

Resettlement and Ethnic Minority Development Plan

June 2021

**Viet Nam: Basic Infrastructure for Inclusive Growth in
the Northeastern Provinces Sector Project**

**Subproject: Domestic Water Supply System in Pac Mieu
Township, Bao Lam District, Cao Bang Province**

CURRENCY EQUIVALENTS

(As of 1 June 2021)

Currency unit		Vietnam (VND)
VND 1.00	=	\$ 0,00004292
\$1.00	=	{VND 23,300}

ABBREVIATIONS

ADB	: Asian Development Bank
GOV	: Government of Vietnam
PMU	: Project Management Unit
CPC	: Commune People's Committee
AH	: Affected Households
FS	: Feasibility Study
EM	: Ethnic Minority
REMDP	: Resettlement and Ethnic Minorities Development Plan
REMDF	: Resettlement and Ethnic Minorities Development Framework
SES	: Socio-Economic Survey
SIA	: Social Impact Assessment
IOL	: Inventory of Losses
DMS	: Detailed Measurement Survey
RCS	: Replacement Cost Study
MOLISA	: Ministry Of Labor, Invalids and Social Affairs

WEIGHTS AND MEASURES

m (meter)	–	Unit of length
m ² (square meter)	–	Measure of area
m ³ (cubic meter)	–	Measure of volume
kg (kilogram)	–	Measure of weight

GLOSSARY

Affected person (AP) / Affected household (AH)	<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>
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 made by local authorities. The APs will be informed of the cut-off date for each subproject component, and any people or assets that settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
Detailed measurement survey (DMS)	<ul style="list-style-type: none">- Based on the approved detailed technical design, this activity will include the completion of the land acquisition and resettlement impacts of the subproject, including the final resettlement costs. This is the process by which all fixed assets (ie land used for housing, business, agricultural production, including ponds, residential land, stalls and shops, secondary structures, fences, graves, wells, commercially valuable crops ...) and income and livelihood resources within the right of way (ROW) of the project are identified, measured, accurately positioned and the replacement cost is calculated. It also identifies the severity of impacts on affected assets and the livelihoods and productivity of the AP.
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.

- Eligibility - Any person/asset residing or being created in the project area before the cut-of-date.
- Income restoration program - A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socioeconomic survey and consultations.
- Inventory of Losses (IOL) - This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project 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.
- 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 - Resettlement includes measures taken to minimize any or all of the adverse effects of the project on the AP such as poverty and/or livelihoods, including compensation, relocation (to the appropriate place) and necessary restoration.

- Resettlement plan (RP) - This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
- Resettlement and Ethnic Minority Development Plan (REMDP) - The Resettlement and Ethnic minority development plan is the plan which integrate specific concerns of the ethnic minority and cultural sensitivity to the specific needs of ethnic minority groups
- 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.
- 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) single-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; (v) non-land households, (vi) ethnic minority households who are severely affected by project.

NOTE:

In this report, "\$" refers to US dollars.

The Resettlement and Ethnic Minority Development Plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section on ADB's website.

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

TABLE OF CONTENTS

EXECUTIVE SUMMARY	7
I: SUBPROJECT DESCRIPTION.....	10
A. Overview.....	10
B. Investment	10
1,700m ³ /day	11
C. Mitigation measures	11
D. Objectives of Resettlement and Ethnic Minorities Development Plan	12
II: PROJECT IMPACTS.....	14
A. Survey process	14
B. Permanent impacts.....	14
C. Temporary impacts:.....	17
D. Tenure status	17
E. Ethnic minority and vulnerable households	17
III: SOCIO-ECONOMIC OVERVIEW IN THE SUBPROJECT AREA.....	18
A. Socio-economic condition in the subproject area.....	18
B. Socio-economic information of the affected households	19
C. Gender issue.....	21
D. Social impact assessment.....	21
IV: INFORMATION DISSEMINATION AND PUBLIC CONSULTATION	25
A. Information dissemination	25
B. Public Consultation and Participation	25
V: GRIEVANCE REDRESS MECHANISM	28
VI. LEGAL AND POLICY FRAMEWORK	30
A. ABD Policies	30
B. National Laws on Involuntary Resettlement and Ethnic Minority	31
C. Reconciliation of Government and ADB policies on Resettlement and ethnic minority 38	
D. Subproject policies	44
VII. ENTITLEMENTS, ASSISTANCE AND BENEFIT.....	46
A. Eligibilities and entitlements	46
B. Entitlement Matrix.....	46
VIII. INCOME RESTORATION PROGRAM.....	50
X. RESETTLEMENT BUDGET AND ASSISTANCE	51
IX. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION	54
A. Provincial level.....	54

B.	District level	55
C.	District Compensation, Assistance and Resettlement Board (CARB)	55
D.	Commune level	56
X.	IMPLEMENTATION SCHEDULE.....	58
XI.	MONITORING AND EVALUATION.....	59

LIST OF TABLE

Table 1:	The subproject summary.....	11
Table 2:	Impacts on household and organizations	14
Table 3:	impacts on crops and trees.....	15
Table 4:	The education level of the household heads and the respondents	19
Table 5:	Results of consultation meeting during updating REMDP	27
Table 6:	Government’s legal documents related to Ethnic Minorities	36
Table 7:	Gap Analysis between Viet Nam Regulations and ADB SPS (2009) and project policy: Involuntary Resettlement and ethnic minority	40
Table 8:	Entitlement Matrix	47
Table 9:	Compensation price for land and assets	51
Table 10:	Estimated cost for compensation, assistance and resettlement.....	52
Table 11:	Implementation Schedule	58

LIST OF FIGURE

Figure 1:	Location of Pac Mieu township on map.....	17
-----------	---	----

EXECUTIVE SUMMARY

1. Introduction:

1. The subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province under the project: Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector in 4 provinces namely Lang Son, Bac Kan, Cao Bang and Ha Giang. This uREMDP is prepared based on the result of detailed measurement survey; socio-economic survey; entitlement content of affected people; positive and negative impacts assessment of social field of the subproject. The report also mentions resettlement plan, livelihood restoration program (if any), resettlement implementation schedule and cost.

