

Resettlement Plan

November 2014

Loan 2517-VIE: Renewable energy development
and network expansion and rehabilitation for
remote communes sector project

So Vin Hydropower Plan subproject

Prepared by Northern Power Corporation for the Asian Development Bank.

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CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)
Exchange rate on Nov 2014: \$1 = 21,300 VND

ABBREVIATIONS

ADB	= Asian Development Bank
CPC	= Commune People's Committee
DCC	= District Compensation Committee
DIB	= District Indemnity Board
DMS	= Detailed Measurement survey
DPC	= District People's Committee
EA	= Executing Agency
EVN	= Vietnam Electricity
GWh	= Gigawatt hours
Ha	= Hectare
HHs	= Households
IES	Institute Of Energy Science
Kg	= Kilogram
KV	= Kilo Volt
Kwh	= Kilowatt hour
MW	= Mega Watt
MOLISA	= Ministry of Labour, Invalids and Social Affairs
MW	= Megawatts
NGO	= Non-Government Organization
NPC	= Northern Power Corporation
PPC	= Provincial People's Committee
RP	= Resettlement Plan
USD	= United States dollar
VND	= Vietnamese Dong

NOTES

(i) The fiscal year of Vietnam Government always ends on December 31 annually. The fiscal year prior to solar year represents the calendar year in which the fiscal year ends, for example, fiscal year 2000 ended on December 31, 2000.

(ii) In this appendix, "\$" means USD.

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DEFINITION OF TERMS

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 of the competent agency. 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	<ul style="list-style-type: none"> - Means the community already in residence at a proposed resettlement or relocation site.
Income restoration	<ul style="list-style-type: none"> - This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration program	<ul style="list-style-type: none"> - 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.

EXECUTIVE SUMMARY

1. Project Description.

1. Renewable energy development and network expansion and rehabilitation for remote communes sector project (or the “Project”) consists of two investment components:

(i) Component 1 will develop about 5 - 10 grid connected run of the river mini hydropower plants with capacity of 7.5 MW or less. Totalling 30 MW in Lai Chau and Dien Bien Provinces and several other provinces in northern and central Viet Nam. This will also provide electricity connections to about 60 - 70 in poor remote ethnic minority villages in the Northern Viet Nam and about 100 GWh of renewable energy to the national grid. The Project will provide a sustainable finance rural electrification through the revenues from sale of electricity to national grid.

(ii) Component 2 of the Project will support the Government’s ongoing special program of supporting rural electrification of poor provinces inhabited by ethnic minorities by which the Government provides 85% of the finding and EVN 15%. The Government is providing more than \$70 million to regional power distribution companies of Viet Nam Electricity (EVN) to electrify more than 100,000 households in five provinces in the Central Highlands. The Government intends to extend this program to five more provinces in the northern mountain areas (i.e., Dien Bien, Lai Chau), and Mekong Delta (Tra Vinh, Soc Trang), and central Viet Nam. This is estimated to require about \$90 million; the proceeds from component 2 will be allocated for financing the Government’s program in these additional five provinces. Approximately 100,000 poor households in about 1,000 villages are expected to receive electricity under this component.

2. So Vin mini hydropower plant belongs to above component 1. The So Vin hydropower subproject will have 2.8 MW generating capacity and an annual average electricity production of 9.88 million KWh. It will be located in To Mua commune and Muong Te Commune in Van Ho District in Son La Province. It will provide electricity to the To Mua, Muong Te and Suoi Bang Communes with a population of 10,815 persons 90 percent of whom belong to Thai ethnic group. But a large portion will go to the national power grid through the Muong Te - Moc Chau 35 KV transmission lines.

2. Scope of impacts

3. So Vin hydropower subproject affects 41 HHs, of which no AH is severely affected, 100% AHs are ethnic minority and 25 AHs are poor. The subproject will use permanently 46,592.44m² of land for construction of working area, camp, material and equipment gathering area, including 31,204.04m² of annual crop land managed by 33 HHs, 10,713.8m² of perennial crop land managed 24 HHs, 4,226.6m² of aquaculture land managed by 8 HHs, 298.4m² of productive forest land managed by 1 HH and 149.6m² of rural residential land managed by 2 HHs. Besides, the subproject also impacts on some crops/trees and structures of 40 HHs, such as corn, banana, china tree, tea, cement yard, water tank...

4. There has no house of households be affected as a consequence of project’s land revoke.

5. Means of subsistence of local people will not be affected seriously because of the fact that there is no household which has impacted production land up to 10%. In the project area, no aquatic product catching activity or water resources construction project used for agriculture will be affected by the hydropower plant.

6. No business enterprise, infrastructure, public facilities and burial ground will be affected.

7. The access road to the Hao hamlet will be improved, facilitating travelling activities of local people. The product trading will also be enhanced, and by dint of that the commercial and producing activities will be developed as well.

3. Information Disclosure and Consultations.

8. Project's information includes (i) Project scope, implementation plan; (ii) Policy frame of ADB; (iii) Local policy frame and (iv) Project policy frame about compensation. They have been disseminated to the local people through consultant activities which were organized in January, 2011. All the information was disseminated using public loudspeaker. Bills, posters which included project information was stick on the walls and hang on public places such as local cultural house, head of hamlet's house for the locals find easy to approach. Two public consultation meetings between consultants and affected people were arranged in January, 2011. Representatives of local authorities, local unions, heads of hamlets and locals (include women) participated comprehensively. They are disseminated all the needed information and project's policy in compensation. The locals agreed and advocated the investment of the So Vin hydropower subproject.

9. During updating the RP, focus group discussion with the affected people was held to discuss more detail about compensation and resettlement policy of the project in November 2014. All the participants understood clearly and agreed with the subproject's compensation plan.

4. Policy Framework, Entitlement Matrix and Grievance Redress Mechanism and Income Restoration Measures.

10. The difference between the policies of Vietnam and ADB on resettlement is: compensation of non-land assets of non-titled users, compensation based on replacement cost and entitlement to rehabilitation assistance. This difference is resolved in favour of ADB policy by granting compensation to all affected people regardless of tenure at replacement cost and rehabilitation assistance to those losing equal or more than 10 percent of their land and/or those physically displaced. And other issues were solved in this resettlement plan. This resolution is reflected in the entitlement matrix.

5. Cost Estimate, Implementation Schedule, Institutional Arrangements and Monitoring.

11. RP implementation will cost 2,925,226,003 VND. The funds will be from NPC and will be transferred to the District Compensation Board to pay the compensation and give assistance to the affected households. The implementation of the resettlement plan has started in 2014. As the Executing Agency, the Electricity Company of Vietnam will create a project management unit to oversee the overall implementation of the

project. But it is the provincial, district and commune People's Committee who will implement the resettlement activities. An internal monitoring system will be installed within the PMU to track the progress and result of implementation.

A. PROJECT DESCRIPTION

I. Subproject Objective, Location and Executing Agency

12. The So Vin hydropower is a sub-project of the renewable energy development and network expansion and rehabilitation for remote communes project. The project has two components: One is the construction of 10 small hydropower facilities and another is the improvement and expansion of the distribution networks in 10 provinces. The objectives of the project are to (i) provide electricity to the households in support of poverty reduction program; (ii) improve the quality and reliability of electricity supply; and (iii) accelerate the pace of industrialization and tourism development in the service area.

13. The So Vin hydropower subproject will be built in To Mua and Muong Te commune, Van Ho District in Son La Province. The Vietnam Electricity Company (EVN) through the Northern Power Corporation (NPC) is the Executing Agency (EA). The subproject is estimated to cost 82,667,000,000 VND.

II. Project Components and Affected Area And People

14. The So Vin hydropower subproject will have 2.8 MW generating capacity and annual average electricity production of 9.88 million KWh. Its main components are the following: (i) dam with maximum height of 13 meters; (ii) penstock of 1388 meters in length pipe section of 0.8 meters and pipe-thickness from 0.8 to 1.0 cm; (iii) power plant with Pelton - horizontal turbines; (iv) outdoor electricity distribution station; (v) high potential line 35KV transfer electricity to the meeting point with network; and (vi) management building. The So Vin Hydropower will provide electricity to the Communes of Muong Te, To Mua, Suoi Bang with a population of 10,815 persons over 90 percent of whom are ethnic minorities. But a large portion will go to the national power grid through the Muong Te - Moc Chau 35 KV transmission lines.

15. The So Vin hydropower subproject will affect around 46,592.44m² of land in To Mua Commune and Muong Te Commune. Around 46,592.44m² will be permanently affected for construction of working area, camp, material and equipment gathering area, including 31,204.04m² of annual crop land managed by 33 HHs, 10,713.8m² of perennial crop land managed 24 HHs, 4,226.6m² of aquaculture land managed by 8 HHs, 298.4m² of productive forest land managed by 1 HH and 149.6m² of rural residential land managed by 2 HHs. All the affected households are ethnic minority belonging to the Thai ethno-linguistic group. No household will be physically displaced or lose at least 10 percent of their land. No business enterprise, infrastructure, public facilities and burial ground will be affected.

Table 1: Affected land in the subproject

Category		Unit	Amount
	Land		
	Annual cropland	m ²	31,204.04
	Perennial cropland	m ²	10,713.80
	Aquaculture land	m ²	4,226.60
	Production forest land	m ²	298.40
	Rural resident land	m ²	149.60

III. Alternatives Considered

16. For the site of the dam, two locations were considered. The final location was selected because no houses will be affected and land acquisition is confined to minimum. The reservoir water level was chosen based on minimum of land revoke (The retention level 525 was selected instead of 529). The project will also make use of two kilometres of existing access roads to reduce the area needed for new ones which would result in land acquisition.

17. Vegetation and agricultural products on the revoked land area will be harvested by the locals before the implementation of the project to reduce losses for people.

IV. Objectives of the Resettlement Plan

18. The resettlement plan (RP) is prepared to mitigate the adverse resettlement impact of the subproject and ensure that the mitigation and compensation measures will enable the affected people restore if not enhance the living standards that they have before the project. To attain this, the resettlement plan will attain the following objectives:

- (i) Identify the area to be affected by the project and the adverse impact on the people and the extent of losses on their economic and cultural assets;
- (ii) Determine the entitlement of the affected people for compensation and assistance based on the principle of replacement cost and the requirements of the national laws and ADB policies;
- (iii) Describe the procedures of delivering the compensation and assistance in accordance with project principles including the mechanism to address grievances; and
- (iv) Describe the institutional arrangement and financial requirements to implement the plan and to monitor its implementation and impact

V. Basis of Project Description and Arrangement for Updating the Resettlement Plan

19. The project description is based on the sub-project investment report. Based on the area indicated in the report for acquisition, the officials of Muong Te and To Mua Communes led the inventory of the potentially affected assets and people. The result is

the basis of the RP. The RP will be revised after the detailed engineering design when the land to be acquired will be demarcated on the ground. The District Site Clearance Committee, Commune People's Committee and the affected people will validate and update the result of the inventory through a Detailed Measurement Survey (DMS) to determine the final compensation arrangement.

B. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

I. Land Use of Affected Land

1. Temporary impacts

20. During the construction, temporary land use may be required for soil deposit. The affected area will be restored and improved to its pre-project conditions before returned to the AHs. Efforts will be made to minimize such temporary impacts. With mitigation measure, the temporary impacts from civil works are insignificant.

21. The contractors will be also required to negotiate and reach an agreement with the owners of such sites before those are used for temporary material storage/dumping purposes. Proofs of such agreements will be submitted to the PPMU and CPMU for review to ensure that all appropriate provisions in the RF and RP are complied with. Any civil works contractor shall not occupy any land without a prior agreement with the land owners.

22. One of the conditions for release of final payment to the civil works contractors is the submission of proof that all temporarily used lands have been fully restored to their pre-subproject conditions and that there are no pending compensation issues related to the temporary use of land.

2. Permanent impacts

23. There will be 44 permanently affected households, equivalent to 185 persons. No households will be physically displaced or will loss 10 percent or more of their land. All AHs are ethnic minority (Thai people) and there are 25 poor households. No woman headed household was found among AHs.

24. Total permanent affected land area is 46,592.44m², including 31,204.04m² of annual crop land managed by 33 HHs, 10,713.8m² of perennial crop land managed 24 HHs, 4,226.6m² of aquaculture land managed by 8 HHs, 298.4m² of productive forest land managed by 1 HH and 149.6m² of rural residential land managed by 2 HHs. Permanent affected land is used for construction of dam, reservoir, plant and access road to the plant.

3. Tenure of the Affected Land

25. Around 9.09 per cent (0.6ha) of the total affected land has traditional land use rights for ethnic minorities as tenure instrument, the remaining of 4.2 hectares is public land (0.92 ha is forest land and 3.28 ha is fallow land) (Table 3). . Each household will lose about 0.04 hectares on the average. With the average land holding of 0.68 hectares, the average permanent land loss of these households is 5.9 per cent of their land holding. With an average paddy rice production of 2,200 kilogram per hectare, the land loss translates to 176 kilograms per household if the whole area is planted to rice

at two harvests of per year. At the price of rice at 4,000 VND per kilogram, the equivalent income loss is 704,000 VND per year for every household.

Table 3: Tenure of affected land

Type of Tenure Instrument	Hectares of Affected Land		
	Permanent	Temporary	Total
Traditional use rights for ethnic minorities	0.6	1.6	2.2
<u>Public land</u>	<u>4.2</u>	<u>0.2</u>	<u>4.4</u>
Total	4.8	1.8	6.6

Source: DMS in Communes of To Mua and Muong Te

II. Crops and trees

26. The So Vin hydropower subproject will have impacts to crops and trees of 42 HHs, including corn, tea, china tree, banana, bamboo, papaya..See the table 4 for more details.

Table 4: Type and Number of Affected Crops/trees

Crops and trees	Unit	Amount
Tea (category 1)	m ²	1,530.90
Tea (category 2)	m ²	268
Corn	m ²	142
China tree (category 1)	tree	96
China tree (category 2)	tree	129
Banana (category 1)	tree	936
Banana (category 2)	tree	584
Old bamboo	tree	265
Young bamboo	tree	215
Papaya 1	tree	3
Papaya 2	tree	17

Source: DMS data

27. All the affected crops and trees will be harvested by the locals before the land revoke to reduce losses for people.

III. Livelihoods

28. The land revoke of the project will has no serious impacts to affected HHs due to the fact that there is no HH lost more than 10% of production land. In the proposed stream section for the construction of hydropower plant, there is no aquatic product catching activity of locals and no irrigation canal system be affected by plant construction.

IV. Impacts on housing and other structures

29. The subproject has impact on structures of 22 HHs..See the table 5 for more detailed.

Table 5: Affected structures

Structures	Unit	Amount
Cement yard	m ²	14.5
Water tank	m ³	6
Hen-coop	m ²	13.05
Pig-shed	m ²	36.2
Buffalo-shed	m ²	72.1

Source: DMS data

V. Public assets

30. There has no public infrastructure like school, health care center or public house is affected by the construction of the plant and the local cemetery also.

VI. Vulnerable Groups

31. There is a total in 25 of affected HHs are vulnerable HHs. And they are all ethnic minority people and poor households, no female headed households, no disabled members in the subproject area.

C. SOCIOECONOMIC PROFILE OF THE AFFECTED PEOPLE

32. The socio-economic profile of the affected people was investigated in October, 2014 by the consultant. In the survey period, the consultant has conducted focus group discussion with 44 affected HHs, with commune's people committee In addition, 02 groups were also held with the representatives of local authorities, associations of the commune (youth, women and former soldiers association). Consultant also collected statistical data at the communal level and district level.

I. Population Characteristics of the Affected People

33. The affected households have an average household size of 4.2 members. There is a slight gender imbalance favouring women. The women compose 53.7 per cent of the total affected people. This percentage means that there are 116 women per 100 men. This imbalance is mainly a result of the tendency of men to migrate out of the project site to seek non-farming work. The result is the increasing involvement of women in farming.

34. The age composition of the affected households indicates high level of maturity. The young (persons aged below 15) compose only 26.8 per cent. Both the young and the old (persons aged over 64 years old) are considered dependents of the economically active adults (persons aged 15-64 years old). With the economically active adults composing 62.7 per cent of the affected people, it can be estimated that every 100 economically active adults supports only 60 dependents. The age structure only slightly differs between men and women.

II. Education

Standard education is available in subproject area with village schools providing education in Grades 1-5 and the commune school in Grades 6-9. The lower secondary school in the commune centre provides boarding opportunity and subsidized education for students from remote villages through the governmental programme of supporting poor students. Only one or two students yearly out of 10-15 students proceed to the ethnic minority boarding school in the district town. Most children start school at the age of 6 years but about 10 per cent start at the age of 8 or 9 years. But even among those in school, attendance is irregular because they work with their parents in the farm. The girls drop out of school at the age of 14 or 15 years to get married. Their usual educational attainment is Grade 3 or 4. Literacy is low especially among women and many are not proficient in Vietnamese language. Information about the school, teachers and students in the sub-project area see the table 6 below.

Table 6: School, Teachers and Students in the sub-project area

Commune	Level	Number of School	Number of Students			Number of Teachers		
			Total	male	female	Total	female	ethnic minority teachers
Muong Te	Preschool	1	240	112	128	21	21	7
	Primary	1	243	120	123	33	19	11
	Lower Secondary	1	200	106	94	24	9	5
To Mua	Preschool	1	309	165	144	26	26	6
	Primary	1	360	186	174	46	34	15
	Lower Secondary	1	264	127	137	31	13	5

Source: Statistic data of the communes

III. Income of the affected people

35. The affected households have an average income of 2.15 VND million per person per year (Table 8). This amount is lower than the poverty threshold of 2.40 million VND per person set by the MOLISA for agricultural area (2005-2010). Around 65.1 per cent of their income in 2010 is earned from farming. Poultry and livestock

contributed 16.3 per cent. Other sources of income are wage labour and forest products.

Table 8: Average Income per Person of the affected households and sources in 2010

Income Source	Amount (in VND)	Percent
Farming	1,400,000	65.1
Poultry and livestock	350,000	16.3
Timber and other forest products	200,000	9.3
Wages from labour	200,000	9.3
Earning from enterprises	0	0.00
Remittances	0	0.00
Others	0	0.00
Total Income	2,150,000	100

Source: Household Survey, February 2011

36. Focus group discussions between consultant unit, locals and authorities of the commune have proved that the mainly reason of poverty is the lack of knowledge and experiences in production activities and short of production equipment. The difficulty in travelling by road make their produced products sold with lower price than other areas outside.

IV. Farming, Animal Production and Fishing

37. Agriculture is the income source and employer in the subproject area. In To Mua Commune, 70 per cent of the households are cultivating wet rice and 20 per cent is cultivating upland rice. The wet rice production is three tons per hectare which is the average for Northern Provinces (Table 9). This production level, however, lower than the national average of 10 tons per hectare. But the production of upland rice is higher than the national average (1.5 versus 1.0 tons per hectare). The production level of maize is also higher than national average although it is lower for cassava.

38. But due to small land holding and state of production technology, income from rice production is less than 10,000,000 VND per year. For dry crops (vegetables, beans and peanuts), the income is less than one million per year.

Table 9: Cultivated crops, areas and productivity in To Mua Commune

Crop	Area in ha	Productivity		Comment	Average productivity tonnes/ha in	
		Ton/ha	Ton/year		Northern provinces	Vietnam
Wet rice	48	3.0	144	1 Crop/year	3.0	10.0
Upland rice	8	1.5	12	1 Crop/year	1.0	2.0
Maize	515	5.2	2,678	1 Crop/year	5.0	9.0
<u>Cassava</u>	<u>87</u>	<u>7.0</u>	<u>609</u>	<u>1 Crop/year</u>	<u>9.0</u>	<u>9.0</u>

39. Around 55 per cent of the household in the commune earn from raising animals. In June 2010 there were totally approx. 76 cows, 34 buffaloes, 480 pigs and 1,600 poultry in subproject area. The number of cows and buffaloes was low because many died in the past winter. Cows and buffaloes are raised for cash while poultry and pigs are consumed at home and during festivities. Traders occasionally come to the subproject area to buy cows and buffaloes. But livestock and poultry production is relatively low with 92.2 per cent of the households raising animals earning less than 10,000,000 per year. In addition to the animals produced, the households get their protein from fish. But fishing is engaged only for subsistence.

V. Provenance and Culture of the Thai Ethnic Minority

40. The Thai ethno-linguistic group is scattered over northwest Vietnam, southern China, Laos and Thailand. In Vietnam, the members of the group are mainly settled in the provinces of Lai Chau, Dien Bien, Son La, Hoa Binh, Yen Bai, Nghe An and Thanh Hoa. They are among the earliest settlers of Vietnam and presently account for 54% of the population of Son La province. There are eight Thai subgroups in Vietnam. Their language, the Tay - Thai is distinctly different from the Kinh, the language of the dominant group. It belongs to the Thai-Kadai language system. The Thai people have their own writing system based on the Sanskrit. They have a wide repertoire of literature and songs. They also have musical instruments and dances that define their cultural identity.

