

Involuntary Resettlement Due Diligence Report (DDR)

Document stage: Final

Project Number: No. 2721

August 2016

VIE: Greater Mekong Subregion Biodiversity Conservation Corridors Project - Phase 2 (BCC Project)

QUANG NAM PROVINCE

Prepared by the Ministry of Natural Resources and Environment for the Asian
Development Bank

CURRENCY EQUIVALENTS

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

Exchange rate on 31th May 2016: \$1 = 21,828 VND

ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	Affected people
BCC	-	Biodiversity Conservation Corridors Greater Mekong Sub-region Project
CPC	-	Commune People's Committee
CPMU	-	Central Project Management Unit
CSB	-	Commune Supervise Board
DONRE	-	Department of Natural Resources and Environment
DPC	-	District People's Committee
HH	-	Household
GAP	-	Gender Action Plan
EM	-	Ethnic Minority
EMDP	-	Ethnic Minority Development Plan
EMO	-	External monitoring organization
EMP	-	Environmental Management Plan
IEC		Information, Education & Communication
IEE		Initial Environmental Evaluation
IP		Indigenous peoples
IPIC		Indigenous Peoples Impact Categorization
IR		Involuntary resettlement

EPP	-	Environmental Protection Plan
LURC	-	Land Use Right Certificate
MONRE	-	Ministry of Natural Resources and Environment
PPC	-	Provincial People's Committee
PPMU	-	Provincial Project Management Unit
RF	-	Resettlement Framework
SIA	-	Social Impact Assessment
SPS	-	Safeguard Policy Statement 2009
STDs	-	Sexually Transmitted Disease
VFF		Vietnamese Fatherland's Front

This involuntary resettlement due diligence report is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

GLOSSARY

Affected person / Affected household	<ul style="list-style-type: none">- 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. <p>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.</p>
Detailed Measurement Survey	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	<ul style="list-style-type: none">- 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	- 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	- 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	- 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 (generating income), 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 land users, country, regional and local governments, implementing agencies, project executing agencies, groups contracted to conduct project activities at various stages of the project, and other groups in the civil society which may have an interest in the project.
Vulnerable 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 national poverty standard, (iv) children and the elderly households who are landless and with no other means of support.

TABLE OF CONTENTS

I. INTRODUCTION	8
II. APPROACH AND METHODOLOGY FOR DUE DILIGENCE	9
III. THE PROPOSED FACILITIES	9
IV. SCOPE OF IMPACT	1
V. PUBLIC CONSULTATION	1
VI. GRIEVANCE REDRESS MECHANISM AND IMPLEMENTATION ARRANGEMENT	3
APPENDIX 1: INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST	1
APPENDIX 2: INDIGENOUS PEOPLES IMPACT SCREENING CHECKLIST	3
APPENDIX 3: MINUTES OF CONSULTATION	1

I. Introduction

1. The Ministry of Natural Resources and Environment (MONRE) is implementing the Greater Mekong Subregion Biodiversity Conservation Corridors Project - Phase 2 (BCC project) in the 03 provinces of Quang Tri, Quang Nam and ThuaThien Hue through Loan 2721-VIE from Asian Development Bank. Under the Project, there are 24 sub-projects that have been selected for assistance in Quang Nam province. In the screening and categorization for social safeguards, Category A subprojects are automatically excluded, while Category C subprojects shall be prioritized for financing. The subprojects with minor impacts (Category B) may be considered subject to the preparation and implementation of a resettlement plan (RP) acceptable to ADB, as prescribed in 2009 Safeguard Policy Statement (SPS). The RP for Category B subproject shall be approved first by the Bank and disclosed in the ADB website before implementation by MONRE.