2. Scope of impact

2. According to DMS results of CARB of Bao Lam, the subproject will cause permanent impacts on land and assets of 04 households and 01 organization (CPC of Pac Mieu). All 04 affected households are ethnic minority. 02 households are severely AHs (01 household losing from 10% to under 30%; 01 household losing from 30% to under 70%). There are 04 vulnerable HHs in the subproject (04 HHs are poor households).

3. The subproject will permanently acquire totally 9,303.6 m² of various kinds of land belong to 04 HHs and 01 organization. In which, 116.9 m² residential land of 02 households; 32.8 m² of annual crops land belonging to 01 household; 170.8 paddy land of 01 household; 47.8 m² perennial crops land of 01 household; 48.1 m² aquaculture land of 01 household; 8,887.3 m² of public land under management of Pac Mieu CPC (Productive forest land).

4. The subproject shall cause temporary impacts on 21,090m² of public and traffic artery land. The work items causing the temporary impacts on land are pipeline, material sites and worker camps.

3. Legal and policy framework

5. The uREMDP of the subproject has been prepared based on policies and laws of Vietnam Government, regulation of Cao Bang province and ADB's safeguard policy statement (SPS 2009) on Involuntary Resettlement (IR) and Indigenous People (IP). This uREMDP is also in line with the Resettlement and Ethnic Minority Development Framework of the project approved by ADB and Vietnam Government. The overall objective of these – above mentioned policies is to ensure that all people affected by the subproject shall (i) improve or at least restore their living standards to pre-Project levels; (ii) receive appropriate culturally socio-economic benefits; (iii) not be negatively affected by the subproject; (iv) actively participate in project that have impacts on them. The terms and principles in this uREMDP are in accordance with the current regulations of Vietnam. However, in case of any discrepancy, Asian Development Bank's (ADB's) Policy will be followed.

6. An Entitlement Matrix and its applications are provided in this uREMDP. It covers the compensation and types of assistance to the APs who will be acquired their agricultural land/streets; special assistances for the vulnerable affected households. The cut-off date has been established for the construction component of package (it is 08 May, 2021 in Pac Mieu town) and it has been announced to public. All the assets of individuals or households which are created after this date will not be compensated.

4. Grievance redress mechanism (GRM)

7. To ensure that all APs' grievances and complaints on aspects of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner and APs can send their complaints in the most satisfactory and convenient way, a well-defined grievance redress mechanism is established in this uREMDP. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Furthermore, APs will not be ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through 3 stages before they could be elevated to a court of law as a last solution.

5. Information disclosure, Community consultation and participation:

8. Consultations, public meetings, and discussions with APs and local authorities were carried out during the REMDP updating. Project policies and options with regard to compensation and resettlement, and income restoration, potential impacts (land acquisition, impacts on trees and crops, structures), grievance redress mechanism and definition of the cut-off date had been discussed during the meetings. Concerns and suggestions raised by the affected people were elicited and incorporated into the uREMDP.

6. Gender issues, Vulnerable Groups and EMs.

9. Total number of subproject affected households is 04 with 04 vulnerable households. All of them are ethnic minority people. There is no major issues with regard to gender and ethnic minorities in the subproject. They are all direct beneficiaries from the subproject. A gender action plan is prepared for this subproject to address concerns of women in order to improve their social status in the subproject area.

7. Institutional and implementation arrangement

10. Cao Bang Provincial People's Committee as the Executing Agency will allocate a provincial budget and direct its departments and district authorities to implement land acquisition as scheduled. Department of Planning and Investment (DPI) as the project owner is responsible for overall management and coordination of project implementation. A Project Management Unit (PMU) had been established under DPI as Implementing Agency to manage and implement the subproject and ensure that compensation and assistance are administered according to the provisions of this uREMDP. A Compensation, Assistance and Resettlement Board (CARB) with representatives from affected persons (APs), had been established to implement the uREMDP.

8. Implementation schedule

11. This uREMDP will be implemented before commencement of civil works. The detailed activities and schedule in implementing the uREMDP are described in this document. As per implementation schedule, compensation for the affected households by this package will be fully paid before end of June 2021 and site clearance will be completed before end of June 2021.

9. Monitoring and evaluation

12. The subproject is category B in Involuntary Resettlement (IR) and Indigenous Peoples (IP), so it is not required external monitoring experts. During subproject implementation, Cao Bang PMU will conduct internal monitoring and evaluation to ensure the implementation of the uREMDP in compliance with ADB safeguard policy (SPS 2009).

10. Cost estimate of resettlement implementation

13. Total estimated cost of the implementation of uREMDP is VND **309.571.174** (\$13,286). This cost includes the compensation of land acquisition, affected structure and other property as well as the assistance. This cost will be paid from Cao Bang provincial budget.

I: SUBPROJECT DESCRIPTION

A. Overview

1. The Asian Development Bank (ADB) is planning to fund the Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector Project (BIIG1). The objectives of the project are: (i) enhance FNEP connectivity by developing critical transport infrastructure; (ii) improve rural water supply; (iii) improved agricultural and rural infrastructure for value chains in the four provinces and (iv) strengthen the FNEP institutional capacity for subregional investment planning and development management. The Project will help to integrate the FNEP into national and subregional frameworks including the Greater Mekong Subregion (GMS), and the ASEAN Economic Community (AEC). It is consistent with ADB's Country Partnership Strategy (CPS) 2012-2015.
2. Cao Bang province is one of four Northeast provinces under FNEP. The subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province is under the Basic Infrastructure for Inclusive Growth in the Northeastern Provinces Sector Project (BIIG1) – Cao Bang province subproject.

