

# Involuntary Resettlement Due Diligence Report (DDR)

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

**Subproject: Concrete road in Bhlo 1 village, A Vuong Commune,  
Tay Giang District, 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 31<sup>th</sup> 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		<u>Initial Environmental Evaluation</u>
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

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## GLOSSARY

Affected person / Affected household	<ul style="list-style-type: none"><li>- 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.</li></ul> <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"><li>- 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.</li></ul>
Compensation	<ul style="list-style-type: none"><li>- 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.</li></ul>
Cut-off date	<ul style="list-style-type: none"><li>- 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.</li></ul>
Ethnic minority	<ul style="list-style-type: none"><li>- People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.</li></ul>
Entitlement	<ul style="list-style-type: none"><li>- 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.</li></ul>
Host community	<ul style="list-style-type: none"><li>- Means the community already in residence at a proposed</li></ul>

	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.

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## **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 Thua Thien Hue through Loan 2721-VIE from Asian Development Bank. Under the Project, there are 22 sub-projects that have been selected for assistance in Thua Thien Hue 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 covers 22 subproject. As screened, these sub-projects are Category C subprojects in the Involuntary Resettlement and Category B subprojects in Indigenous Peoples categorization (Appendix 1), since no social impacts are expected inside the subprojects' premises. The Central Project Management Unit (CPMU) of BCC has submitted this Due Diligence Report (DDR) for information of ADB and to secure its "No Objection" for the award of civil works contract for the construction of subproject facilities.
4. This Involuntary Resettlement Due Diligence Report (DDR) for Concrete road in Bhlo 1 village, A Vuong Commune, Tay Giang District, Quang Nam Province subproject under the Greater Mekong Subregion Biodiversity Conservation Corridors Project - Phase 2



## **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 subproject 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 producing the subproject. The first set was used in gathering information on their proposed facilities and statistical data that justify their proposal. The proposed investments were then screened and made the reasonable distribution of facilities that are urgently needed. The second set was aimed to validate if land acquisition shall be required.

6. National resettlement specialist conducted site survey and consultation with key officials of A Vuong commune and proposed subproject during January 2016 to verify information provided by the Quang Nam PPMU.

## **III. The proposed facilities**

7. The sub-project includes the construction, rehabilitation and upgrading of different infrastructure components of road. The sub-project will upgrade the existing road in Bhlo 1 village, A Vuong Commune, Tay Giang District, Quang Nam Province" by concreting the surface of road with the basic parameters: Length: 380.43m; Design speed: 15km/h; Maximum vertical slope percent: 15.03%;- Cross-section: Roadbed width: 4.0m; Road surface width: 3.0m; Curb width (2 curbs)0.50m: 0.50m x 1= 1.0m; Concrete road surface type M250 18cm thick; Road foundation with 10cm graded aggregates thick; Foundation with soil embanked level 3, rammer k0.95. Alignment solutions: start point of Km 0+00 intersecting the Ho Chi Minh asphalt road in Km432HCM. End point is Km0+380.43 intersecting the Inner concrete road in Bhlo 1 village.

8. Objectives of the subproject: construction, rehabilitation and/or improvement of different infrastructure components of the road in Bhlo 1 village. Construction of road will be able to facilitate convenient travelling for local people, especially, to avoid muddy roads in rainy season and dusty roads in sunny season for children going to school; The road will serve local people for fertilizers transportation to production areas and other goods for favourable consumption; Reduction of expenses for production; increase in people's income; contribution to poverty eradication.

## **IV. Scope of impact**

9. The subproject will be upgraded within the right of way (ROW) with no house, structure, and/or crop and tree have been constructed and/or planted thereon. The subproject also does not require temporary land during the upgrade.

10. There are no social impacts expected arising from land acquisition in the subproject in Quang Nam Province. The proposed facilities will be built within the

existing respective road premises, so it is no need to acquire any land. The project will improve working, and living conditions for people. For Concrete road in Bhlo 1 village, A Vuong Commune, Tay Giang District, Quang Nam Province subproject, no land acquisition is required and no third-party user will be affected. 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. Making consultation with ethnic minority groups in the sub-project area, and other stakeholders, on the basis of determining the potential impacts by the 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 peoples.

