquired	10/2014
Conduct of Census, Socio-economic Survey and RCS	10/2014
Public meeting and consultations with APs	10/2014
Prepare REMDP	9-10/2014
Conduct DMS and prepare compensation plan (RCS, as required)	1/2015
Submit to ADB for review and ADB no-objection to REMDP	11/2014
Implement REMDP	
Compensation payments and resettlement assistance	1/2015
Clearing of acquired land and implementation of the restoration measures	2/2015
Award of civil works contract	2/2015
Monitoring and Evaluation	
Conduct internal monitoring	12/2014....

XI. MONITORING AND EVALUATION

A. The implementation of the REMDP will be monitored regularly to help ensure that it is implemented as planned and that mitigating measures designed to address the SubProject's adverse social impacts are adequate and effective. Towards this end, PPMUs are required to conduct internal resettlement monitoring. It is no need an external monitoring organization because the subproject has minor impacts. LIC resettlement consultants with support of CPMU and PPMUs will confirm the completion of compensation payment for AHs of the subproject before commencing civil works. Community Monitoring

112. Community-based monitoring (CBM) is a form of public oversight, ideally driven by local information needs and community values, to increase the accountability and quality of social services or to contribute to the management of ecological resources. Within the CBM framework, members of a community affected by a social program or environmental change generate demands, suggestions, critiques and data that they then feed back to the organization implementing the program or managing the project.

113. People in the subproject area are encouraged to monitor the implementation of REMDP, especially the APs by comparing what they received with what stated in the REMDP.

B. Internal Monitoring

114. The objectives of internal monitoring and evaluation is to assess:

- (i) Compliance with the agreed Resettlement and EM Development Plan;
- (ii) The availability of resources and the efficient, effective use of these resources to implement land acquisition and resettlement activities;
- (iii) That resettlement institutions are well-functioning during the course of project implementation;
- (iv) Resettlement activities are undertaken in accordance with the implementation schedule described in the REMDP;
- (v) To identify problems, if any, and remedial actions.

115. Primary responsibility for internal monitoring lies with the CPMU as the representative of the Project Executing Agency. The CPMU will be responsible for overseeing the formation, function, and activities of each of the provincial and district bodies responsible for resettlement. The CPMU will ensure that information on resettlement progress flows from DCARBs. The DCARB will submit monthly progress reports to the CPMU. The CPMU will consolidate all provincial reports into the project performance monitoring system, which will be used to prepare regular progress reports to submit to ADB. All data will be gender and ethnicity disaggregated.

116. The CPMU will develop an internal monitoring schedule, indicators, procedures and reporting requirements for all subprojects. Internal monitoring indicators will include but not limited to:

- (i) Payment compensation to APs in accordance with the agreed Resettlement Policy Framework and REMDP;
- (ii) Coordination completion of land acquisition, compensation and, as required resettlement activities commencement of civil works;
- (iii) Adherence to public information dissemination consultation procedures, and report on activities; and,
- (iv) Adherence to grievance redress procedures, and report of activities. Sample indicators to be monitored regularly.

REFERENCE

- (i) Feasibility study report on The Sustainable Rural Infrastructure Development Project in Northern Mountainous Provinces, 2014
- (ii) The Safeguard Policy Statement of the Asian Development Bank, 6/2009
- (iii) Statistical Yearbook of Lao Cai Province in 2013
- (iv) Report on the subproject investment.
- (v) Project description.
- (vi) Report on primary design.
- (vii) Report on socioeconomic summary of the subproject communes
- (viii) Report of the Women Union of the subproject communes
- (ix) Report of Farmers' Association of the subproject communes
- (x) Report of the Youth Union of the subproject communes

APPENDIX 1: CONSULTATION AND PARTICIPATION DOCUMENT

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập - Tự do - Hạnh phúc

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Ta' Gia Khan Ngày 14, tháng 10, năm 2014.