B. Investment

3. According to the basic design, the scope of subproject includes the construction of clean water plant in Pac Mieu township with the capacity of 1,700m³/day and 0.29 ha of total land area. The items of the subproject are:
 - Construction of pumping station: 1 station.
 - Reaction tank with concentrated chamber: 2 tanks.
 - Gravity filter tank: 3 tanks.
 - Clean water tank: 2 tanks.
 - Filter pumping station: 1 station.
 - Chemical house: 1 house.
 - Sedimentation tank: 2 tanks.
 - Substation: 1 substation.
 - Auxiliary works: garage, gate, wall, trees and initial roads.
4. After being completed, the subproject shall provide clean water for 6,698 people, organizations and administrative agencies in Pac Mau township, Bao Lam district for daily activities and production.
5. The subproject will help local people access sanitary and hygienic water source that meets standards of Ministry of Health, which contributes to fulfillment of National Targets on clean water usage rate.
6. The subproject's objectives:
 - Improve environment condition and living quality to the community in the subproject area by providing water for domestic use, production on daily basis to households. The clean water supply system will replace the current water source that did not meet standards of Ministry of Health;
 - Protect people's health, reduce the rate of diseases originated from polluted domestic water source;
 - Raise awareness of public healthcare and environmental sanitation and protection;

- Help to improve socio-economic condition and living standards of local people by supplying water that meets standards.

Table 1: The subproject summary

The subproject name	Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province
Design capacity	1,700m ³ /day
Representative district	Bao Lam
Total district	1
Total township	1: Pac Mieu township
Beneficiaries	6,698 people
Total investment cost	40,302,515,000 VND (equivalent to 1,492,000 USD)

C. Mitigation measures

7. Mitigation measures for the subproject's negative social impacts including selection of optimal road alignment, DMS and consultation of APs and local community in the subproject areas are carried out in compliance with requirements of the ADB and GOV.

8. The construction of pump and water treatment plants is conducted in appropriate areas that cause low impacts on houses and structures of households. Particularly:

- Pump stations and treatment plants are arranged at places that have less impacts on house and structures of local people.
- Water pipelines follow canals, ditches and forest area, or go on the public land area
- Water pipelines should be installed quickly underground.
- Modern construction methods shall be applied to minimize impacts on households during construction.
- Local labor should be recruited to create employments and income, minimize potential social impacts.
- Locations of landfills, material yards, and warehouses of contractors are carefully arranged to mitigate negative impacts caused by debris, materials in the construction process.

9. PMU with the help of CPC leaders will inform affected households the subproject, impact scope is fully and promptly informed local people so that they do not build new structures, grow additional plants in an area affected by the subproject.

10. Local authorities, APs and local people were provided with a Public Information Booklet (PIB) which presents project information and applicable resettlement policies during updating of REMDP.

11. The updated REMDP will be disclosed to local people for consensus and then be submitted to ADB for review and approval. The selection of construction methods, equipment, machinery as well as use of equipment, vehicles, etc. during construction phase will be undertaken and managed by PMU and contractors following existing regulations and fit with local conditions. Additionally, the need for borrow pits in the construction of the proposed civil

works will be minimized and the subproject will, whenever feasible, use materials from excavation in the construction of the subproject works.

12. Contractors, workers and material suppliers during the construction must comply with the subproject and local regulations on security and social orders and do not affect local customs and culture. Contractors and workers will be trained on regulations on security, social safety and gender provided by the project.

13. The construction process is closely monitored by the provincial People's Committee, the People's Committee of the district, the People's Committee of the commune, affected households and supervision consultants, in order to minimize construction waste, gravel and stones that may adversely affect adjacent areas/fields, orchards and local road transport system in the project area.

14. Those affected by the subproject will receive full compensation, support and resettlement prior to land handover. Additionally, the PMU and CARB will ensure compensation will be fully paid to AHs before construction of subproject items.

D. Objectives of Resettlement and Ethnic Minorities Development Plan

15. This uREMDP is prepared to ensure that the subproject will (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring subproject and design alternatives; (iii) enhance, or at least restore the livelihoods of all displaced persons as pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

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

17. This uREMDP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB's SPS (2009) on Involuntary Resettlement and Indigenous Peoples Policies with National and Provincial Government Policies. Concerns for involuntary resettlement will govern subproject design, implementation, and monitoring. It covers:

- Policies and guidelines on procedures for asset acquisition, compensation, resettlement, and strategies will help ensure full restoration of affected household's livelihood and living Standard, including Ethnic minority;
- Impacts by involuntary resettlement and mitigation measures; socio-economic conditions of AHs and subproject area;
- Identification of HHs and communities to be affected by the subproject, compensation and poverty reduction;
- A plan on how AHs will be involved in the various stages of the subproject, including resolution of grievances;
- An estimated budget for uREMDP implementation; and
- Implementation arrangements for stakeholders, monitoring and evaluation of the uREMDP implementation.

18. This updated REMDP is for the subproject: “Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province”. It is prepared based on results of the Detailed Measurement Survey (DMS). Construction activities are only started after compensation, support and resettlement for AHs has been completed.

II: PROJECT IMPACTS

A. Survey process

19. Detailed Measurement Survey (DMS) was conducted in period of May 2021 by the CARB of Bao Lam district based on the detailed engineering design.

20. Replacement cost survey: The PPC of Cao Bang has surveyed and approved the land price list for the period 2020-2024 in Decision No.2336/QĐ-UBND dated 20/12/2019. Accordingly, the unit prices in the above decision will be applied to calculate compensation costs for affected land in this subproject. This unit prices has been consulted with the affected households and all AHs agreed with the application of this unit prices

21. The Social Economic Survey (SES) in the process of updating the REMDP was also conducted in May 2021 by collecting socio-economic information of the affected HHs (including demographic information of the affected people, income, livelihood, ethnicity, educational background and people’s interests), by questionnaires surveying on 04 affected households (including 100% of AHs). During the survey, the secondary data was also collected at 01 affected town of Bao Lam district.