2. The Project will improve natural resource management by establishing GMS Biodiversity Conservation Corridors, a transboundary, forest ecosystem based landscape approach for maintaining sustainably critical ecosystem services that benefit local livelihoods and downstream users. In this context, beneficiaries mostly living in remote, mountainous areas with high poverty rate and from ethnic minority groups will be provided with demand driven, and stakeholder prioritized livelihood improvement and small-scale infrastructure support in 34 selected communes. Preliminary consultations in sample communes resulted in prioritizing (i) livelihood improvements, and (ii) infrastructure assets that are seen by the beneficiaries as essential needs. Livelihood improvements include: agro-forestry, non-timber forest product enhancement with reforestation, fish ponds, and domestic livestock; infrastructure assets include: water wells / potable water systems, improved latrines and sanitation, connections to power grid, rural access roads, and small scale irrigation. At start of Project, participatory, multi stakeholder consultations will be held to reconfirm beneficiary priorities and their in-kind contribution and commitment (labor, local materials, land, rights of way where applicable).

3. In Quang Nam, the BCC project comprises 24 subprojects. As screened, these sub-projects are Category C in the Involuntary Resettlement and Category B in Indigenous Peoples (Appendix 1&2), therefore there is no social impact that is expected inside the subprojects' premises. The Central Project Management Unit (CPMU) of BCC submits this Due Diligence Report (DDR) for information of ADB and to receive its "No Objection" for the award of civil works contract for the construction of subproject facilities.

4. This Involuntary Resettlement Due Diligence Report (DDR) is prepared for 24 projects in two districts of Nam Giang and Tay Giang, Quang Nam province subproject under BCC project.

II. Approach and methodology for Due Diligence

5. The CPMU has applied the selection criteria in evaluating the subproject. The criteria were developed during the PPTA. After screening of subprojects and its geographic locations, the CPMU sent questionnaires to be filled-up by commune officials whose responses were the basis for screening and selection in developing the subprojects. In the first time, the questionnaire was used in gathering information on their proposed facilities and statistical data that justify their proposal. The proposed works were then screened and made the prioritization of the investments that are urgently needed. The second set of questionnaire was aimed to validate if land acquisition shall be required.

6. National resettlement specialist conducted site survey and consultation with key officials of all communes and proposed subprojects from 8 to 12 August 2016 to verify information provided by the Quang Nam PPMU.

III. The proposed facilities

7. In Quang Nam, 25 subprojects under the BCC project are being implemented in 12 communes: La Dê, Chơ Chun, Cà Dy, La Ê communes in Nam Giang district and Bhalê, Tr'Hy, Lăng, Axan, A Tiêng, Gari, Ch'Om, A Nông, A Vưong communes in Tay Giang district. Details of the subprojects are shown in the table below:

Table 1: Summary of sub-projects

No.	Commune	Description of proposed facilities	Scope of work
1	Aruung village/ Bhalêê commune	Auxiliary infrastructure for Son Ca preschool	New construction of concrete drainage ditch with the total length of 61.60m; internal reinforced concrete box ditch for Son Ca Kindergarten.
2	Tà Làng village/ Bhalêê commune	Auxiliary infrastructure for Ta Lang residential area	Upgrading existing soil drainage ditch which was filled and degraded with the total length of 358.10m; 1x2 stone concrete ditch M150, trapezoidal cross-section with small bottom size of 40cm wide, 40cm deep, side slope 1/1.
3	A Gioc village/ Bhalêê commune	Concrete road in A Gioc village	The total length is 589,08m, including road branches. The road is designed according to the rural road standard on existing embankment; the pavement/embankment width: $B_{nen} = B_{mat} = 2.0m$; 1x2 stone cement concrete pavement of 14cm thick, M250; both side-ditches are reinforced by 1x2 stone concrete, M150; side-ditches are trapezoidal with small bottom size of 20cm wide, 30cm deep, side slope 1/1.
4	A Ruung village/ Bhalêê commune	Concrete road in A Ruung village	The total length is 276.17m, including road branches. The road is designed according to the rural road standard D on existing embankment; the pavement/embankment width: $B_{nen} = B_{mat} = 3.0m$; 1x2 stone cement concrete pavement of 14cm thick, M250; both side-ditches are reinforced by 1x2 stone concrete, M150; side-ditches are trapezoidal with small bottom size of 20cm wide, 30cm deep, side slope 1/1.
5	Bhlooc village/ Bhalêê	Concrete road in Bhlóoc village	The total length is 640.38m, including road branches. The road is designed according to the rural road standard C on existing embankment; the pavement/embankment width:

	commune		<p>$B_{nen} = B_{mat} = 4.0\text{m}$; 1x2 stone cement concrete pavement of 16cm thick, M250; both side-ditches are reinforced by 1x2 stone concrete, M150; side-ditches are trapezoidal with small bottom size of 40cm wide, 40cm deep, side slope 1/1.</p> <p>The subproject's works are built on the existing road scope. The road pavement is 4m wide and both soil side ditches are available. The subproject's works, therefore, includes pavement and asphalt concrete reinforcement only.</p>
6	Abanh 2 village/Tr'Hy commune	Concrete road to A Banh#2 residential area	The total length is 1712.98m. The road is designed according to the rural road standard C on existing embankment; the pavement/embankment width: $B_{nen} = B_{mat} = 4.0\text{m}$; 1x2 stone cement concrete pavement of 16cm thick, M250;
7	Dam 1 village/Tr'Hy commune	Internal concrete road in Dam 1 village	The total length is 358.92m. The road is designed according to the rural road standard D on existing embankment; the pavement/embankment width: $B_{nen} = B_{mat} = 2.0\text{m}$; 1x2 stone cement concrete pavement of 14cm thick, M250; side-ditches are trapezoidal with small bottom size of 20cm wide, 30cm deep, side slope 1/1.
8	Porning village/Lang commune	Drainage ditch in Por'ning village	Building new and upgrading existing soil drainage ditches which was filled, degraded with the total length of 820.00m; 1x2 stone concrete ditch M150, trapezoidal cross-section with small bottom size of 40cm wide, 40cm deep, side slope 1/1; Reinforced concrete box ditch.
9	Knoonh 1 - Knoonh 3village/Axan commune	Inter-village concrete road: Knoonh 1 - Knoonh 3	The total length is 1104.73m. The road is designed according to the rural road standard C on existing embankment; the pavement/embankment width: $B_{nen} = 4.0\text{m}$, $B_{mat} = 3.0\text{m}$; 1x2 stone cement concrete pavement of 16cm thick, M250; both side-ditches are reinforced by 1x2 stone concrete, M150; side-ditches are trapezoidal with small bottom size of 40cm wide, 40cm deep, side slope 1/1.

10	R'bhuop village/ Tieng commune	Household toilets in Group 1, Group 2 in R'bhuop village	New construction about 70 brick toilets + bathrooms, septic tanks. 2x4 stone concrete cesspool, M200; plastered brick wall with painted lime; toilet Caesar; with full water and electricity supply.
11	Tr'lee village/ ATieng commune	Internal concrete road in Tr'lee residential area	The total length is 325.93m. The road is designed according to the rural road standard D on existing embankment; the pavement/embankment width: $B_{nen} = B_{mat} = 2.0m$; 1x2 stone cement concrete pavement of 14cm thick, M250; with concrete box side-ditches.
12	Glao, Dading village/ Gari commune	Concrete road from Glao village to Dading	The total length is 3240.93m. The road is designed according to the rural road standard C on existing embankment; the pavement/embankment width: $B_{nen} = 4.0m$, $B_{mat} = 4.0m$; 1x2 stone cement concrete pavement of 16cm thick, M250; both side-ditches are reinforced by 1x2 stone concrete, M150; side-ditches are trapezoidal with small bottom size of 40cm wide, 40cm deep, side slope 1/1. The subproject's works are built on the existing road scope. The road pavement is 4m wide and both soil side ditches are available. The subproject's works, therefore, includes pavement and asphalt concrete reinforcement only.
13	Re'h village/ Ch'Om commune	Primary school in Re'h village	Newly building 02 blocks of permanent classrooms, 01 teachers' room and auxiliary works. The background elevation is + 0.45 against concrete courtyard. The school premise is located in Re'h village. The works are under construction in the school campus (available vacant land of the school), so there will not be land acquisition impact.
14	A Rot village/A Nong	Internal concrete road in Gem residential area	The total length is 400.00m, including road branches. The road is designed according to the rural road standard D on existing embankment; the pavement/embankment width: $B_{nen} = B_{mat} = 2.0m$; 1x2 stone cement concrete pavement of