41. The Thai are paddy-rice agriculturist. In the river valleys and flats along streams, they use small irrigation system to manage two cropping seasons a year. In the upland, they developed terraced fields planted to cassava, corn, sweet potato, cotton, indigo, gourd and beans. They also fish, hunt, collect forest products and raise animals. They have highly developed weaving and handicraft technology. Their hand-made cotton cloth of vibrant colors and unique pattern is famous but it has limited market due to the group's physical location.

42. The Thai village is composed of 40 to 100 houses with clearly demarcated territory. The houses have a distinctive turtle shell shape roof with areas allocated for sleeping, cooking and entertaining guests. Moving to a new house requires a ritual by first bringing firewood to the kitchen and saying a prayer to dispel the evil spirits and make an offering to dead ancestors. The Thai people believe that the spirits of their ancestors still influence the affairs of the living and natural objects and places have spirits. This belief defines the rituals associated with life-cycle passages (birth, marriage and death) and economic activities such as farming. But the most elaborate is

held in July and August when their ancestors are honored. Land acquisition will not alter any cultural element and economic activities of the affected people.

VI. Vulnerability and risk analysis

43. It is established that land acquisition in permanently affected area means loss of 704,000 VND per year. But this financial loss is not expected to affect any cultural element of the ethnic minority (Table 10). But it may threaten the food security of the poor who will lose large proportion of their land.

Table 10: Vulnerability and risk analysis for the affected people of So Vin hydropower

Type of Households	Number	Percent	Risks Due to Loss of Assets
Ethnic Minority	44	100.0	An average affected household will permanently lose 704,000 VND per year. The land acquisition will not directly change any cultural element or in any way reduce the integrity of ethnic culture.
Poor	25	0	The food security of households with smaller land holding and will lose a large proportion of it will be threatened given their dependence on farming.
Women-headed Households	0	0	Not Applicable
Households with Disabled Members	0	0	Not Applicable

D. INFORMATION DISSEMINATION, CONSULTATION AND PARTICIPATION OF LOCAL PEOPLE

I. Information Dissemination

46. The Consultant conducted information dissemination of the project in January, 2011. The provided information include: (i) Project scope; (ii) Affected scale of the project; Project's compensation policy; (iv) Project implementation plan, land revoke and compensation plan; (v) Complaint mechanism.

53. Two stakeholders' meetings were held after the information dissemination activities were done. One meeting was on 12 January 2011 held at the To Mua

Commune and another was on 11 January 2011 held in Muong Te Commune (Table 11). The meetings had a total of 29 participants, 6 of them were women. The following stakeholders were represented in these meetings: PMU, Consulting Companies, Village heads, representatives of Women's Union, Fatherland Front, Youth Union, Farmers Association, Veterans' Organization the To Mua Commune and the affected persons. In the two meetings, the main issue was the basis of compensation and the process used to set the rates. The local authorities explained to them that the rate varies according to the type of land as mandated by the laws. The rates are set using information from land surveyors, construction material dealers, listed land price in the province and the affected households themselves. The stakeholders generally considered the rates reasonable and according to the market rates.

Table 11: Data of the two consultation meetings done for resettlement planning for So Vin hydropower subproject

Item	To Mua Commune Meeting	Muong Te Commune Meeting
Date	12 January, 2011	11 January, 2011
Venue	CPC offices	CPC offices
Stakeholders who participated	PMU, Consulting Companies, Village heads, representatives of Women's Union, Fatherland Front, Youth Union, Farmers Association, Veterans' Organization the To Mua Commune, affected persons with 2 women	PMU, Consulting Companies, Village heads, representatives of Women's Union, Fatherland Front, Youth Union, Farmers Association, Veterans' Organization the Muong Te Commune, affected persons with 3 women
Total number participants	14	15
Total number of women participants	3	3
Information disseminated to the affected people	(i) Project design and land acquisition requirement. Results of inventory, measurement, nit price of compensation and benefits (iii) Procedures for payment of compensation and resettlement activities.	(i) Project design and land acquisition requirement. Results of inventory, measurement, and unit price of compensation and benefits. (iii) Procedures for payment of compensation and resettlement activities.

Stakeholders Inputs	(i) The basis of compensation and the process used to set the rates (ii) Provision of training courses and instructional materials on improved farming methods, animal breeding and vocational skills. (iii) Involvement of women in resettlement activities.	(i) The basis of compensation and the process used to set the rates (ii) Provision of training courses and instructional materials on improved farming methods, animal breeding and vocational skills. (iii) Involvement of women in resettlement activities.
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54. Through meeting process, locals agreed with follow issues: (i) Understanding of the subproject's scope and the land revoke scale and (ii) subproject's policies and implementation plan. On top of that, locals proposed to deploy project quickly. The consultants conducted replaced cost survey at the subproject area with the participation of locals and realized that there is no trading at the subproject area. The consultants also discussed about the compensated cost frame of Son La province with the affected people. All the affected people approved to use Son La provincial price for compensation because there has no market price in the project area. The project will has close cooperation with the local authorities to inform related issue on time.

Participation of local people

55. In the RP preparation stage, the local have been participated in the following:

- ✓ Public consultation meetings
- ✓ Assessment of initial losses
- ✓ Local market survey for the compensation price.
- ✓ Known RP report before submitted to ADB, and after approved, RP will be announced to the locals.
- ✓ Detail supervision of compensation with local authorities to ensure the compensation process is in accordance with local and project policy frame.

56. After the RP is approved, it will be disseminated to the locals and they will be participated in detailed loss inventory, resettlement implementation plan making and supervision of compensation implementation.

57. During the RP updating, the consultant has held a consultation meeting with APs in each affected commune, including meeting with in APs in To Mua commune and meeting with APs in Muong Te commune on 4 November 2014.

Table 12: Summary of Consultation Activities during RP Updating

Consultation Activities	Location	Number of Participants	Date of Consultation	Main Issues in Consultation Meetings
Stakeholder meetings	To Mua CPC office	6	2/11/2014	- Project impacts - Entitlement policy of Aps. - Grievance and
	Muong Te CPC office	6	2/11/2014	

	Van Ho district Compensation, Assistance and Resettlement Board	5	3/11/2014	redress mechanism. - Compensation policy for each kind of land, structures, architectural facilities, trees and crops.
Consultation Meeting	To Mua commune	13	4/11/2014	- Assistance policies.
	Muong Te commune	26	4/11/2014	- Implementation plan. - Measures to address issues arising in the project implementation stage.

58. The PC and NPC will disclose the URP, in both English and Vietnamese languages in the PC office, and project commune offices. The updated RP approved by the PPC and ADB will be uploaded on ADB's website. The PC will also disseminate to each AH a copy of the brochure. The internal monitors will visit AHs, especially vulnerable HHs to determine if they have concerns or if they are able to cope and restore their living conditions and livelihood.

E. GRIEVANCE AND REDRESS MECHANISM

53. The resolution of complaints and disputes on land acquisition, compensation rates, and rehabilitation is the responsibility of the local authorities. Avenues and procedures are in place for the grievances of the affected people to be resolved in a timely and satisfactory manner. The affected people will be informed of their rights and the avenues and procedures through a public information booklet and the consultation meetings.

54. The following stages for grievance redress are established based on Complaint Law no. 02/2011/QH13, dated 11/11/2011:

First Stage, Commune People's Committee: The aggrieved affected household can bring his/her complaint in writing or verbally to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days and maximum of 45 days following the lodging of the complaint, depending on

complicated case or distance, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

Second Stage, District People's Committee: If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbal, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days following the lodging of the complaint, depending on complicated case or remote area, to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DCARB of any determination made and the DCARB is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure their decision is notified to the complainant.

Third Stage, Provincial People's Committee: If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the PPC. The PPC has 30 days or maximum of 70 days, depending on complicated case or remote area, to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping file of all complaints that reaches the same.

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

59. The above grievance redress mechanism will be disclosed and discussed with the APs to ensure that the APs understand the process. PC/ DCARB and monitoring unit are responsible for follow up of the grievance process. Notwithstanding the provisions of the grievance process, local laws and regulations will take precedence. Amount of compensation and allowances of the complainant should be deposited in an escrow account until his/her complaint resolved satisfactorily. Moreover, such procedures do not prevent a complainant to seek resolution of his/her complaint directly to the court at any stage of the complaint resolution process. Information on the claim

procedures will be disseminated to all residents in the project area in general and affected households in particular. Being vulnerable, the affected households will be provided with legal assistance by the local authorities, judicial agents and political and social organizations to fully use their legal rights. In the case the affected household lost or has limited their capacity, the same entities will help them in managing and using the compensation money effectively. For households with symptoms of problems of domestic violence, alcoholism, drug abuse, gambling and extra-marital affairs, the Council of Clearance and Compensation will invite both of couple to receive compensation payment but it will be put under the management of the wife under the protection of local authorities and the commune's women association.

F. POLICY AND LEGAL FRAMEWORK

I. Relevant Policies of Vietnam

60. There are a number of Vietnamese laws, regulations, and decrees relevant to land acquisition and resettlement. But the more important ones are the following: (i) Land Law No. 13/2003/QH11 providing for land acquisition for national and public interest; (ii) Decree No. 47/2014/ND-CP providing for compensation, rehabilitation and resettlement in the event of land recovery by the State; and (iii) Decree No. 44/2014/ND-CP specifying the methods for land pricing and land price frameworks for land recovery by the State.

61. There is basic congruence between Viet Nam's laws and ADB's involuntary resettlement safeguards especially with regard to the entitlement of persons with legal rights/titles. However, ADB Safeguard Policy on Involuntary Resettlement does not consider the absence of legal rights of APs on the acquired land as an impediment to receiving compensation for non-land assets and assistance for rehabilitation. Engagement of an external party to monitor resettlement implementation process is also required under ADB policy only.