22. In addition to the survey, during updating the REMDP, consultation meeting with all AH were organized in each of the town affected in May 2021.

B. Permanent impacts

23. **Impacts on the households:** According to DMS results of CARB of Bao Lam, the subproject will cause permanent impacts on land and assets of 04 households and 01 organization (CPC of Pac Mieu). In which, 02 households have affected on residential land ; 01 household affected on annual crops land; 01 household affected perennial crops land; 01 household affected paddy land; 01 household affected aquaculture land and public land under management of Pac Mieu CPC (Productive forest land). All 04 affected households are ethnic minority. 02 households lose from 10% or more of their agricultural land in the subproject (01 household losing from 10% to under 30%; 01 household losing from 30% to under 70%). There are 04 vulnerable HHs will be affected in the subproject (04 HHs are poor households). Impacts of the subproject on households and organization/agency are summarized in Table 2.

Table 2: Impacts on household and organizations

No.	Commune	Number of AHs		Number of marginally Ahs	Number of severely AHs		Number of vulnerable groups
		HHs	Organization		Lossing from 10% or o=more of agricultural land	Relocation	

1	Pac Mieu	4	1	2	2	0	4
Total		4	1	2	2	0	4

Source DMS done by CARB of Bao Lam, May 2021.

24. **Impacts on land:** The subproject will permanently acquire totally 9,303.6 m² of various kinds of land belong to 04 HHs and 01 organization. In which, 116.9 m² residential land of 02 households; 32.8 m² of annual crops land belonging to 01 household; 170.8 paddy land of 01 household; 47.8 m² perennial crops land of 01 household; 48.1 m² aquaculture land of 01 household; 8,887.3 m² of public land under management of Pac Mieu CPC (Productive forest land). The DMS results are presented in Table below.

25. **Impacts on houses and structures:** The subproject will not impact on houses and structures.

26. **Impacts on crops and trees:** The subproject will affect 10 fruit trees (01 HH) , 313 timber trees (3 HHs) and 170.8 m² of rice belonging 01 HH. The summary of impacts on crops and trees is presented in the table 3:

Table 3: impacts on crops and trees

No.	Category	Unit	Amount
I	Affected land	m²	9,303.6
1.1	Residential land	m ²	116.9
1.2	Annual crops land	m ²	32.8
1.3	Productive forest land of Pac Mieu CPC	m ²	8,887.3
1.4	Perennial crops land	m ²	47.8
1.5	Paddy land	m ²	170.8
1.6	Aquaculture land	M ²	48.1
II	Affected crops and trees		
3.1	Fruit trees	tree	10
3.2	Timber trees	tree	313
3.3	Paddy	m ²	170.8

Source DMS done by CARB of Bao Lam, May 2021

27. Impacts on natural environment and culture of the community. The subproject will not affect to the natural environment, cultural practice and ancestral domains, temples and pagodas of people living in the project area in general and of the community in particular.

C. Temporary impacts:

28. The subproject shall cause temporary impacts on 21,090m² of public and traffic artery land. The work items causing the temporary impacts on land are pipeline, material sites and worker camps. However, to ensure that the temporary impact is minimized, if not avoided entirely, the construction contract will include the following provisions: (i) the contractor must pay rent for the land needed to serve construction work based on negotiation and consensus of the affected households; (ii) To the extent possible, only use unused land as construction

sites; and (iii) The land used temporarily will be restored or improved to the pre-project implementation status. With the mitigation measures as above, the rest of the temporary impact will be insignificant.

D. Tenure status

29. All of the households affected with land have Land Use Right Certificate.

E. Ethnic minority and vulnerable households

30. As mentioned in Table 2 above, There are 04 vulnerable HHs in the subproject, all of them are poor households and 02 EM HHs are severely AHs.

31. In accordance with REMDF, these vulnerable households will receive minimum allowance of VND 2,000,000/AH with insignificant impact and VND 5,000,000 for severely AH if they are identified as poor household, to improve socioeconomic condition in accordance with PPC's policies on allowance. In addition, any regulations with higher allowance shall be prioritized to be applied.

III: SOCIO-ECONOMIC OVERVIEW IN THE SUBPROJECT AREA

A. Socio-economic condition in the subproject area

- *Natural condition in Pac Mieu township*
32. Pac Mieu township is the center of Bao Lam district. The terrain of the district stretches from the northeast to the southwest. The township is about 173km from Cao Bang city and located adjacent to national highway 34 being important transport system of Cao Bang and Ha Giang provinces. The township is about 80km from Ha Giang city, 110km from Thanh Thuy border gate (Ha Giang province), 60km from Coc Pang border gate (Duc Hanh commune). Boundary of the township is as follows:
- Bordering with Nam Quang and Ly Bon communes of Bao Lam district in the north.
 - Bordering with Vinh Long and Mong An communes of Bao Lam district in the east.
 - Bordering with Mong An and Thai Hoc communes of Bao Lam district and Yen Phong commune of Bac Me district, Ha Giang province in the south.
 - Bordering with Quang Lam and Nam Quang communes of Bao Lam district in the west.