Dự án phát triển cơ sở hạ tầng nông thôn bền vững các tỉnh miền núi phía Bắc

BIÊN BẢN THAM VẤN CỘNG ĐỒNG

Về các chính sách: Môi trường, Tái định cư, Giới và Dân tộc thiểu số

Tiêu đề dự án: Cải tạo hệ thống bê tông hóa các trục đường chính của xã vùng cao Ta' Gia và Đin Chai huyện Mường Nhé

Địa điểm: xã Ta' Gia Khan

I. Thành phần tham dự:

- | | |
|--|-------------------------------------|
| - Ông/Bà: Trần Tiến Hùng | Chức vụ: Cán bộ Ban QLDA Trung ương |
| - Ông/Bà: Tạ Hồng Anh | Chức vụ: Chuyên gia Mĩ |
| - Ông/Bà: Cao Xuân Phã | Chức vụ: Phó CT UBND xã |
| - Ông/Bà: | Chức vụ: |
| - Ông/Bà: | Chức vụ: |
| - Ông/Bà: | Chức vụ: |
| - Ông/Bà: | Chức vụ: |
| - Ông/Bà: | Chức vụ: |
| - Ông/Bà: | Chức vụ: |
| - Đại diện những người bị ảnh hưởng:.....người (chi tiết xem danh sách đính kèm) | |

II Nội dung tham vấn:

1. Cán bộ BQLDA tỉnh giới thiệu về địa điểm, quy mô, các thông số kỹ thuật cơ bản và những tác động Tiêu đề dự án được xây dựng ở địa phương mang lại.
2. Cán bộ tư vấn trình bày về Khung chính sách của Dự án về giới và sự tham gia của cộng đồng trong quá trình thực hiện dự án, những vấn đề về phong tục, tập quán của cộng đồng dân tộc thiểu số, các kế hoạch phát triển người dân tộc thiểu số; những tác động môi trường tiềm năng của dự án bao gồm tác động lên môi trường tự nhiên và xã hội của khu vực dự án và những biện pháp giảm thiểu các tác động tiêu cực; những tác động khi thu hồi đất và các tài sản trên đất. Đồng thời, chuyên gia cung cấp thông tin liên quan đến các chính sách của Chính

phụ Việt Nam, nhà tài trợ ADB và Dự án đối với những nhóm đối tượng dễ bị tổn thương, phụ nữ và các nhóm dân tộc thiểu số trong quá trình thực hiện Tiểu dự án và trong vấn đề môi trường, bồi thường thiệt hại khi Nhà nước thu hồi đất đai và các tài sản trên đất.

III. Ý kiến thảo luận:

1. Các vấn đề về môi trường:

- Có một số ảnh hưởng tiêu cực cấp nhỏ:
 - + bụi do quá trình vận chuyển vật liệu và xây dựng
 - + tiếng ồn; bụi, rác thải do sinh hoạt của công nhân trong quá trình xây dựng
- Một số biện pháp giảm thiểu
 - + Xài định bài đồ thi công cụ thể
 - + Che chắn trong quá trình vận chuyển vật liệu
 - + Tuyên truyền nâng cao nhận thức

2. Các vấn đề về tái định cư: thu hồi đất và các tài sản trên đất, đền bù, giải phóng mặt bằng, hỗ trợ các hộ bị gián đoạn kinh doanh hay ảnh hưởng sinh kế,...

- Dự án sẽ ảnh hưởng tới hộ
- không có hộ bị ảnh hưởng nặng; không có hộ phải di dời nhà ở
- Diện tích bị ảnh hưởng là đất trồng (trồng ngô, đậu)
- Các hộ BHH ủng hộ dự án và sẵn sàng bàn giao mặt bằng để dự án sớm được triển khai
- Chính quyền xã ủng hộ và cam kết phối hợp với dự án

3. Các vấn đề về giới, cộng đồng và dân tộc thiểu số

- Có sự bình đẳng nam - nữ trong các gia đình. Trẻ em nam và nữ đều được đi học như nhau không phân biệt. Và chúng bình đẳng trong các công việc gia đình và việc đưa ra các quyết định.
- Có 5 dân tộc chính: Phuái, H'Nông.

IV. Kết luận

- Không có các ảnh hưởng nghiêm trọng về mặt thu hồi đất tái định cư cũng như các ảnh hưởng nghiêm trọng về môi trường.
- Các hộ BAH rất phấn khởi khi có dự án.
- Chính quyền xã ủng hộ và cam kết phối hợp cùng DA.