62. Item 2, Article 87 of the Land Law 2013 and Decree no. 38/2013/ND-CP on management and use of ODA fund regulate that compensation, assistance and resettlement for ODA-funded programs and projects shall comply with existing regulations and International treaties on ODA and concessional loans to which the Socialist Republic of Vietnam is a contracting party. In cases where there is discrepancy between provisions of Vietnamese laws and the international treaties, such international treaties shall prevail

Provincial laws supplement the national laws. The provincial laws are the following: Decision No 1572/QĐ-UBND (11 July 2011): which regulates the land price in Son La Province. The key provisions of the national laws are in Table 11. Principles adopted in this Project will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree No. 38/2014/ND-CP. This law provides that in case of "discrepancy between any provision in an international treaty on Official Development Assistance, to which the Socialist Republic of Viet Nam is a signatory and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence" (Article 46).

Relevant Vietnamese Laws on Land Acquisition and Resettlement

— (i) — The Constitution of the Socialist Republic of Viet Nam (2013) —

- (ii) The Land Law No.45/2013/QH13, dated ..., on comprehensive land administration regulations. The 2013 Land Law supersedes earlier versions of 1987, 1993 and 2013.
- (iii) Complaint Laws No.02/2011/QH11, dated.....
- (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 recover 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.

II. ADB Policies

63. The aim of 2009 ADB's SPS on Involuntary Resettlement is to avoid the impacts on people, livelihood and other assets from land acquisition. Where the impact is unavoidable, the overall goal of the policy is to restore the living standards of the affected people to at least their pre-project levels by compensating lost assets at replacement costs and providing various forms of support. Further, the policy upholds the following principles:

- Each involuntary resettlement is conceived and executed as part of a development project or program
- Affected people should be fully informed and consulted on compensation and/or resettlement options.
- Institutions of the affected people, and, where relevant, of their hosts, are to be protected and supported and affected people are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.
- The absence of a formal legal title to land is not a bar to entitlements.
- Affected people are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date, preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advance of such benefits.
- Particular attention must be paid to the needs of the poorest affected households and other vulnerable groups that may be at high risk of impoverishment. This may include affected households without legal title to land or other assets, households headed by women, the elderly or disabled, and ethnic minority peoples. Appropriate assistance must be provided to help them improve their socio-economic status.
- The full costs of resettlement and compensation should be included in the presentation of project costs and benefits.
- Relocation and rehabilitation may be considered for inclusion in ADB loan financing for the project, if requested, to assure timely availability of the required resources and ensure compliance with involuntary resettlement procedures during implementation.

64. Other ADB policies have bearings on the conduct of resettlement activities. One is the ADB SPS 2009 on Indigenous Peoples which requires that all interventions should (i) consistent with the needs and aspiration of the affected indigenous peoples; (ii) compatible in substance and structure with the affected peoples' culture and social and economic institutions; (iii) conceived, planned and implemented with the informed participation of affected communities; (iv) equitable in terms of development efforts and impacts, and (v) not imposing negative effects of development on indigenous peoples without appropriate and acceptable compensation.

Another is ADB's Policy on Gender and Development which aims to promote gender equity and ensure that women participate and that their needs are explicitly addressed in the decision-making process.

III. Resolving the Gaps between Vietnamese Laws and ADB Policy

65. The differences between the Vietnamese Laws and Decrees and ADB Policy with on resettlement and compensation and the project policy to address these are show in Table 13.

Table 13: Difference between National Laws and ADB Policy and Their Reconciliation in Project Policies.

Items	Viet Nam Regulations	ADB SPS (2009)	Project Policy
Severely impacted APs losing productive land	Decree 47/2014/ND-CP, Article 19, Item 3: APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.	APs who are (i) physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating) are considered severely impacted.	APs losing 10% or more of the household's productive assets (income generating) or who are physically displaced from housing shall be considered as severely impacted
APs without LURC or illegalizable	Land Law 2013, Article 77, item 2 and article 92: Persons who has used land before 1 st July 2004 and directly be involved in agriculture production on the acquired land without LURC or illegalizable will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, clause 1, article 64 and items b, d, clause 1, article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	APs who have neither formal legal rights nor recognized or recognizable claims to such land are entitled to be compensated for the loss of non-land assets other than land, and also for other improvements to the land, at full replacement cost (including temporary and partial losses), if they occupied the land or structures prior to the cutoff date for eligibility for resettlement assistance	APs, without LURC or recognisable legal claims to land acquired, will be equally entitled to participation in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets created before cut-off date at replacement cost. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.
Compensation for affected house/structure	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.	Non-land assets, including house/structure created before the cutoff date will be compensated at replacement cost without deduction for salvageable materials or depreciation	Full compensation at the cost of new house/structure with similar technical standard will be paid for all affected houses/structures without any deductions for salvageable materials or depreciation.
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting. In case of significant or sensitive impacts, an external monitoring organization is required to conduct monitoring on RP and EMDP implementation	The EA must undertake internal monitoring according to the critical indicators. Anticipated negative impacts of the project are minor, it is no need to recruit an external monitoring organization.
Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third-party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donations involving marginal portions of land, the LIC will verify and report on the negotiation and settlement processes as part of the due diligence report. A voluntary donation form signed by the landowners, witnesses, and village leaders will be attached in the report.

G. PROJECT PRINCIPLES

66. The basic principles of this Project are the following:

- ✓ Acquisition of land and other assets, and resettlement of people will be avoided or minimized as much as possible by identifying possible alternative project designs and appropriate social, economic, operation and engineering solutions that have the least impact on the populations in the project area.
- ✓ No land acquisition or site clearing will be done in anticipation or before being considered for inclusion in the Project.
- ✓ Affected households residing, working, doing business and/or cultivating land within the project impacted areas during the conduct of the census and in the DMS, are entitled to be compensated for their lost assets, incomes and businesses at replacement cost, and will be provided with rehabilitation measures to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.
- ✓ Affected households will be eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing and any such factors that may discriminate against the achievement of the resettlement objectives. Lack of legal rights to lost assets or tenure status and social or economic status will not bar the affected households from entitlements to compensation and rehabilitation measures to meet resettlement objectives.
- ✓ Affected households will be fully consulted and given the opportunity to participate in matters that will affect their lives during the design, implementation and operation of the Project. Moreover, plans for the acquisition of land and other assets will be carried out in consultation with the affected households who will receive prior information of the compensation, relocation and other assistance available to them.
- ✓ Any acquisition of, or restriction on access to, resources owned or managed by the affected households as a common property, e.g., communal forest, communal farm, will be mitigated by arrangements that will ensure access of those affected households to equivalent resources on a continuing basis.
- ✓ There will be no deductions in compensation payments for land, structures or other affected assets for salvage value, depreciation, taxes, stamp duties, fees or other payments.
- ✓ If ownership over any affected asset is under dispute the case will be handled in accordance with the grievance redress mechanism in this RP.
- ✓ Affected households that lose only part of their physical assets will not be left with a portion that will be inadequate to sustain their current standard of living. The minimum size of remaining land and structures will be

agreed between Project authorities and the affected households during the resettlement planning process.

- ✓ Temporarily affected land and communal infrastructure will be restored to pre-project conditions.
- ✓ There will be effective mechanisms for hearing and resolving grievances during the planning and implementation of the RP.
- ✓ Existing cultural and religious practices will be respected and, to the maximum extent possible, preserved.
- ✓ Special measures will be incorporated in the RP to complement mitigation and enhancement activities to protect socially and economically vulnerable groups at high risk of impoverishment/hardship, such as ethnic minorities, female-headed families, disabled-headed households, landless households, children and elderly people without support structures, and people living in poverty. Appropriate assistance will be provided to help them improve their socio-economic status.
- ✓ Adequate resources will be identified and committed during the preparation of this RP. This includes adequate budgetary support fully committed and made available to cover the costs of land acquisition, compensation, resettlement and rehabilitation within the agreed implementation period for the project; and, adequate human resources for supervision, liaison and monitoring of land acquisition, resettlement and rehabilitation activities.
- ✓ Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.
- ✓ The RP or its summary will be translated into local language and placed in commune offices for the reference of affected households as well as other interested groups.
- ✓ Civil works contractors will not be issued a notice of possession for any given geographic location in accordance with the approved RP until (i) compensation payment and relocation to new sites have been satisfactorily completed for that area; (ii) agreed rehabilitation program is in place; and (iii) the area is free from all encumbrances.
- ✓ Cash compensation or replacement land for affected households losing entire residential land will be made available well ahead of civil works to allow the affected households sufficient lead time to reconstruct their houses. No demolition of assets and/or entry to properties will be done until the affected household is fully compensated and relocated.

H. ENTITLEMENTS

62. The compensation rate and entitlement for the affected households comply with the ADB SPS 2009 on IR and IP and government's policy specifically the Land Law

2013. The first decree provides for compensation, support and resettlement for land acquired by the State and the second one regulates land use planning, land prices, land acquisition, compensation and resettlement assistance. The local regulations were also complied with. The policies on land acquisition and resettlement of Son La province:

- i. Decision 3333/QD-UBND dated December 31, 2014 of the People's Committee of Son La province on the regulation of land prices in Son La province in 2014.
- ii. Decision No .15/2014/UBND, dated 11 August 2014 "The decision on the issuance of regulation on a number of specific items on compensation, assistance and resettlement when the State acquires land in Son La province."
- iii. Decision No. 2306/QD-UBND of the People's Committee of Son La Province issued on August 29th, 2014 on promulgating unit price of compensation for house, secondary structures in the event of land acquired by the State over the Son La Province area

63. While the dated compensation rate complies with these regulations, the market rate in the province was the basis in setting the compensation rate. The compensation rate is shown in Table 15.

Table 14: Entitlement Matrix for So Vin hydropower subproject

Affected Asset	Entitled people	Compensation Entitlements	Arrangement
Permanent affected Agricultural Land	Landlord	Compensated with replace price at the time of compensation. Job training/creation allowance, equal to 5 times value of affected paddy land and 2 times value of other affected crop land but not exceed quota of agricultural land allocation in locality	Compensation and allowance will be paid for AHs at one time before commencing civil works.
Temporary affected agricultural land	Landlord	Compensation for non-land assets at market price and temporary land use, equal to the land rent in locality.	The land will be restored to pre-project conditions before returning to AHs
Fallow land	Community (People's committee of commune).	The revoked fallow land will be compensated according to the Son La province regulations	

Structures	All structures created before the cut-off date, regardless of tenure status.	Compensation for affected assets at market price.	No deduction of salvageable materials
Crops and Trees	All owners regardless of tenure status	Vegetation will be compensated according to market price. Standing crops will still be harvested before the implementation of the project.	Affected HHs will be prioritized to joint in the normal labour workforce of the project (if any).
Vulnerable Groups	Poor ethnic minority and poor household,	Support amounting to 3,000,000 VND per household.	
Support	Affected HHs	Affected HHs will be prioritised to participate in local poverty-alleviation program. Support for buying production tools and equipment: VND 4.500.000 per HH. Support the job changing with five times higher in value for revoked wet rice land and two times higher for other revoked land of short-day crops.	