	commune		14cm thick, M250; with concrete box side-ditches.
15	A Rot village/A Nong commune	Drainage system in Gem residential area	Upgrading existing soil drainage ditch which was filled, degraded with the total length of 800.00m; 1x2 stone concrete ditch M150, trapezoidal cross-section with small bottom size of 40cm wide, 40cm deep, side slope 1/1.
16	A Rot village/A Nong commune	Concrete road to A Chui production area	The total length is 729.46m. The road is designed according to the rural road standard C on existing embankment; the pavement/embankment width: B _{nen} = 4.0m, B _{mat} = 3.0m; 1x2 stone cement concrete pavement of 18cm thick, M250; both side-ditches are reinforced by 1x2 stone concrete, M150; side-ditches are trapezoidal with small bottom size of 40cm wide, 40cm deep, side slope 1/1.
17	XaOi village/A Vuong commune	Concrete road in XaOi village	The total length is 276.17m, including road branches. The road is designed according to the rural road standard D on existing embankment; the pavement/embankment width: B _{nen} = 3.0-:3.5m; B _{mat} = 2.0-:3.5m; 1x2 stone cement concrete pavement of 14cm thick, M250; both side-ditches are reinforced by 1x2 stone concrete, M150; side-ditches are trapezoidal with small bottom size of 20cm wide, 30cm deep, side slope 1/1.
18	Bhlo1 village/A Vuong commune	Concrete road in Bhlo1 village	The total length is 380.43m. The road is designed according to the rural road standard C on existing embankment; the pavement/embankment width: B _{nen} = 4.0m; B _{mat} = 3.0; 1x2 stone cement concrete pavement of 18cm thick, M250; Side ditches are used of existing stone mortar side-ditches, which are in good conditions.
19	T-Ghey village/A	Concrete road in T-Ghey village	The total length is 519.04m, including road branches. The road is designed according to the rural road standard D on

	Vuong commune		existing embankment; the pavement/embankment width: B _{nen} = 3.0-4.0m; B _{mat} = 2.5-3.0m; 1x2 stone cement concrete pavement of 14cm thick, M250; both soil side-ditches are trapezoidal with small bottom size of 20cm wide, 30cm deep, side slope 1/1.
20	XaOi 1, Bhlo 2 village/A Vuong commune	Household toilet in XaOi 1, Bhlo 2 villages	New construction about 80 brick toilets + bathrooms, septic tanks. 2x4 stone concrete cesspool, M200; plastered brick wall with painted lime; toilet Caesar; with full water and electricity supply.
21	ĐăkOc village/ La Dêê commune	Standard secondary school in Ladee commune	<p>- New construction of 02 storey building with 04 classrooms and auxiliary works, with the total construction area of 175.33 m². The background elevation is + 0.45 against concrete courtyard. Each classroom dimension is 7.8 x 6.6 m, 2.1m wide corridor, column step of 3.9m, clearance height 3.9m.</p> <p>- New construction of brick fence wall - gateway with the total of 76.50m long.</p> <p>- Building 01 cement concrete road with the total length of 38.80m. The road is designed according to the rural road standard D on existing embankment. the pavement/embankment width: B_{nen} = B_{mat} = 3.0; 1x2 stone cement concrete pavement of 18cm thick, M250.</p> <p>The works are under construction in the school campus (available vacant land of the school), so there will not be land acquisition impact.</p>
22	KonZot village/Cho Chun	Concrete road in Zlao residential area to the commune center	The total length is 1389.93m. The road is designed according to the rural road standard B on existing embankment; the pavement/embankment width: B _{nen} = B _{mat} =4.5m; 1x2 stone