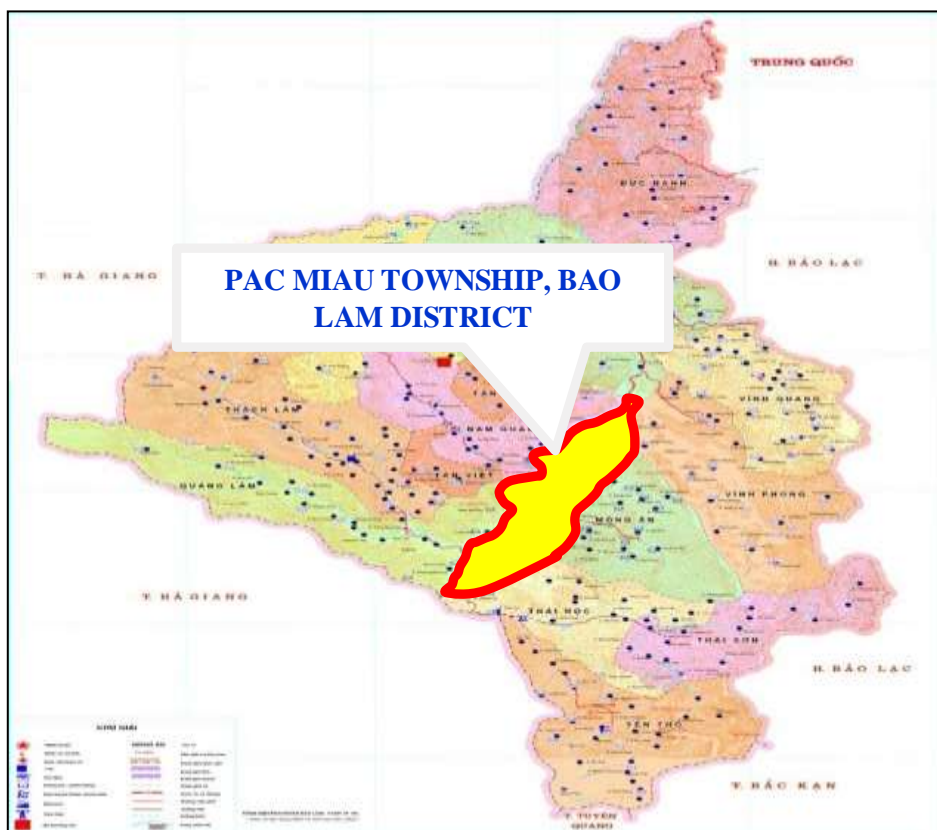


Figure 1. Location of Pac Mieu township on map

B. Socio-economic information of the affected households

33. The following content is the result of socio-economic survey on 04 affected households with 21 members by Consultant in 05/2021.

- *Demographic characteristics*

34. The subproject shall impact 04 households with 21 members. All affected households are in ethnic minorities group (Tay people). There is no large gap of respondents' gender. There are 11 male respondents (52.4%) and 10 female respondents (47.6%). 3 respondents



are in under-18-years-old group (14.3%). The respondents from 18 to 60 years old accounts for 71.4% (15 people). The respondents over 60 years old accounts for 14.3% (3 people). Household size of the households in the subproject area is 3-6 people/HH.

- *Education*

35. The household heads whose land is acquired by the subproject are mainly secondary school education (2/4 household heads); 01 household heads is high school education and 01 household heads is vocational education. The education level of the respondents is mainly secondary education (42.9%), followed by the high school education (19.0%). The education level of the household heads and the respondents is presented in the following table:

Table 4: The education level of the household heads and the respondents

Educations	Household heads		Respondents	
	Frequency	Rate	Frequency	Rate
Not yet gone to school	-	0.0	1	4,8
Illiteracy	-	0.0	1	4,8
Primary school	-	0.0	4	19,0
Secondary school	2	50,0	9	42,9
High school	1	25,0	4	19,0
Collage/university	1	25,0	2	9,5
Total	4	100	21	100

Source: Socio-economic survey of households, 5/2021

- *Career and income of households*

36. 100% surveyed households have main income source from agricultural production (growing pines, tea, rice, corn; raising buffalo, cow, chicken, duck, etc.). Within the farming off-season time, some households' members take extra jobs to earn additional income such as harvesting pine resin and teas. The average income of the affected households is 650,000 Dong/HH/month.

37. *Vulnerable group:*

38. The survey result of vulnerable groups shows that 04 ethnic minorities households are affected by the subproject. All households affected by the subproject are poor household. Thus, the subproject shall have 04 vulnerable households.

- *Hygiene, health and medical services*

39. *Water source:* at present, there is no clean water system in the subproject area. Thus, the majority of households buy the water from township people's committee (the township people's committee pumped the water from the water source to common water tank and sell the water to the households) or use water from water sources in nature.

40. *Hygiene:* The majority of households are aware of the importance of hygienic latrines. 04 households still use the pit latrines due to their low economic condition and storage of manure to make fertilize in agriculture.

41. *Energy:* The energy source for lighting is generally from national grid. 100% of the households use this energy source. The main fuel sources for cooking are firewood (04 households).

42. *Diseases*: people in the subproject area are aware of diseases related to infection and environment pollution, so there are very few patients with malaria and cholera diseases. The survey result about diseases related to clean water and environmental sanitation in the subproject area in 01 months shows that no household has member with diarrhea, cholera, gynecological and skin diseases.

43. *Access to healthcare*: It is quite convenient with the distance from the wards to the commune health facilities of about 2km and about 5km to the district hospital. Private clinics and drugstores also provide improved access to health care for the affected community.

- *Property of affected households*

44. *House*: the affected households own private house. 02 households owns grade-4 house and 2 households still live in simple/thatched houses.

45. *Property*: the households have some utensils for daily life: television (04 households), motorbike (01 household) and telephone (04 households)...

- *Borrowing status and use of borrowed capital*

46. One out of four households apply for a loan at least a bank or a relative. The average loan is 5,000,000 Dong. The purposes for a loan are daily expenditure, disease cure and investment for production.

- *Participation of social network in the subproject area*

47. According to the survey of consultant in the subproject area, socio-political organizations such as: Youth's Organization, Women's Union, Veteran's Union, Elderly's Union, Farmer's Union are the organizations having the large number of members and village structure. The result shows that 04 households at least 1 person participates in these organizations.

- *Culture and social characteristic of ethnic minorities people*

48. Village head is the elderly person with high prestige and important role in overall activities. Each village has its own community house. Community house is often the stilt house structured by wooden walls with a total area of over 100m². Now, modern community house is not made of wood as before, on the contrary, it is constructed by sand and cement (grade 4 house). Each ethnic minority community has its own characteristics, such as costumes, customs and distinct habit. Unlike before, ethnic minority people only wear their traditional costumes on the holidays and the traditional festivals. Festivals and customs of ethnic minority community are now more and more simple with smaller scale than before. Men has a higher role in his family than women in production and decision making.