Cuộc họp các bên thống nhất và kết thúc vào lúc:.....giờ.....ngày.....tháng.....năm 201.....

Đại diện BQLDA tỉnh



PHÓ GIÁM ĐỐC
Nguyễn Duy Hùng

Đại diện cộng đồng

V.T. Tha

Đại diện UBND xã



PHÓ CHỦ TỊCH
Cao Xuân Phở

Đại diện các tổ chức xã hội

Trần Sĩ Chính

Cán bộ tham vấn

Nguyễn Quang N.

Xác nhận của đơn vị tư vấn



GIAM ĐỐC
Nguyễn Đức Giang

Đến...Chúa..., Ngày...14..., tháng...10..., năm 2014...

Dự án phát triển cơ sở hạ tầng nông thôn bền vững các tỉnh miền núi phía Bắc

BIÊN BẢN THAM VẤN CỘNG ĐỒNG

Về các chính sách: Môi trường, Tái định cư, Giới và Dân tộc thiểu số

Tiểu dự án: Cải tạo hệ thống ~~bể~~ di tích nước ăn cho nhân dân hai xã vùng cao Tả Giã Phái và Dìn Chín

Địa điểm: xã Dìn Chín

I. Thành phần tham dự:

- | | |
|--|---|
| - Ông/Bà: <u>Trần Tiến Hùng</u> | Chức vụ: <u>Cán bộ Ban QLDA Trung ương</u> |
| - Ông/Bà: <u>Phan Văn Hùng</u> | Chức vụ: <u>Điều phối viên BQLDA tỉnh Lào Cai</u> |
| - Ông/Bà: <u>Nguyễn Duy Hải</u> | Chức vụ: <u>Cán bộ Tư vấn Thiết kế KT</u> |
| - Ông/Bà: <u>Lưu Dung Sinh</u> | Chức vụ: <u>Phó CT UBND xã</u> |
| - Ông/Bà: <u>Nguyễn Quang Nhật</u> | Chức vụ: <u>Chuyên gia Môi trường</u> |
| - Ông/Bà: | Chức vụ: |
| - Ông/Bà: | Chức vụ: |
| - Ông/Bà: | Chức vụ: |
| - Đại diện những người bị ảnh hưởng:.....người (chi tiết xem danh sách đính kèm) | |

II Nội dung tham vấn:

1. Cán bộ BQLDA tỉnh giới thiệu về địa điểm, quy mô, các thông số kỹ thuật cơ bản và những tác động Tiểu dự án được xây dựng ở địa phương mang lại.
2. Cán bộ tư vấn trình bày về Khung chính sách của Dự án về giới và sự tham gia của cộng đồng trong quá trình thực hiện dự án, những vấn đề về phong tục, tập quán của cộng đồng dân tộc thiểu số, các kế hoạch phát triển người dân tộc thiểu số; những tác động môi trường tiềm năng của dự án bao gồm tác động lên môi trường tự nhiên và xã hội của khu vực dự án và những biện pháp giảm thiểu các tác động tiêu cực; những tác động khi thu hồi đất và các tài sản trên đất. Đồng thời, chuyên gia cung cấp thông tin liên quan đến các chính sách của Chính

phủ Việt Nam, nhà tài trợ ADB và Dự án đối với những nhóm đối tượng dễ bị tổn thương, phụ nữ và các nhóm dân tộc thiểu số trong quá trình thực hiện Tiểu dự án và trong vấn đề môi trường, bồi thường thiệt hại khi Nhà nước thu hồi đất đai và các tài sản trên đất.

III. Ý kiến thảo luận:

1. Các vấn đề về môi trường:

- Một số tác động môi trường tiềm ẩn: Khu, vùng cần trong quá trình thi công và vận chuyển vật liệu xây dựng
- Một số chứng ngại của hồ sơ giao thông đi lại có thể xảy ra do quá trình tập kết vật liệu
- Các biện pháp giảm thiểu:
 - + Có các biện pháp che chắn trong quá trình vận chuyển
 - + Xác định cụ thể địa điểm tập kết vật liệu và đồ thải

2. Các vấn đề về tái định cư: thu hồi đất và các tài sản trên đất, đền bù, giải phóng mặt bằng, hỗ trợ các hộ bị gián đoạn kinh doanh hay ảnh hưởng sinh kế,...