	commune		cement concrete pavement of 20cm thick, M300.
23	Pa Cang village/ Ca Dy commune	Kindergarten in Pa Cang village	<p>New construction of 01 storey building with 04 classrooms and auxiliary works, with the total construction area of 326.56 m². The background elevation is + 0.45 against concrete courtyard. Each classroom dimension is 7.6 x 6.1 m, 2.1m wide corridor, column step of 3.9m, clearance height 3.6m.</p> <p>The works are under construction in the school campus (available vacant land of the school), so there will not be land acquisition impact</p>
24	Pa Lanh village/ Ca Dy commune	Internal concrete road in Pa Lanh village	The total length is 332.52m, including road branches. The road is designed according to the rural road standard D on existing embankment; the pavement/embankment width: B _{nen} = 3.0-:-4.0m; B _{mat} = 2.0-:-3.0m; 1x2 stone cement concrete pavement of 16cm-:-20cm thick, M300.
25	Dac Ngon village/La Êê commune	Internal Road Upgrading in Dac Ngon village	The total length is 1158.84m. The road is designed according to the rural road standard C on existing embankment; the pavement/embankment width: B _{nen} = 4.0m; B _{mat} = 3.0m; 1x2 stone cement concrete pavement of 17cm thick, M250; both soil side-ditches are trapezoidal with small bottom size of 40cm wide, 40cm deep, side slope 1/1.

8. Objectives of the subprojects: The Sub-projects will promote livelihood support interventions that include the provision of incentives, funding, and technical assistance which enables local people (i.e. poor households, ethnic groups, women and the vulnerable groups) to grow trees of their choice in their homestead plantations and community forests for subsistence needs as well as for fuel wood consumption and construction. Small loan schemes for micro and small enterprises will be encouraged for local primary processing of wood and non-wood to emerge or existing ones to become vibrant. The establishment of management regimes in the corridors shall create jobs for local people especially the men and women ethnic minorities (EMs) who comprise a majority of the project sites.

IV. Scope of impact

9. The subproject will upgrade the existing canals and roads, with no house, structure, and/or crop and tree have been constructed and/or planted thereon so no resettlement impacts or relocation occur due to the construction of canals and roads. For all subprojects in Quang Nam province, no land acquisition is required and no third-party user will be affected. The subprojects also will not require temporary land during the upgrading process. Moreover, there is no involvement or affection of the use of local land and natural resources of ethnic minorities.

10. The project will improve work and living conditions for local people. Adequate safety measures should be applied by contractor during construction phase to ensure proper operation of the subproject and third-party.

V. Public Consultation

5.1 Objectives of consultation

11. Conducting consultation with ethnic minority groups in the sub-project areas, and other stakeholders, on the basis of determining the potential impacts of sub-project in order to: i) avoid social conflicts which may arise as a result of the project, ii) avoid / reduce the impacts caused by the project, and iii) to explore opportunities that the project can bring to ensure that ethnic minorities in the sub-project area at present could get economic and social benefits which are consistent with their culture.

5.2 Methods

12. Various inquiry techniques, such as focus groups discussion, key informant interview, field observation, and households survey, were employed to collect feedback from the EM people.

13. Inquiry techniques: while using the above inquiry techniques, the consultant was aware of using comfortable language in consulting with the EM people. Prior to conducting consultation, quick check was made to ensure the EM people to be

consulted have a preference for the language that should be used during the consultation exercise. Each EM group was consulted separately on the preference of language. For these subprojects, despite the fact EM people are from communes in Nam Giang and Tay Giang districts...they confirmed before the consultation session that they were comfortable with Viet language. Therefore, the consultation was conducted using Viet language. A local person (from the same EM group) was invited to join the consultation just in case local EM language is required to maintain the smooth exchange of information between the EM peoples and the consultant team. The researchers who led the consultation sessions have extensive experience background on EM peoples in Vietnam.

14. The consultation exercises use both household survey, and focus group discussions/community meetings (as mentioned above). There were both men and women participating in the consultation. EM women, in particular, were encouraged to raise their comments/questions. Where possible, cultural houses (for community meeting) were used to conduct the consultation (for focus group discussion/community meetings).