C. Gender issue

49. According to socio-economic survey in 05/2021, both men and women share housework, farming and looking after child/elderly. However, the women play more important role than the men. They are more equal in family decision-making due to the women play the important role in making decision of daily expenditure in the family. Momentous decisions shall be discussed by both wife and husband.

50. Safe water source is very important for the improvement of health and sanitation for women and children. It means that women and children will need more water for domestic use and personal hygiene practices. Providing enough clean water will mitigate risk of disease caused by water source.

51. The subproject will address the pressing need of women and children in particular and the people in the general on adequate water supply. The subproject will also help enhance the health, sanitation and environmental conditions for women and children for the purpose of poverty reduction and sustainable development. During the design and implementation process of the subproject, it needs to have assistance policy for women and children.

52. Along with the construction of the potable water supply facility, women and children should have opportunities to raise their awareness/knowledge on health and sanitation and disease.

53. The participation of women in decision-making and giving their opinion on implementation of REMDP: Women's Union can participate in implementation and supervision of the implementation of REMDP.

D. Social impact assessment

- *Potential negative impacts:*

54. A social impact assessment (SIA) has been conducted through socio-economic survey and Inventory of loss (DMS) and consultation to identify both positive and negative impacts caused by the subproject, and measures of negative impact mitigation and enhancing subproject benefits to local people. Results of SIA show that land acquisition is insignificant so that it does not much impact on incomes and livelihoods of APs including EMs.

55. Because education level and skill of ethnic minority labor in the subproject's area are limited, they have difficulty in grasp new job opportunities in the area during implementation.

56. During the construction process, workers coming from other regions may cause risks of disease transmission to ethnic minority people, especially women such as sexually transmitted infections like HIV and also social evils like drugs. In addition, the environment pollution such as dust, noise and construction waste may affect people living around the construction sites. the impacts can be mitigated through mitigation measures proposed through EMP. The PMU will monitor the potential social impacts from labor source on the subproject area.

- *Positive impacts:*

57. The subproject will bring a lot of positive effects to local people in general and to EM women in particular. The expected positive impacts are as follows:

- Improve water supply and environment sanitation for ethnic minority and local people in the subproject area in order to avoid the health risk related to water source and environment sanitation and to save the cost of health cure; improve the living condition for local people in the subproject area, especially women and children.
- Create new job opportunities for local people to increase their income, especially poor ethnic minority women and/or vulnerable people in subprojects;

- To provide opportunities to improve the status of women, especially ethnic minority women and enhance their participation in community activities through gender action plan;
 - To contribute to poverty reduction in the subproject's communes.
 - *Mitigation measures*
58. Mitigation measures taken to minimize the negative impacts:
- At all stages of the project, the project staff will disseminate project information to and conduct consultations with ethnic minorities to ensure that EM people get maximum benefit from the subproject outcomes, minimize land acquisition impact and avoid to impact on the structures of the households.
 - During the construction phase, the contractors are encouraged to use local labor (both male and female) to do simple works, implement the regulations of construction sites and train the workers on labor safety and compliance with the law.
 - The contractor should use dust and noise mitigation measures and restore quality of road if construction vehicles cause damage to the road.
 - The local authorities and the contractors should associate with socio-political organizations in conducting the trainings such as: (i) gender and equality; (ii) prevention of HIV/AIDS and social evils and (iii) environment sanitation.
 - The PMU and supervising agencies shall conduct internal and periodic monitoring of labor source.
59. Action plan for ethnic minority people: based on the analysis above, a simple action plan is necessary for affected ethnic minority people to facilitate them participating in the subproject implementation process. The plan will create new opportunities for ethnic minority people, increase income and reduce the burden for them and improve their social position in the subproject's area. Objectives of the plan are as follows:
- The project implementing agency cooperating with local authorities disclose the subproject information to the community of ethnic minorities in order to ensure that ethnic minorities fully understand the policies, entitlement and benefits when the State implement the subproject in the locality. However, the method of propaganda should be considered to ensure the appropriate language for EMs;
 - Land and property of the affected households must be fully inventoried and properly compensated;
 - During construction phase, the contractor must have the workforce management by providing the accommodation for the workers and reporting the number of workers to local authorities. The contractor is responsible for managing the workforce and propagandising in order to the workforce understand and respect the culture and custom of EMs, does not affect to the community relationship, culture and security of EMs in the subproject area;
 - The local authorities should cooperate with social agencies/organizations to train EMs community for raising the awareness of gender equality, community health, HIV/AIDS

prevention and other social evils and avoiding the generating things during the construction phase;

- Local community monitoring board should include the representatives of EMs during construction phase in order to ensure the quality of construction works and create the favorable conditions for construction of contractor;
- The contractor should prioritize local workers, EMs for simple works in the construction sites in order to create the opportunities for the community's jobs and boost the community's income as well as the men and women.

IV: INFORMATION DISSEMINATION AND PUBLIC CONSULTATION

A. Information dissemination

60. In compliance with the ADB requirements, the PMU will assist the DRC in publicly disseminating the final REMDP as approved by the PPC and ADB. The subproject information booklet will be made available in the Vietnamese language and EM language (if needed).

61. Affected households are notified in advance of resettlement activities, including community meetings to disseminate subproject information about the scope of the subproject, work alignment plan, site clearance plan and construction plan. They are also involved in public meetings to discuss (i) detailed measurement, survey results; (ii) lists of eligible APs and their entitlements; (iii) compensation rates; (iv) payment of compensation and other assistance and (v) the grievance redress mechanism.

62. This uREMDP in Vietnamese version shall be disclosed in locality (PMU's office, Pac Mieu township people's committee) before and after being approved by Cao Bang province people's committee and ADB. The uREMDP in English version shall be submitted to ADB in order to be disclosed on ADB's website.