- Các hộ BAH ứng hộ địa chủ cũ và sửa sang bán giao mặt bằng cho địa chủ hiện tại
- không có hộ BAH nặng, không có hộ phải di dời bởi địa chủ
- Chính quyền địa phương ứng hộ và cam kết phối hợp

3. Các vấn đề về giới, cộng đồng và dân tộc thiểu số

- Tiến hành các hộ BAH khởi dự án là dân tộc H'Nông
- Có sự bình đẳng nam - nữ trong các gia đình,
- Chồng hay là đều có thể tham gia các cuộc họp tại thôn bản hay tại xã.

IV. Kết luận

- Ảnh hưởng thu hút tốt của dự án tới các hộ là không đáng kể
- 100% người dân đồng tình ủng hộ dự án
- Chính quyền các xã cam kết phối hợp thực hiện

Cuộc họp các bên thống nhất và kết thúc vào lúc:.....giờ.....ngày.....tháng.....năm 201.....

Đại diện BQLDA tỉnh



PHÓ GIÁM ĐỐC
Nguyễn Duy Hưng

Đại diện các tổ chức xã hội

Quay
V. T. Quan

Đại diện cộng đồng

Van
V. T. Van

Cán bộ tham vấn

Nguyễn Quang Minh

Đại diện UBND xã



KT. CHỦ TỊCH
PHÓ CHỦ TỊCH

Lang Giang Sinh

Xác nhận của đơn vị tư vấn



AM ĐỐC
Nguyễn Đức Giang

APPENDIX 2: PUBLIC CONSULTATION



MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT CENTRAL PROJECT MANAGEMENT UNIT

Sustainable Rural Development Project in the Northern Mountain Provinces (ADB Loans 2682/2683-VIE)

DOCUMENTATION OF PUBLIC CONSULTATION

- I. SUBPROJECT: Improvement of deposit water tanks for people living in two high land communes Ta Gia Khau and Din Chin, Muong Khuong district, Lao Cai Province
- II. DATE, TIME, AND VENUE / LOCATION
- III. Date 14/10/2014, in Ta Gia Khau and Din Chin, Muong Khuong District, Lao Cai Province.
- IV. ATTENDANCE: By Gender

Communes	Total Attendance (EMs)	
	Male	Female
Tả Gia Khâu	20	0
Din Chin	8	4
Total	28	4

V. PROGRAM:

Topic / Activity	Responsible Person / Entity
Introduction participants of the commune, and objectives the consultation meeting	A representative of the Commune People's Committee
Presentation the Subproject background and objectives, reasons for consultation, and the composition of consultants	Representatives of the Provincial Project Management Unit
Presentation ADB resettlement policies, the policy framework of the Government of Vietnam, provincial policies and the policy framework of subprojects: the conditions of eligibility for compensation and resettlement assistance if state revenues land.	Safeguard consultants
Consultation on: the compensation and resettlement plan for the subproject, replacement cost, measures to support relocation and resettlement required by the subproject; the project implementation plan; the environmental impacts and mitigation measures.	Safeguard consultants
Consultation on the grievances and grievances redress.	Safeguard consultants
Consultation on issues related to gender.	Safeguard consultants
Consultation on issues related to EMs.	Safeguard consultants

VI. ISSUES AND CONCERNS

Matrix of issues and concerns

No	Issue Raised		Response on Issue Raised	
	Issue	Who Raised the Issue/ Suggestion	Response	Person / Sector Who Responded to the Issue/ Suggestion
1	There should be an announcement ahead to AHs before any	Giang Seo Trang, Din Chin	- Yes, the subproject has a mechanism of disclosure of information and the people are encouraged participate in any	Safeguard consultant