5.3 Organization of consultation

15. Organize one consultation meeting in each commune with the participant of relevant stakeholders such as: ethnic minority households, representatives of beneficiary households, CPMU, PPMU, CPC, resettlement specialists, gender specialists, EM specialists, environmental impact assessment specialists, village leaders, and representatives of the farmers' association, women's union, fatherland front, veterans and youth union.

16. The content of the consultation includes:

- (i) Meeting with the beneficiaries (both men and women) to communicate general information and discuss issues of resettlement and environmental impacts as well as impact mitigation measures.
- (ii) Further discussion on the issues relating to gender and ethnic minorities;
- (iii) Detailed interviews;
- (iv) With the involvement of the local authorities (provinces, districts and communes) to explain and understand the issues raised by local people.

17. The consultation with the ethnic minority groups in the project area and other related parties on the potential impacts of the sub-projects to: i) avoid social conflicts which likely arise due sub-project consequences, ii) minimize impacts caused by the sub-projects, and iii) figure out the chances that the project may bring to ensure that the current ethnic minority people in the sub-project areas can receive economic and social benefits which are suitable for their culture.

18. In the consultations from 8 to 12 August, 2016, 256 households took part in the discussion in total, including Ta Oi, Gie Trieng, Co Tu people and 133 women (accounting for 52.2%). The participants are village leaders, village patriarchs,

representatives of women's union, youth's union, poor households, female headed households, helpless old people, disabled people.

19. Social safeguard consultants conducted the open consultation, prior consultation, and dissemination of information consultation for ethnic minorities in the Subproject area. Among these consultations, the Consultant has held separate consultations with ethnic minority women. The topics that have been discussed include: (i) provide information on the subproject, (ii) learn about the history of natural disasters (floods and drought), the current state of the irrigation canal system, (iii) learn about the current social-economic situation of the Subproject area (iv) get the agreement, support of local EM people for the Subprojects and gather their recommendations or suggestions for Subproject.

5.4 Summary of consultation

20. All participants expected that the sub-projects will be implemented soon; agreed on the need to invest in the construction subproject, on the scope, tasks and results of the sub-project as proposed. The suggestions raised by the participants in the meeting also mentioned that the sub-project should pay special attention to vulnerable groups such as the female-headed; single women, the poor, children, the disabled, the families under the preferential policy, etc.

21. *Summary of the proposed ideas by the EMs in the subproject area:*

- i. The results of public consultation show that the public infrastructure is deficient and poor. Some irrigation canals, rural roads, bridges, culverts are degraded, which affect the transportation of agricultural material and products as well as trading agricultural products. The infrastructure system is not upgraded to support the economic development and improve the living quality of the ethnic minority people in the communes. So that all participants in the consultations are keen for soon implementation of subproject.
- ii. In addition, the EMs also proposed that contractors must require workers not to littering. Wastes should be collected and transported to the place specified; Contractors should adopt measures to minimize the impact to the environment in which health policy consultant raised (see detailed report); Project owners, contractors and CPCs should cooperate to hire local workers for the work that requires unskilled labor, in order to create jobs and income for local people;
- iii. It is also required that Community Supervision Board (CSB) should mobilize the participation of the commune / village Women's Union.

VI. Grievance redress mechanism and implementation arrangement

22. The CPMU under MONRE authority will coordinate with the Quang Nam PPMU to implement the Project and settle grievance of local people (if any) before, during or after construction. PPCs, DPCs, CPCs and chiefs of villages and other local

social organizations such as the Women's Union, the Fatherland's Front, and traditional EM leaders also take part in grievance redress.

23. Grievances related to any aspect of the subprojects of BCC 2 will be handled through negotiation. A grievance redress mechanism (GRM) shall be established to address grievances, complaints, and queries of local people regarding compensation and adverse impacts (if any) on people including ethnic minorities in a timely and satisfactory manner. Complaints can be in written or in verbal narrative. In the case of verbal complaints, the designated commune or district officials will record the complaint during the first meeting with the complainant.