B. Public Consultation and Participation

63. Public consultations and community participation are encouraged in all the project phases, including planning, design, implementation, and monitoring. The objective of the public consultation and participation is to develop and maintain avenues of communication between the subproject, stakeholders and APs to ensure that their views and concerns are incorporated into subproject preparation and implementation with the objectives of reducing or offsetting negative impacts and enhancing benefits from the subproject. The feedback from consultations is very important for the planning process, leading to the formulation of mitigation measures and compensation plans for subproject affected communities, and for environmental mitigation measures. The aims of public consultation and participation are to:

- Provide full and impartial information to affected people about the subproject, its activities, and potential impacts that affect them, and to provide an opportunity for their feedback on the subproject.
- Explore a range of options for minimizing subproject negative impacts, and for those impacts that cannot be avoided, explore the range of options for, and ensure APs participate in the design of mitigation measures.
- Gather information about the needs and priorities of affected people as well as their feedback on proposed resettlement and compensation policies, options and activities.
- Obtain co-operation, participation and feedback of affected persons on activities to be undertaken in resettlement planning and implementation, land and community facilities, and the development and implementation of the livelihood program to affect livelihood restoration and development.
- Provide a mechanism for continued dialogue, raising of concerns and monitoring of implementation.

- Explore options for the co-management of natural resources through participatory approaches aimed at sustainable use and conservation.

64. Method of consultation and participation ensures two-way exchange of information between the community, people and affected groups by a consultation method in accordance with the traditional cultural of the locality, considering gender issues, vulnerability, social justice and the principle of equality .

Consultation and participation during the REMDP preparation and updating

65. During the preparation and updating of REMDP, the public consultation was implemented with all affected households and relevant agencies by conducting the public consultative meetings, in-depth interviews with affected people; and focus group discussions.

66. In December 2018, one public consultations were conducted in the commune of the subproject. The consultations have the participation of representatives of affected households, Communes PC, heads of village and representatives of Farmer Association, Women’s Union, Fatherland Front, and Youth Union. The information that was provided for the affected households and relevant agencies in the meetings includes (i) the components of the project; (ii) scope of impacts of land acquisition; (iii) policies on compensation, assistance and resettlement regulated by the GOV and ADB; (iv) implementation schedule for compensation, assistance and resettlement; and (v) grievance redress mechanism. The results of the consultations were summarized in the original REMDP report.

67. In May 2021 after the DMS completed, the second round of consultation meetings was conducted in Pac Mieu town. The consultant meeting was attended by 04 AHs and representatives of local authorities and mass organizations of the commune. The information was consulted, included:

- The scope of impacts on land and assets upon land as well as the impacts on income and livelihoods following the DMS result of the package and the mitigation measures considered.
- Detailed information on subproject’s policies, AHs eligible for compensation and resettlement assistance.
- The DMS, sub-project impact, eligibility with particular reference to the cut-off dates for this sub-project, grievance redress mechanism;
- Mechanisms of payment and grievance redress.
- Consulting on the compensation cost, compensation payments and other entitlements of AHs as well as the additional assistance and allowances to the severely affected households, affected vulnerable group;
- Implementation schedule for compensation, assistance and resettlement;

68. Minutes of Consultation Meeting as well as the list of Participants in Appendix 1. Summaries of opinions, suggestions and concerns of affected households and relevant agencies are presented in the table as follows:

Table 5: Results of consultation meeting during updating REMDP

Key findings/recommendations
<ul style="list-style-type: none"> - The local government and people support the implementation of the subproject in the locality and agree to coordinate in the survey and measurement of land and affected assets. - APs agreed with compensation policy of the subproject and compensation unit price issued by the PPC for subproject that reflects replacement cost; - Affected households agreed with the unit prices applied based on Decision No.2336/2019/QD-UBND dated December 20, 2019 of the People's Committee of Cao Bang province. - The impacts of the subproject are negligible. - The subproject has no negative impacts on women and ethnic minorities. Thus, all affected HHs agreed to receive compensation and assistance in cash in accordance with the subproject's policy; - Affected households agreed to cooperate with Community Supervisor Board (CSB) during the construction; - Construction Contractors are required to restore the site to its original status after construction; - In the construction period, if any unanticipated impacts happen, AHs will be received support and compensation in line with resettlement policy of project. - Construction activities must be implemented quickly and be consistent with the schedule as the SP is planned for a long period of time and the local people want it to be completed as soon as possible. - Clean water works should be maintained, maintained and protected after being put into use. - It needs to have strict coordination of PMU Cao Bang and contractor with local authority to ensure security as well as environment during the construction process . - The PMU will request the Contractors to restore the site as its original status and also construction activities will implement in compliance with the approved EMP. The PMU will ask the construction contractor to give priority to hiring affected persons and local people to perform appropriate jobs during construction.

Consultation and Participation during Implementation of REMDP.

69. During the uREMDP implementation, the PMU, in cooperation with the CARB of Bao Lam district and the one CPC, is responsible to keep all AHs/APs and beneficiaries informed through various media, including workshops and public meetings on issues related to the subproject implementation. During these activities, participants will be encouraged to give feedbacks/comments on the subproject's technical specifications, on its impacts and on the different alternatives to address the impacts as well as on the expected resettlement and compensation options.

70. The local people will have the right to monitor and provide their feedbacks on the construction of the sub-project and the implementation of the uREMDP. Representatives of AHs and beneficiaries may join the Commune Supervisory Board (CSB) to perform

participatory monitoring of the subproject implementation process. They can articulate their grievances if they discover any inappropriate/illegal actions of contractors and sub-contractors in compliance to the subproject's grievance redress mechanism presented in the following section.