67. But there are 5 issues that the project must resolve to establish that it fully complies with the entitlements set in Vietnamese policies. First is that the complaint on the inadequacy of the compensation rate of agricultural land. Second is the complaint of exclusion of some project affected area from the inventory and compensation. Third is that fields and crops which will be destroyed by flooding, sedimentation and dust fumes during construction were not included in the inventory. Fourth is that the rent offered by project contractors for land for temporary use is below the market rate in similar areas. Fifth are that no affected person has a worse life than before the project implementation.

I. INCOME RESTORATION AND REHABILITATION

68. Income restoration just apply for HHs which lost more than 10% of the production land, vulnerable HHs and HHs which have to resettle. It is no need to conduct income restoration for this subproject because there is no severely affected household. However, vulnerable HHs, apart from support of VND 3.000.000 per HH, will be received poor HH support policy of the local and government. In addition, they will be supported about production tools and prioritized to work as normal workers for the subproject.

J. RESETTLEMENT BUDGET AND FINANCING PLAN

69. All the costs for land acquisition, compensation and resettlement of So Vin Hydro-Power Project will be paid by the NPC. The total compensation and support cost is **2,925,226,003 VND** (Table 15).

Table 15: Summary of compensation cost

No.	Item	Unit	Quantity	Price (VND)	Cost (VND)
1	Compensation for types of land				728,087,800
	Annual cropland	m ²	31,204.04	15,000	468,060,600
	Perennial cropland	m ²	10,713.80	14,000	149,993,200
	Aquaculture land	m ²	4,226.60	22,000	92,985,200
	Production forest land	m ²	298.40	7,000	2,088,800
	Rural resident land	m ²	149.60	100,000	14,960,000
2	Compensation for crops/trees				83,492,550
	Tea (category 1)	m ²	1,530.90	7,500	11,481,750
	Tea (category 2)	m ²	268	3,000	804,000
	Corrn	m ²	142	2,900	411,800
	China tree (category 1)	tree	96	42,000	4,032,000
	China tree (category 2)	tree	129	105,000	13,545,000
	Banana (category 1)	tree	936	35,000	32,760,000
	Banana (category 2)	tree	584	8,000	4,672,000
	Old bamboo	tree	265	36,000	9,540,000
	Young bamboo	tree	215	25,000	5,375,000
	Papaya 1	tree	3	30,000	90,000
	Papaya 2	tree	17	45,000	765,000
	Papaya 3	tree	2	8,000	16,000
3	Structures				69,317,350
	Ciment yard	m ²	14.5	125,000	1,812,500
	Water tank	m ³	6	2,123,000	12,738,000
	Hen-coop	m ²	13.05	383,000	4,998,150
	Pig-shed	m ²	36.2	612,000	22,154,400
	Buffalo-shed	m ²	72.1	383,000	27,614,300
4	Assistances				1,501,255,600

	Job training/creation	times	31,204.04 m ² x 15,000 + 10,713.80 m ² x 14,000 + 4,226.60 m ² x 22,000+ 298.40 m ² x 7,000	2	1,426,255,600
	For supporting to buy production tools and equipment for vulnerable households	household	25	4,500,000	112,500,000
	For vulnerable households	household	25	3,000,000	
Total direct cost					2,607,153,300
Administration cost		2%			52,143,066
Subtotal					2,659,296,366
Contingencies		10%			265,929,637
Total					2,925,226,003

70. The funds will be sent comprehensively to compensation and resettlement board in time. The District Compensation Board will pay the compensation and give all assistance to the affected households with the commune and village providing the necessary support. The flow of funds from the NPC is presented below:

- i. The NPC will transfer the money to District's Treasury after the approval of Provincial People's Committee of Compensation plan;
 - ii. The District Compensation Board will notify all the affected households on the time and place as well as the required documents and support items at least one week prior to payment of compensation. A notice will be posted in notice board of Commune or Village People's Committee house.
 - iii. The Compensation Board of District shall withdraw money and pay for influenced households in the commune.
 - iv. Upon receipt of the compensation payment, the household will sign the Minutes of Compensation and receive the receipt. Representatives of Project Management Unit (PMU), District Compensation Board and local authority will witness the payment of compensation;
- (iv) For affected households with some constraints in receiving their compensation payment, legal support of judicial organization and trusted representatives (family, relatives, socio organizations, etc.,) will be required. These entities must also assist the affected household in managing the compensation judiciously.

K. IMPLEMENTATION SCHEDULE

71. Upon the approval of ADB of the uRP, the Van Ho District Committee for Compensation and Site Clearance carried out the DMS. Representatives of affected households participated in the DMS and signed the DMS result. The result was posted in the To Mua and Muong te commune main office two weeks after the survey was completed. The result of DMS will be the basis of the final compensation rate to be paid to the affected households. People who move into the project area or assets created after the cut-off date will not be entitled to any compensation and assistance. The other activities that will be done after the compensation payment and the schedule of activities are in Table 16.

Table 16: Schedule of Resettlement Implementation for So Vin hydropower subproject

Main resettlement activities	Time
Resettlement plan preparation	
Consultant prepare resettlement plan	November, 2010
Disseminate information; arrange public consultation with local people.	January, 2011
Submit the RP to the TA for consideration	March, 2011
Submit the revised RP to the TA for consideration	April, 2011
Finalize resettlement plan and submit to ADB	March, 2012
Upload to ADB website.	April, 2012
Disseminate information to the locals	May, 2012
Updated RP	December, 2014
Approval from ADB and Disseminate information to the locals	December, 2014
Prepare for implementation of compensation and resettlement by local agencies	January, 2015
Compensation and allowances provision	February, 2015

L. INSTITUTIONAL FRAMEWORK FOR RESETTLEMENT

I. EVN - NPC

72. As the EA, EVN created a PMU to carry out the work to coordinate and oversee the implementation of the project. Daily activities of the project at provincial level will be the responsibility of the NPC. The NPC will be assisted by experts provided by the project. The project manager will select a non-governmental organization (NGO) or an organization with experience in performing independent activities for external monitoring.

II. Responsibilities of Province, District and Commune People's Committee

73. The PPC will be responsible for resettlement activities within its administrative jurisdiction. It supervises the DPC who in turn works with the CPC. The DPC undertakes a number of resettlement activities through the District Indemnity Board (DIB) The DIB is headed by the Vice-Chairman of DPC and the members are the Departments of Finance, Natural Resources and Environment, Transport and Agriculture as well as the Farmers' Association, Women's Union, and representative of the affected households. The PMU will collaborate with the DiB in the conduct resettlement activities. The detailed responsibilities of each organization in resettlement is in Table 17.

Table 17: Matrix of Responsibilities of Government Agencies and Other Organizations involved in Resettlement Planning and Implementation.

Agency	Specific Activities to be Undertaken
NPC	As the project owner, it is responsible for managing and organizing the investigation, design, budget arrangement, funding and supervision of all resettlement activities.
PMU	Carry out the coordination and supervision of project implementation
Provincial People's Committee	Demarcate the responsibilities for their relevant provincial institutions and direct them in implementing RP. Approve the compensation rate, allowances, establish compensation committees at all different administrative levels and approve lands for compensation.

Agency	Specific Activities to be Undertaken
	Settle complaints and grievances if settlement is not attained at the district level
District People's Committee	<p>Guide the compensation and resettlement activities in the district level;</p> <p>Direct the relevant institutions for carrying out impact survey, public consultation, information dissemination and RP implementation.</p> <p>Establish DCC .</p> <p>Solve complaints if settlement fails at the commune level.</p>
District Indemnity Board	<p>Organize the survey team to carry out the DMS and administer the DMS and entitlement forms to the affected household;</p> <p>Check the unit prices of compensation and suggest adjustment to conform it with the market price and replacement costs if required.</p> <p>In co-ordination with commune people's committee, organize meetings with affected households and disseminate the RIB.</p> <p>Prepare the detailed implementation plan (quarterly, semi-annual, annual plans) based on the RP and the together with commune people's committee pay entitlements to affected households in a timely manner.</p> <p>Settle the complaints and grievances of affected households and any difficulty during implementation.</p>
Commune People's Committee	<p>Assist in the conduct of the census and inventory survey.</p> <p>Coordinate with DIB in conducting public meetings, information dissemination and paying the affected people with compensation and allowances:</p> <p>Feedback the preference and opinions of the affected people to DCC</p> <p>Settle the complaints of the affected people at the commune level.</p> <p>Suggest solutions for any outstanding issues ;</p> <p>Assist local people in overcoming the difficulties during construction period;</p>

Agency	Specific Activities to be Undertaken
	Assist the affected people in repairing of affected houses.
Affected people	<p>Prepare and make ready their necessary papers such as their LURC and certificate of ownership of other assets;</p> <p>Confirm the accuracy of lost assets and entitlements;</p> <p>Clear land in a timely manner after receipt of full entitlements.</p>

M. MONITORING AND EVALUATION

74. Monitoring and evaluation aims to ensure (i) compliance of various groups with the resettlement plan and compensation rates and procedures; (ii) availability of resources and the effectiveness of implementing organizations; and (iii) ensure the wellbeing of the affected persons and the restoration of their standard of living to the pre-project level.

75. The EVN-NPC will set up the internal monitoring and reporting system. As part of the internal monitoring, monthly progress reports on resettlement will be prepared. The report will contain the following: (i) receipt of compensation payment and assistance by the affected persons as defined in the approved RP; (ii) completion of the land acquisition, compensation, resettlement of displaced households and other resettlement activities; (iii) conduct of information dissemination and disclosure and consultations; (iv) complaints filed and their settlement; (v) status of income and living conditions of the affected people particularly the severely affected ones; (vi) suggestions of the affected people; (vii) expenses and budget performance. The monitoring reports will track the performance of resettlement activities against the schedule. It will also facilitate, if there are any delays and mistakes, the identification of the reasons and solutions. The NPC will review the monthly progress reports and submit its review to PMU. The report will be subsequently submitted to ADB.