24. Quang Nam PPMU officers will serve as grievance officers. The designated commune officials will attempt to settle the issues at the commune level through negotiation with complainants and through appropriate community consultations. All meetings will be recorded, and copies will be provided to the complainants. A copy of the minutes of meetings and actions undertaken will also be provided to CPMU and ADB upon request.

25. Under the project, a GRM with three stages was established for seeking resolution of complaints. If grievance is still unresolved, it can be elevated to a court of law for resolution. The complainant will be exempted from all administrative and legal fees that might be incurred in the resolution of their grievances and complaints. The GRM process is below.

a. 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.

b. 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, Grievance Law 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.

- c. **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,.
- d. **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.

26. The grievance redress mechanism has been disclosed to APs during consultation process and will be continuously disseminated to people during project implementation.

27. All grievance and resolution of grievances, if any will be subject to monitoring. Internal monitoring will follow-up the progress of resolution of grievances, and compliance with the overall social safeguards policy. Monitoring of the grievances will be in a form of a completion report. External monitoring is not required.

Appendix 1: Involuntary Resettlement Impact Categorization Checklist

Project: **Greater Mekong Subregion Biodiversity Conservation Corridors Project - Phase 2 (BCC project)**

Province: **Quang Nam**

District: **Nam Giang and Tay Giang**

CATEGORY: C

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?		X		
2. Is the site for land acquisition known?	X			
3. Is the ownership status and current usage of land to be acquired known?	X			
4. Will easement be utilized within an existing Right of Way (ROW)?		X		
5. Will there be loss of shelter and residential land due to land acquisition?		X		
6. Will there be loss of agricultural and other productive assets due to land acquisition?		x		
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?		X		
8. Will there be loss of businesses or enterprises due to land acquisition?		X		
9. Will there be loss of income sources and means of livelihoods due to land acquisition?		X		
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?		X		
11. If land use is changed, will it have an adverse impact on social and economic activities?		X		
12. Will access to land and resources owned communally or by the state be restricted?		X		
Information on Displaced Persons				No households displaced
Any estimate of the likely number of persons that will be displaced by the Project? [X]No []Yes If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? [X]No []Yes				

Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	--

Note: The project team may attach additional information on the project, as necessary.

Appendix 2: Indigenous Peoples Impact Screening Checklist

Project: **Greater Mekong Subregion Biodiversity Conservation Corridors Project - Phase 2 (BCC project)**

Province: Quang Nam

District: Nam Giang and Tay Giang

CATEGORY: B

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project areas who may be considered as “tribes” (hill tribes, scheduled tribes, tribal peoples), “minorities” (ethnic or national minorities) or “indigenous communities” in the project area?	✓			there are ethnic minorities live in subprojects area
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to “ethnic minorities”, scheduled tribes, tribal peoples, national minorities, or cultural communities?		✓		
3. Do such groups self-identity as taking part of a distinct social and cultural group?	✓			They belong to the 54 different ethnic minorities in the country.
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?		✓		The land being used by commune for public purposes where the ethnic minorities have no collective attachments.
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?	✓			Such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture.
6. Do such groups speak a distinct	✓			Ethnic minority speak

language or dialect?				dialects distinct from the mainstream society.
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?		✓		Such groups are socially and economically marginalized due to their geographic location.
8. Are such groups represented as “Indigenous Peoples” or as “ethnic minorities” or “scheduled tribes” or “tribal populations” in any formal decision-making bodies at the national or local levels?	✓			Such groups are represented as “ethnic minorities” in formal decision-making bodies at the national or local levels.
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?	✓			The indigenous communities will directly benefit from the Project
10. Will the project directly or indirectly affect Indigenous Peoples’ traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance?)	✓			The project shall only improve quality of living on but will not impose changes in sociocultural practices of ethnic minorities.
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g. food production system, natural resource management, crafts and trade, employment status)		✓		The construction of subproject will be done in land public.
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?		✓		The sub-project area is inside the land public.

Appendix 3: Minutes of consultation