Nº	Issue Raised		Response on Issue Raised	
	Issue	Who Raised the Issue/ Suggestion	Response	Person / Sector Who Responded to the Issue/ Suggestion
	implementation of the site clearing works.	commune	work of the subproject. Notice will also be given to APs on when site clearing is to be conducted.	
2	If there will be compensation for affected assets he will agree to hand-over his land.	Sung Seo Pao, Lu Thi Huong, DIn Chin commune	Yes, the level of compensation will depend on the legitimacy of the land and the extent of damage caused by the subproject implementation. If land use is legal (had red book) the household will be paid compensation. Compensation rates will be based on the official issued price of the province at the time of compensation payment. In addition, there is also compensation for the fixed assets on the affected land (if any).	Safeguard consultant
	<ul style="list-style-type: none"> - He agreed to the subproject implementation. - In the implementation period, increase in noise, dust, smoke, may be produced. What will the subproject management do to minimize these impacts? 	Tran Van Hien Chien Pham, Van Dinh	<ul style="list-style-type: none"> - PPMU will require the contractor to implement the mitigation measures such as covering the cargo of trucks during transport of soil and other materials: + The contractor will take measures to minimize the environmental pollution during the construction such as: the whenever practicable, reuse of excavated soil, and proper disposal of excess spoils, avoid flooding, dust control measures enforced during land clearing/excavation works; proper scheduling of construction activities to avoid works during strong rains; reduce water pollution, proper maintenance of construction equipment and vehicles; proper upkeep of construction camp or yards, etc. + SBs, CSC and contractor are responsible for monitoring the movement of construction vehicles, and transport trucks; Speed of construction vehicles is limited under 15km/h with in residential areas, etc. 	Safeguard consultant
4	He agrees to the resettlement work, and accepts any damage.	Ho Van Phu, La Ho village, Ta Gia Khau commune		Safeguard consultant
5	He is very excited for the new water supply system. If his house and land will be affected by the subproject implementation, he will not object and accept relocation in order that the subproject can proceed. In this way, all the local people will benefit.	Giang Phu Chi, Lung Thang village, Ta Gia Khau commune		Safeguard consultant

APPENDIX 3: IOL RESULTS

No	HH's head name	Address	Vulnerability	EM	Affected forest land (m2)	Affected rice land (m2)	Public land (idle land)	Acacia (tree)
I	Xã Dìn Chín				967.0			
1	Ma Seo Chúng	Dìn Chín 1		Mông	100.0			15
2	Giàng Seo Trang	Ngải Thầu		Mông	272.0			18
3	Sùng Seo Tráng	Dìn Chín 2		Mông	315.0			31
4	Sùng Seo Pao	Cùng Lũng	poor	Mông	85.0			5
5	Lù Thị Hương	Lỗ Sừ Thàng		Nùng	195.0			10
6	UBND xã Dìn Chín						75	
7	Trường Mầm Non	Ngải Thầu					85	
II	Xã Tả Gia Khâu				1,601.0			
1	Sùng Seo Lệnh	Tả Gia Khâu		Mông	405.0			37
2	Hồ Phần	La Hờ	poor	Thu Lao		31.0		
3	Hồ Văn Phù	La Hờ		Thu Lao	124.0			17
4	Hồ Sín Chín	La Hờ		Thu Lao	200.0			24
5	Tải Dúng Thìn	Lũng Thắng	poor	Thu Lao	140.0			19
6	Giàng Phử Chí	Lũng Thắng		Thu Lao	60.0			
7	Giàng Chuẩn Hào	La Hờ Sùng		Mông		90.0		
9	Giàng Sín Tráng	La Hờ Sùng	poor	Mông	75.0			12
8	Sùng Seo Páo	La Hờ Sùng		Mông	162.0			27
10	Giàng Trà Diu	Vũ Sà		Phù Lá	320.0			37
11	Giàng Phà Lìn	Vũ Sà	poor	Phù Lá	115.0			19
Total					2,568.0	121.0	160.0	271

APPENDIX 4: RESULTS OF REPLACEMENT COST SURVEY

Items	Unit	Average Market price (VND)	Provincial promulgated price (VND)	Applied Compensation Price (VND)
Rice land	m ²	28,000	28,000	28,000
Forest land	m ²	5,000	5,000	5,000
Rice	m ²	5,000	5,000	5,000
Trees (Acacia tree with diameter of 18 cm – below 20 cm)	tree	26,400	26,400	26,400

APPENDIX 5: SAMPLE QUESTIONNAIRE

The Sustainable Rural Infrastructure Development Project in Northern Mountainous Provinces

CODE: ____/____/____; Date: ____/____/2012

Subproject:.....