APPENDICES

Appendix 1: Map for the subproject site and proposed facilities

Figure 1: General location map of So Vin hydropower project

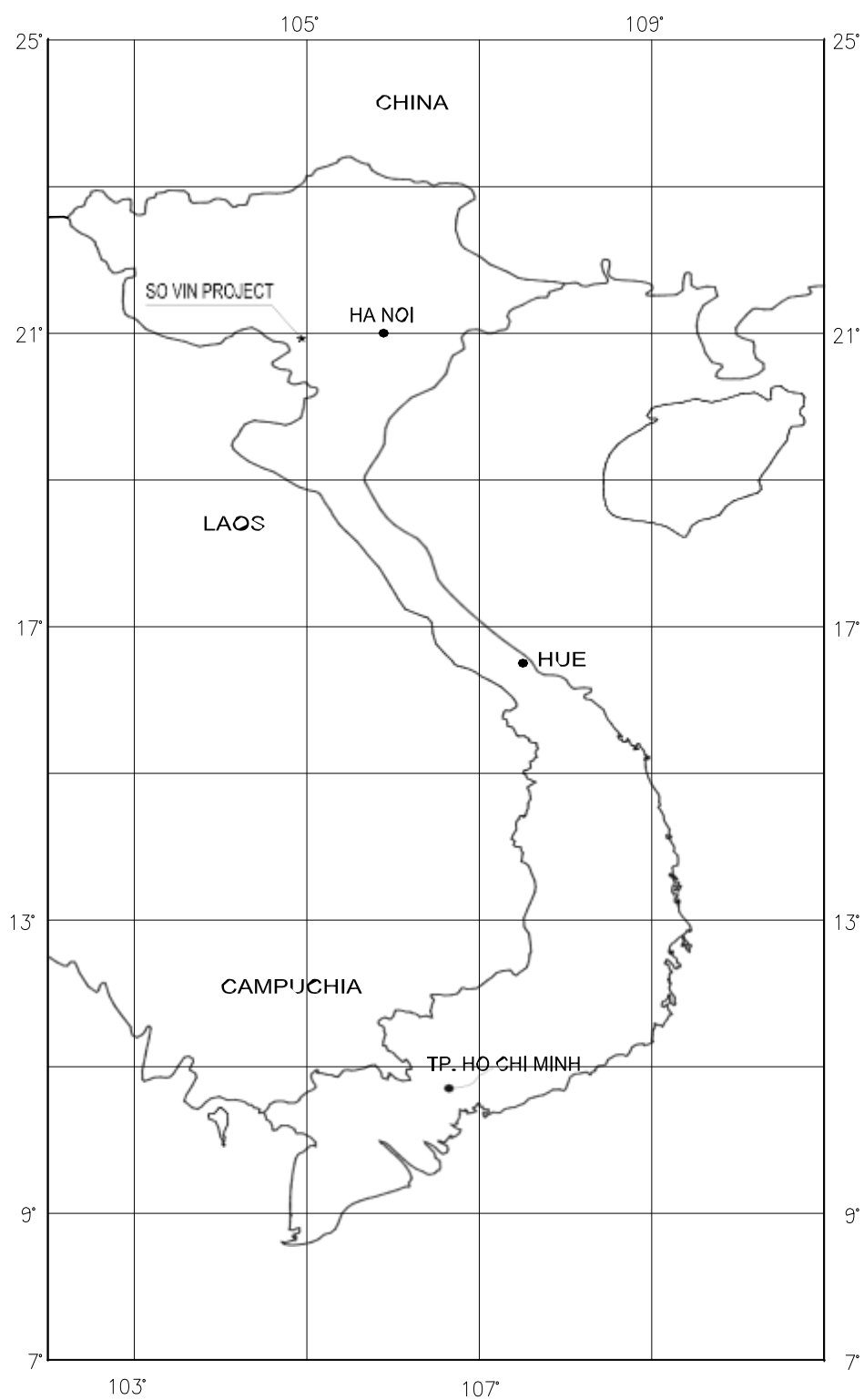
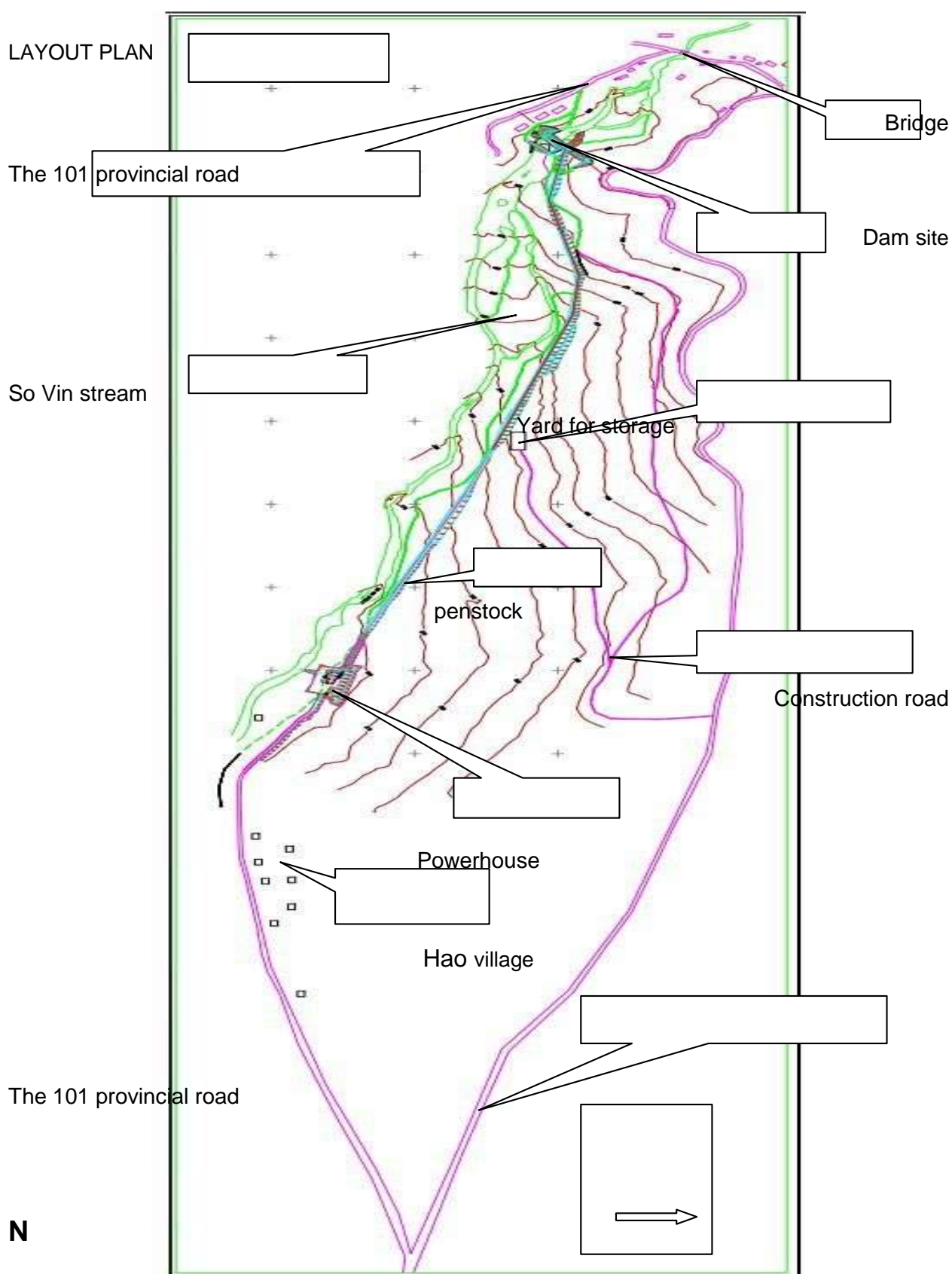


Figure 2: Project Location and Proposed facilities



Appendix 2: Household Survey Questionnaire

SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness

**RENEWABLE ENERGY DEVELOPMENT AND NETWORK EXPANSION AND
REHABILITATION FOR REMOTE COMMUNES PROJECT**

SURVEY AND MEASUREMENT

- Owner (Household head): Code
- Current address:
- Subproject :
- Type of asset: Land tenure: ☐ Garden: ☐ Agriculture land: ☐ Aquatic land: ☐
House: ☐ Utilities: ☐ Trees: ☐ Farm products: ☐

Participants in measurement and survey:

1. Mr./Ms.: _____ Position: _____ Representative: _____
2. Mr./Ms.: _____ Position: _____ Representative: _____
3. Mr./Ms.: _____ Position: _____ Representative: _____
4. Mr./Ms.: _____ Position: _____ Representative: _____
5. Mr./Ms.: _____ Position: _____ Representative: _____
6. Mr./Ms.: _____ Position: _____ Representative: _____
7. Mr./Ms.: _____ Position: _____ Representative: _____

The team, together with household head of impacted family, has listed and measured impact level and agree with all information recorded in this survey sheet. Such household head understand clearly that all information in this survey shall not be changed without any increase or decrease for compensation of any damages of land, house, tree, farm product and other assets in the Project; such information shall be the basics for evaluation of living level upon the project completion.

1. ECONOMIC AND SOCIAL INFORMATION

1.1 Impacted household

Type: Poor: ☐ Policy object: ☐ Woman as household head: ☐ Ethnic minority: ☐

Members in family:Qualification of head (State clearly):; Age of head:

1.2. Economic information

1.2.1 *Actual land use of impacted household:*

Type	Total used land area (m ²)
1. Land tenure	
2. Agricultural land	
3. Land for farm products	
4. Aquatic land	
5. Others	

1.2.2 *Income of household:*

Items	Main income	Additional income
1. Agriculture		
2. Aquatic products		
3. Business		
4. Service		
5. Small-scale industry		
6. Salary		
7. Hired labour		
8. Others (state clearly)		

2 MEASUREMENT AND SURVEY (DMS)

1.1 Land

Type		Grade	Total current land area (m ²)	Legal status (State clearly)	Requisite land (m ²)	
						Permanent Temporary
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

Note:

- Type:** Including residential area (urban, rural), garden, agricultural land, aquatic land, forestry land, etc
- Grade:** Only for agricultural land (From Grade 1 to grade 6), and aquatic land
- Legal status:** Specify the actual status of land use as stated or not stated in Land Use Right Certificate, hired land, temporarily transferred land, land in dispute, etc
- Permanently requisite land:** Used for work construction without returning to the impacted household.
- Temporarily requisite land:** Served to construct material yard, hut, etc of the Project and then returned to the impacted household.