13. Inquiry techniques: while using the above inquires techniques, the consultant was aware of the comfort that needs to be maintained with regards to use of language when consulting with the EM peoples. Prior to conducting consultation, check was made to ensure the EM peoples to be consulted have a preference for the language that should be used during the consultation exercise. For this subproject, despite the fact EM people are from A Vuong ... they confirmed before the consultation session that they were comfortable with Viet language. Therefore, the consultation was conducted using Viet language. To ensure language comfort for the EM consulted, each EM groups were consulted separately. A local person (from the same EM group) were 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 exercise use both household survey, and focus group discussions/community meetings (as mentioned above) during the process of consultation. 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. The Community consultation for subproject “*Concrete road in Bhlo 1 village, A Vuong Commune, Tay Giang District, Quang Nam Province*” was held at Guoil house (Communal House) of A Vuong Commune at 8:30a.m on August 28, 2015 by with representatives of A Vuong CPC (01 person), local communist party committee (01 person); commune Fatherland Front (01 person) and Women's Association (01 person); the people in the project area (48 people). The total number of people were consulted is 48; in which 32 men (66.67% of the total) and 16 women (33.33% of the total), of which there represent vulnerable groups of 08 people (17% of the total). Most people are Co Tu ethnic minorities. There are also representatives in charge of technical support from Tay Giang district, Quang Nam PPMU staff; and Safety policy consultants.

### **5.4 Summary of consultation**

16. All participants expected that the sub-project will soon be implemented; 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 proposed 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.

17. *Summary of the proposed ideas by the EMs in the subproject area:* i) There should be preschools built in the centre of commune and village; ii) Repairing and improving the potable water supply system for the village; iii) Developing irrigation systems at the T Ghey, A Pat, A Rec villages for about 17ha of two-crop wet rice; iv) Improving the material facilities of communal medical stations, because those that were built since 2003 were degraded; v) Improving equipment for communal medical stations due to the lack of clean water supplying to the station; vi) Building an inter-commune road: A Ur – A Rec – A Pat – To Ghey villages Road; vii) 20 households in Bhlo 1 village those are expected to resettle in Ta E stream area should have electricity, roads, clean water, standard sanitation facilities; viii) In the rainy season, local people face transportation difficulties, limited access to health facilities, schools, places of production and the circulation of goods and products; ix) Sub-project will positively impact the EMs’ life and contribute to improving it, reduce poverty, create jobs: formerly, the road used to be degraded, damaged, vehicles and motorcycles were difficult to come in the village; the concrete road shall create favourable conditions for vehicles to travel, for women to bring agricultural products to market by motorbikes easily than they used to do, the sick for emergency are faster taken to the clinic, during

the process of operation of the road, there is maintenance work with those the EMs shall be paid remuneration, etc; x) Sub-project has no matter with resettlement, land acquisition; xi) Sub-project contributes positively to renovate landscapes and clean environment for the village; xii) 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 CPC should cooperate to hire local workers in the work needed unskilled labor, in order to create jobs and income for local people; 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**

18. 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.

19. Grievances related to any aspect of the subprojects of BCC 2 will be handled through negotiation aimed at achieving resolution. A grievance redress mechanism (GRM) established aim 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.

20. The Quang Nam PPMU officers will serve as grievance officers. The designated commune officials will attempt to settle the issues at the commune level 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.

21. 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.

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

23. 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)**

Subproject: **Concrete road in Bhlo 1 village, A Vuong Commune, Tay Giang District, Quang Nam Province**

Province: **Quang Nam**

District: **Tay Giang**

Commune: **A Vuong**

**CATEGORY: C**

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
1. Will there be land acquisition?		X		In 2013, Mr. Huynh Bluoi's household donated an area (30 m x 40m) of cinnamon, acacia, pineapple, cassava and corn crop land. The commune has not completed the minutes of land donation. In the consultation meeting dated 27/1/2016, Mr. RZam Nhuong, Vice Chairman of the CPC promised to complete the minutes of Mr. Huynh Bluoi's land donating for file archive in the commune People's Committee in accordance with the regulation of the ADB.
2. Is the site for land acquisition known?		X		
3. Is the ownership status and current usage of land to be acquired known?		X		The area of 120m <sup>2</sup> of cinnamon, acacia, pineapple, cassava and corn crop land donated in 2013 by Mr. Huynh Bluoi's household.

4. Will easement be utilized within an existing Right of Way (ROW)?		X		There is a national low-voltage substation of Quang Nam Power Company. Quang Nam Power Company already committed with the commune People's Committee and agreed to relocate the national low-voltage substation in case the substation affects the road construction.
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		
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
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		
<b>Information on Displaced Persons</b>				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? [ X ]No [ ]Yes				

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