A-HOUSEHOLD INFORMATION

1. Full name of household head:age..... sex: [] (M=1; F =2)
 - a) Ethnic name: [] (1=Kinh; 2=Thai; 3=Tây; 4=Nung; 5= Muong; 6=Tho; 7=Other (specify)
 - b) Education: [] (1=illiteracy; 2=Primary; 3=Secondary; 4= In between 3 and 4; 5=High school; 6=College; 7=Graduate and postgraduate; 8=other)
 - c) Occupation: [] (1= Farming; 2=Livestock; 3=shop; 4=restaurant or small food shop ; 5=workers; 6=Gov. officer; 7=Other (specify)
 - d) Part time job: [] (1= Pig or cattle raising; 2=Gardening; 3=Fish raising; 4=; 5=Forest; 6=Small business; 7=mechanic), 8 = Other (specify)

2. Address: hamlet:Commune:District.....Province.....

3. Vulnerable group: []
(Female headed household=1; Ethnic minority=2; Disable=3; Poverty household; Social policy household=5)

4. Kind of impact

- ☐ 1- Permanent affected household ☐ 2- Temporary affected household
☐ 3- Both 1 and 2

5. Affected assets:

- ☐ 1 - House ☐ 2- residential land ☐ 3- agriculture land
☐ 4- Garden ☐ 5- Pond/lake ☐ 6- Trees
☐ 7- crop ☐ 8-Secondary structure

6. Demographic information

	Quantity	Man	Women	Total
1.1	How many members are there in your family?			
1.2	How many labor			
1.3	How many children (from 6 to 18 year-old)			
1.4	How many children (under 6 year-old)			
1.5	How many retire people?			

B. INVENTORY OF LOSS

1. Total land use of affected HH?

2. Land use and ownership of affected households

Land type	Total area (m2)	Affected extent		Ownership 1=Owner 2=non-owner	Legal status of the land 1=With LURC 2=Non-titled user eligible to become legalized 3=Non-titled user not eligible to become legalized 4= Land for lease from private 5= Land for lease from state
		Permanent affected (m2)	Temporary affected (m2)		
Residential land					
Garden					
Annual crop land					
Aquaculture land					
Forest land					
Other					
Total					

3. Main structures affected by the subproject

House type	Scale (m ²)	Legal status	Affected extent	
			Permanent	Temporary

Note: Some households have more than one affected house, so all of them must be declared

4. Information about houses outside project area (if available):

- Number of houses: []
- Type and scale of the houses:

5. Secondary structures affected by the subproject

Item	Quality	Unit	Quantity
1. Kitchen	1. Temporary 2. Concrete	m ²	
2. Animal shed	1. Temporary 2. Concrete	m ²	
3. Electric meter		unit	
4. Water meter		unit	
5. Home phone			
6. Fence	1. Brick 2. Steel or timber	m ²	
7. Gate	1. Brick 2. Steel or iron 2. Timber or bamboo	m ²	
8. Toilet and bathroom	1. Brick/concrete 2. Bamboo and leave	m ²	
9. Tomb A) at the cemetery B) independent		Unit	
10. Tomb (concrete ones)			
11. Water well	1. Drill 2. Dig	m	
12. Water tank	1. Brick/concrete 2. Inbox 3. Plastic	m ³	
13. Pavement (concrete or brick pavement)		m ²	
14. Pond for raising fish		m ³	
15. Others (name and affected part)			

6. Affected crops and trees

Tree or agricultural products	Unit	Quantity
Fruit tree (main ones)	tree	
Grape fruit tree		
Timber tree (main ones)	tree	
Bonsai (main ones)	tree	
Crop (main crops)		
Maize	m ²	
Sweet/potato		
Groundnut		
Soybean		
Aquaculture land	m ²	

Surveyor

Household representative