2. Other building and structure

Type	Use purpose	Total area (m ²)	Removed area (m ²)	Specifications and gradation

For more information:

3. Other works and assets

	Items	Unit	Quantity
1			
2			
3			
4			
5			

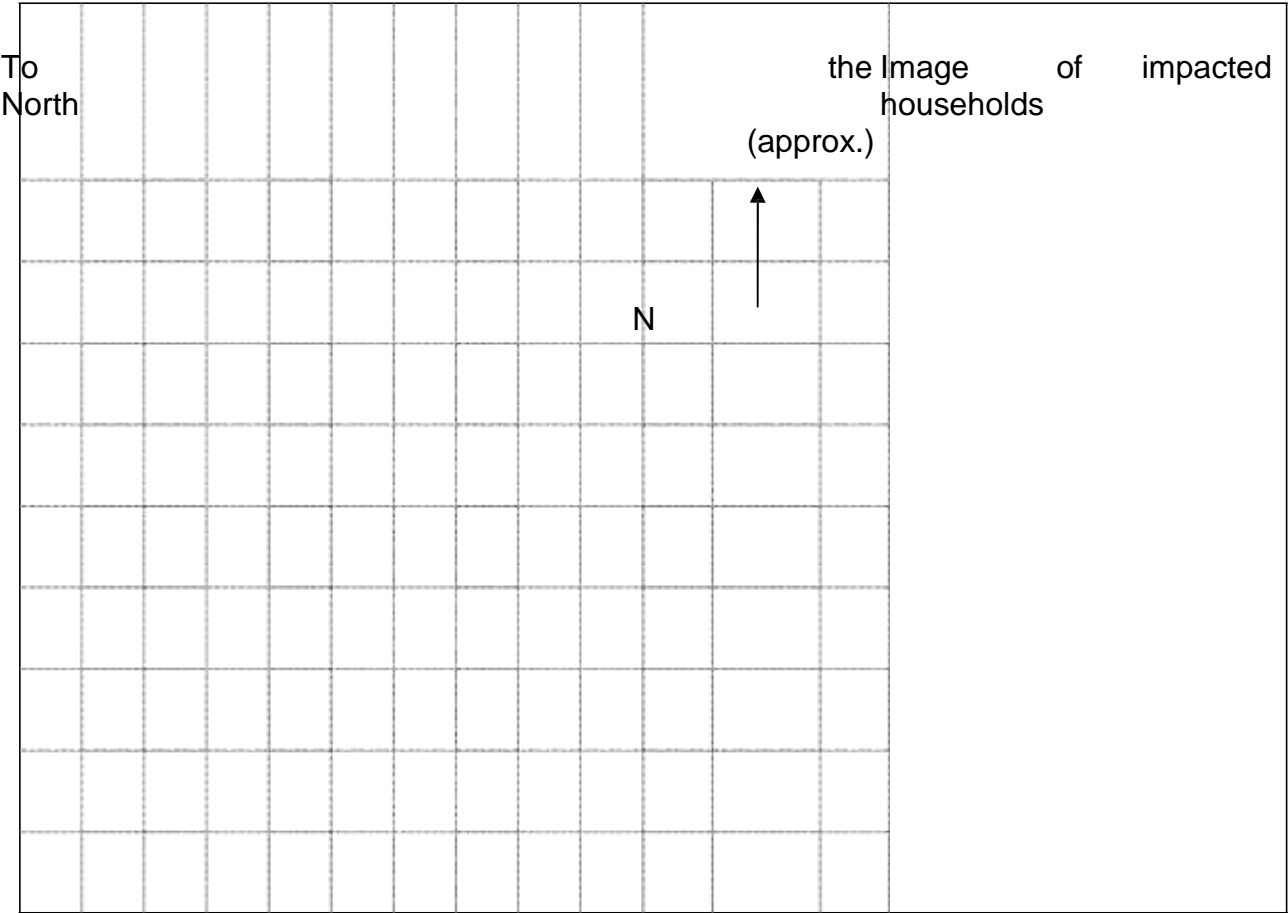
	Items	Unit	Quantity
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

For more information:

Resettlement expectation of household (For permanently moved households only)

- Self-resettling in other place: ☐
- Living in resettlement area: ☐
- Can not find a living place: ☐

Position of impacted building and works:



Note:

4. Trees and farm products

	Type and specifications	Unit	Quantity	Note
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				

Such survey sheet is made into 06 originals with the same value and submitted to Project Management Unit, Land Clearance and Compensation Council of the District, People's Committee of the Commune, Survey team and impacted household. The survey sheet is read again and signed by relevant parties for compensation without any claims hereto.

Household Head
(Signature)

Representative of PMU
(Signature and seal)

Land Clearance and
Compensation Council of the
District

(Signature and seal)

Land survey staff
household

Representative of impacted Farmers' Association

Appendix 3: Minutes of the Consultation Meetings in the RP preparation and in the RP updating

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

BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG
VỀ ĐÈN BÚ TÁI ĐỊNH CƯ

Dự án: Nhà máy thủy điện Sơ Vin

I. Thời gian, địa điểm:

Hôm nay ngày 11 tháng 01 năm 2011 tại xã Hoàng Lê
huyện Bắc Sơn tỉnh Sơn La.

II. Thành phần tham dự:

1. Ông/Bà: Lương Văn Hùng.....	Chức vụ: Chủ tịch UBND xã.....
2. Ông/Bà: Lương Văn Chiên.....	Chức vụ: Phó tịch h.s. nông dân.....
3. Ông/Bà: Lê Văn Chiên.....	Chức vụ: Chủ tịch h.s. phụ nữ xã.....
4. Ông/Bà: Lê Văn Thạc.....	Chức vụ: Đảng viên thôn.....
5. Ông/Bà: Lương Văn Sinh.....	Chức vụ: Chủ tịch UBND xã.....
6. Ông/Bà: Bà Văn Hùng.....	Chức vụ: Bà chủ dân xã.....
7. Ông/Bà: Nguyễn Văn Minh.....	Chức vụ: Bà chủ dân xã.....
8. Ông/Bà:	Chức vụ:
9. Ông/Bà:	Chức vụ:
10. Ông/Bà:	Chức vụ:

Quỹ đạo chính cái là của dân tại chỗ.

III. Nội dung tham vấn:

Đàn và từ vấn đã phê bình cho những người tham gia các công
tác liên quan đến dự án học hỏi. Quy mô của dự án, là khu
biên khai thác của dự án, những tác động của dự án trong
vùng khu vực đất và các tài sản của dân.
Đàn và từ vấn cũng đã phê bình cho người dân về những chủ sách
của Việt Nam, Chủ sách của APS và các dự án trong khu vực.

thường khi thu hút đất và tài sản tín đất.

IV. Ý kiến thảo luận

- Người dân đã kêu gọi về quy mô của dự án, cải tạo đồng của dự án trong việc thu hồi đất và cải tạo sản phẩm đất. Nếu về chính sách đến tài sản của dự án cho người dân thì thu hồi đất và tài sản tín đất.
- Người dân đồng ý áp dụng đơn giá của vùng tỉnh Sơn La hơn hẳn trong việc đền bù đất và cải tạo sản phẩm đất. Thêm từ vấn đề này là họ đòi hỏi về người dân về đơn giá đền bù của vùng tỉnh Sơn La là cho người không có quyền lợi.


V. Kết luận:

- Chính quyền cũng người dân địa phương nhất là ứng hệ vào tiến khai dự án.
- Cải tạo đất tại các huyện nhất là áp dụng đơn giá của vùng tỉnh Sơn La hơn hẳn trong việc đền bù.

Cuộc họp kết thúc vào hồi giờ ngày/..../ tháng/..../ năm 2014...

Biên bản cuộc họp được lập và được tất cả các đại biểu tham dự nhất trí thông qua.

ĐẠI DIỆN
CHỦ ĐẦU TƯ


Nguyễn Anh Ninh

ĐẠI DIỆN
CỘNG ĐỒNG


Lê Văn Thuận

ĐẠI DIỆN
TƯ VẤN


Bùi Đức Trung

ĐẠI DIỆN CHÍNH
QUYỀN ĐỊA PHƯƠNG


Lê Hồng Lĩnh

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

BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG
VỀ ĐỀN BÚ TÀI ĐỊNH CƯ

Dự án: Nhà máy thủy điện Sơ Vin

I. Thời gian, địa điểm:

Hôm nay ngày 12 tháng 01 năm 2014 tại xã Tân Hòa huyện
Mộc Châu, tỉnh Sơn La

II. Thành phần tham dự:

1. Ông/Bà: Lương Văn Hùng.....	Chức vụ: Chủ tịch UBND xã.....
2. Ông/Bà: Lương Văn Sơn.....	Chức vụ: Chủ tịch UBND xã.....
3. Ông/Bà: Hồ Văn Dân.....	Chức vụ: Chủ tịch UBND xã.....
4. Ông/Bà: Lương Văn Cường.....	Chức vụ: Chủ tịch hội nông dân.....
5. Ông/Bà: Lê Thị Châu.....	Chức vụ: Chủ tịch hội phụ nữ.....
6. Ông/Bà: Lương Văn Hoàng.....	Chức vụ: Chủ tịch đoàn thanh niên.....
7. Ông/Bà: Hồ Văn Hùng.....	Chức vụ: Chủ tịch đoàn thanh niên.....
8. Ông/Bà: Nguyễn Đình Hùng.....	Chức vụ: Chủ tịch Đoàn thanh niên.....
9. Ông/Bà:	Chức vụ:
10. Ông/Bà:	Chức vụ:

Chúng tôi đã đọc các tài liệu liên quan đến dự án.

III. Nội dung tham vấn:

Đã rõ từ văn đã phê duyệt cho Công đồng các thông tin
lên quan đến dự án bao gồm: Quy mô của dự án thủy
điện Sơ Vin, kế hoạch triển khai thực hiện của dự án. Ngoài
tài liệu của dự án công đồng cũng thu thập được tài liệu liên quan
đến dự án cũng đã phê duyệt cho người dân biết rõ về thông
tin của dự án của AEB rõ của dự án công đồng

bên Hoàng. Dân thu thuế đất và tài sản trên đất.

IV. Ý kiến thảo luận

- Người dân đã nêu rõ về quy mô của dự án, cái hại thực của dự án trong việc thu thuế đất và cái tài sản trên đất của người dân hiện về chính sách đền bù của dự án khi thu thuế đất và tài sản trên đất.
- Người dân đồng ý áp dụng đền bù của UBND tỉnh Sóc Trăng ban hành trong việc đền bù đất và cái tài sản trên đất nhân từ sản cũng đã tạo điều kiện với người dân về đền bù đền bù của UBND tỉnh Sóc Trăng ở địa phương thông tin chia sẻ.
- Người dân mong muốn dự án sẽ phát triển phát triển về chính quyền và người dân địa phương trong suốt quá trình thực hiện.

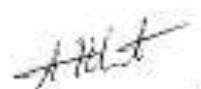
V. Kết luận:

- Chính quyền và người dân địa phương cũng nhất trí ủng hộ việc triển khai dự án.
- Các cấp chính quyền cũng nhất trí áp dụng đền bù của UBND tỉnh Sóc Trăng ban hành trong việc đền bù đất và cái tài sản trên đất.

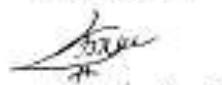
Cuộc họp kết thúc vào hồi giờ ngày ..12.. tháng ..01... năm 2014...

Biên bản cuộc họp được lập và được tất cả các đại biểu tham dự nhất trí thông qua.

ĐẠI DIỆN
CHỦ ĐẦU TƯ


Ông Anh Anh

ĐẠI DIỆN
CỘNG ĐỒNG


Bà Van Nam

ĐẠI DIỆN
TƯ VẤN


Bà Van Hung



Lương Văn Hùng

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

Mường Tè, ngày 3 tháng 11 năm 2014

DỰ ÁN THỦY ĐIỆN SOVIN

BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG

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

Xã Mường Tè, huyện Vân Hồ, tỉnh Sơn La

I. Thành phần tham dự:

- | | |
|--------------------------|--------------------------------|
| - Ông/Bà Lương Văn Lân | Chức vụ Chủ tịch UBND xã |
| - Ông/Bà Lương Văn Chấn | Chức vụ Chủ tịch hội này đây |
| - Ông/Bà Hà Thị Chấn | Chức vụ Chủ tịch hội phụ nữ |
| - Ông/Bà Đinh Khắc Dĩnh | Chức vụ Tr. xã |
| - Ông/Bà Nguyễn Anh Minh | Chức vụ Cán bộ theo dõi Sơn La |
- Đại diện những người bị ảnh hưởng 26 người (chi tiết xem danh sách đính kèm)

II. Nội dung tham vấn

1. Cán bộ Ban QLDA tỉnh giới thiệu về địa điểm, quy mô, các thông số kỹ thuật cơ bản và những tác động dự án được xây dựng tại địa phương mang lại.
2. Các chuyên gia tư vấn trình bày về Khung chính sách của dự án về giới và sự tham gia của cộng đồng, kế hoạch hành động giới những vấn đề về phong tục, tập quán của cộng đồng dân tộc thiểu số, kế hoạch phát triển người dân tộc thiểu số. 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 bồi thường thiệt hại khi Nhà nước thu hồi đất đai và các tài sản trên đất.

III. Ý kiến thảo luận

III.1. Các vấn đề về giới, cộng đồng và dân tộc thiểu số

- Đại diện các hộ bị ảnh hưởng nhất trí với chủ trương thực hiện dự án. Tất cả các hộ bị ảnh hưởng đều là người dân tộc thiểu số, đời sống còn nhiều khó khăn, vì vậy với việc xây dựng dự án, cá thể góp phần phát triển kinh tế - xã hội của địa phương, người dân cần được bồi thường.

III. 2. Các vấn đề về đền bù, giải phóng mặt bằng: thu hồi đất và các tài sản trên đất, đền bù, giải phóng mặt bằng, hỗ trợ cho các hộ bị ảnh hưởng...

- Về đất đai, cây cối, hoa màu, vật kiến trúc bị ảnh hưởng, nguyên dân đồng ý áp dụng tiêu chuẩn của UBND tỉnh Sơn La ban hành.
- Đề nghị chủ đầu tư bồi đắp những đất bị ảnh hưởng tạm thời trong quá trình thi công.

IV. Kết luận

Đề nghị dự án sớm triển khai chi trả đền bù cho người dân bị có thể thi công. Hoàn thành dự án.

Cuộc họp các bên thống nhất và kết thúc vào lúc 11h ngày 3 tháng 11 năm 2014

Đại diện cộng đồng

Toàn
Lương Văn Toàn

Đại diện UBND xã


Lương Văn Liên

Đại diện Ban QLDA tỉnh

HLT
Nguyễn Anh Nhis

Đại diện tư vấn

Hoan
Đinh Kiên Danh

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

Mường Tè....., ngày 4 tháng 12 năm 2014

DỰ ÁN THUỶ ĐIỆN SOVIN

DANH SÁCH THAM DỰ CUỘC HỌP

(Tham vấn cộng đồng về các chính sách: Tái định cư, Giới và Dân tộc thiểu số)

Xã Mường Tè....., huyện Văn Hồ....., tỉnh Sơn La.....

STT	Họ và tên	Địa chỉ	Dân tộc	Ký tên
01	Lương Văn Tân	Bản Háng	thái	Lương
02	Phạm Văn Bảo	Bản Háng	Thái	Bảo
03	Lương Thị An	Bản Hào	Thái	An
04	Trương Văn Khoa	Bản Háng	Thái	Khoa
05	Hà Văn Mường	Bản Háng	Thái	Mường
06	Phạm Văn Lợi	Bản Hào	Thái	Lợi
07	Tha Ngọc Chấn	Bản Hào	Thái	Tha
08	Phạm Văn Kháng	Bản Hào	Thái	Kháng
09	Phạm Văn Yên	Bản Hào	Thái	Yên
10	Lương Văn Tiến	Bản Hào	thái	Tiến
11	HÀ Văn Hiếm	Bản Hào	thái	Hiếm
12	HÀ Văn Uôn	Bản Hào	thái	Uôn
13	Lương Văn Toàn	Bản Háng	Thái	Toàn
14	Hà Văn Yên	Bản Hào	Thái	Yên
15	Hà Văn Hạnh	Bản Hào	thái	Hạnh
16	Hà Văn Miên	Bản Hào	Thái	Miên
17	Hà Thị Lan	B Hào	Thái	Lan
18	Hà Văn Thôn	B Hào	Thái	Thôn
19	Lương Văn Pamb	B Hào	Thái	Pamb
20	Lương Văn Thìn	Bản Hào	Thái	Thìn

STT	Họ và tên	Địa chỉ	Dân tộc	Ký tên
21	Lương Văn Quang	Bản Hào	Thái	Quang
22	Lương Văn Dừa	Bản Hào	Thái	Dừa
23	Lương Văn Tùng	Bản Hào	Thái	Tùng
24	Thầy Nhân Quý	Bản Hào	Thái	Quý
25	Võ Chi Phòng	Bản Hào	Thái	Phòng
26	Lương Văn Còi	Bản Hào	Thái	Còi

Đại diện cộng đồng
 Đại diện UBND xã

P. Bản Hào
 Trương
 Lương Văn Hoàng

Đại diện Ban QLDA tỉnh

Nguyễn Anh Nhì



Đại diện tư vấn

Đinh Kiên Đạt

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

Tô Múa, ngày 3 tháng 11 năm 2014

DỰ ÁN THỦY ĐIỆN SOVIN

BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG

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

Xã Tô Múa, huyện Văn Hồ, tỉnh Sơn La

I. Thành phần tham dự:

- | | |
|--------------------------|--------------------------------|
| - Ông/Bà Lưu Văn Long | Chức vụ Chủ tịch UBND xã |
| - Ông/Bà Hà Văn Tàs | Chức vụ Chủ tịch HĐND xã |
| - Ông/Bà Hà Thị Chuyết | Chức vụ Chủ tịch Hội phụ nữ xã |
| - Ông/Bà Đinh Kiên Dạng | Chức vụ P. xã |
| - Ông/Bà Nguyễn Anh Minh | Chức vụ Cán bộ theo dõi Sơn La |
- Đại diện những người bị ảnh hưởng 13 người (chi tiết xem danh sách đính kèm)

II. Nội dung tham vấn

1. Cán bộ Ban QLDA tỉnh giới thiệu về địa điểm, quy mô, các thông số kỹ thuật cơ bản và những tác động dự án được xây dựng tại địa phương mang lại.
2. Các chuyên gia tư vấn trình bày về Khung chính sách của dự án về giới và sự tham gia của cộng đồng, kế hoạch hành động giới những vấn đề về phong tục, tập quán của cộng đồng dân tộc thiểu số, kế hoạch phát triển người dân tộc thiểu số. 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 bồi thường thiệt hại khi Nhà nước thu hồi đất đai và các tài sản trên đất.

III. Ý kiến thảo luận

III.1. Các vấn đề về giới, cộng đồng và dân tộc thiểu số

- Đoàn thể các hộ bị ảnh hưởng là người dân tộc Thái
- Các hộ bị ảnh hưởng nhất từ quan điểm dự án
- Trước khi xây dựng ảnh hưởng đến các tập tục, lối sống
- người dân bản địa. Trước lại, lợi ích của dự án là
- giải tỏa, không người dân ở đây ý trước thời dự án

III. 2. Các vấn đề về đền bù, giải phóng mặt bằng: thu hồi đất và các tài sản trên đất, đền bù, giải phóng mặt bằng, hỗ trợ cho các hộ bị ảnh hưởng...

- Đồng ý áp dụng theo tài sản của UBND tỉnh Sơn La ban hành với tất cả cây cối, hoa màu, vật kiến trúc bị ảnh hưởng.
- Nguyên nhân gây ra sự bất đồng thực hiện theo quy định pháp luật của Việt Nam và nhà tài trợ.

IV. Kết luận

Đề nghị địa phương sớm thực hiện.

Cuộc họp các bên thống nhất và kết thúc vào lúcngày.....tháng.....năm 2014

Đại diện cộng đồng

Voi
Hà Văn Voi

Đại diện Ban QLDA tỉnh

HKT
Nguyễn Anh Nhì



Phạm Văn Thông


Đại diện tư vấn

Đào Anh
Đinh Kiên Đạt


[illegible]

STT	Họ và tên	Địa chỉ	Dân tộc	Ký tên

Đại diện cộng đồng

Trưởng ban Bò mòng

 Lương Văn Chiến

Đại diện Ban QLDA tỉnh


 Nguyễn Anh Ninh



Đại diện UBND xã
 CHỦ TỊCH

Lương Văn Hồng

Đại diện tư vấn


 Đinh Hữu Đạt