V: GRIEVANCE REDRESS MECHANISM

71. In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well- defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Furthermore, APs will not be ordered to pay any fee from all administrative and legal fees that might be incurred in the resolution of grievance and complaints at any level of trial and court. Grievances redress mechanism of the project will be followed Law on complaint No. 02/2011/QH13 and regulation on grievance at Government Decree 75/2012/NB-CP dated 20/11/2012. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort.

72. **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.

73. **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.

74. **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.

75. **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.

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

77. All affected households can submit the grievance by document to the ADB's office in Hanoi. If the affected households find the ADB office's answers not satisfactory, the affected households can be provided the ADB's accountability mechanism at the website address: <https://www.adb.org/site/accountability-mechanism/main>.

78. The grievance address mechanism has provide the affected households with the process of Resettlement and Ethnic Minority Development Plan preparation and shall continue to disclose to the local people during the implementation phase of resettlement in order to ensure that the local people understand the process. The PMU/Land Fund Development Center of the district and the resettlement specialists are responsible for complying with grievance address process.

VI. LEGAL AND POLICY FRAMEWORK

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

A. ABD Policies

80. ***Involuntary Resettlement (IR)***: The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize the adverse impacts on people, HHs, businesses and others in the implementation of development project. Where resettlement is not avoidable, the involuntary resettlement must be minimized by exploring project and design alternatives, and enhance or at least restore the living standards of the affected persons to at least their pre-project levels. The SPS June 2009 also stresses on a new objective of improving the standards of living of the displaced poor and other vulnerable groups. The policy applies to full or partial, permanent or temporary physical and economic displacement resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition those results in displacement.

81. ***Indigenous Peoples (IP)***: The main objectives of ADB's IP safeguards policy under the SPS 2009¹ are to: (i) avoid adverse impacts of projects on the environment and affected persons, where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected persons when avoidance is not possible; and (iii) assist in strengthening country safeguard systems and develop the capacity to manage environmental and social risks. The policy is triggered if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of EMs or affects the territories or natural or cultural resources that EMs own, use, occupy, or claim as their ancestral domain. Should ADB projects affect EMs, a set of general policy requirements are observed to maintain, sustain, and preserve their cultural identities, practices, and habitats (SR-3 of SPS 2009). A set of special requirements are in place should projects be (i) within ancestral domains and lands and related natural resources, (ii) commercial development of cultural resources and knowledge of EMs; (iii) physical displacement from traditional or customary lands; and (iv) commercial development of natural resources within customary lands under use that would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of EMs.

¹Safeguard Policy Statement, 2009

B. National Laws on Involuntary Resettlement and Indigenous Peoples

82. *Compensation, Assistance and Resettlement:* The Constitution of the Socialist Republic of Viet Nam (2013) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement.

Reference	Date	Title	Description
No. 45/2013/QH13	29/11/2013	Land Law	Comprehensive land administration Law
No. 47/2014/NĐ-CP	15/5/2014	Decree: Regulations on Compensation, Support and Resettlement upon Land Expropriation by the State	Specifies provisions for compensation and resettlement assistance
No. 37/2014/TT-BTNMT	30/06/2014	Circular on detailed regulations on compensation, support, and resettlement upon land expropriation by the State	Guides Decree No. 47/2014/NĐ-CP
No. 44/2014/NĐ-CP	15/5/2014	Decree: Regulations on Land Prices	Specifies methods for land pricing and land price frameworks
No. 43/2014/NĐ-CP	15/5/2014	Decree Detailing a Number of Articles of the Land Law	Provides guidelines on the implementation of the Land Law
No. 23/2014/TT-BTNMT	19/05/2014	Circular regulating Land Use Right Certificate (LURC)	Clarifies ownership rights of land and assets
No. 36/2014/TT-BTNMT	30/06/2014	Circular on land pricing	Guides Decree 44
No. 494/NQ-UBTVQH13	18/05/2012	Resolution	Resolution of the National Assembly Standing

*Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject:
Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province*

Reference	Date	Title	Description
			Committee implementation of policies and legislation on people with meritorious service records
No. 02/2011/QH13	11/11/2011	Complaints Law	Regulates handling of complaints against administrative decisions or acts of state administrative agencies
No. 75/2012/NĐ-CP	03/10/2012	Decree detailing a number of articles of the Law on complaints	Guides Complaint Law 02
No. 22/2013/QĐ-TTg	26/4/2013	Decision	Decision of the Prime Minister on supporting people with meritorious services records in housing
No. 132/2018/ND-CP	1/10/2018	Decree: Amendment of Decree 16/2016/ND-CP for the Management and Use of ODA funds	Specification changes for Decree 16 roles with increased requirement for capital expenditure ceilings and the role of the Project owner
No. 12/2016/TT-BKHDT	08/08/2016	Circular: Guides Decree 16/2016/ND-CP.	Regulations on some article of Decree 16/2016/ND-CP.
No. 16/2016/ND-CP	16/03/2016	Decree: Management and Use of ODA Funds	Describes the systems and requirement for the eligibility and use of ODA, responsibilities

*Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject:
Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province*

Reference	Date	Title	Description
			for the management of ODA funds.
No. 01/2017/NĐ-CP	06/01/2017	Decree: Amendment decree on the implementation Land Law	This decree amends some provision of Decree No. 43/2014/NĐ-CP ; Decree No. 44/2014/NĐ-CP and Decree No. 47/2014/NĐ-CP dated May 15, 2014
No. 33/2017/TT-BTNMT	29/09/2017	Circular on detailed regulations Decree No. 01/2017/NĐ-CP	Guides Decree No. 01/2017/NĐ-CP
No. 63/2015/QĐ-TTg	10/12/2015	Decision of the Prime Minister: Regulates policy on Assistance in vocational training and job seeking	This Decision regulates policy on Assistance in vocational training and job seeking for people who have land is recovered
No. 06/2020/ND-CP	03/01/2020	Decree: Amendment of Decree 47/2014/ND-CP dated 15/5/2014	This Decree amend Article 17 of Decree 47/2014/ND-CP dated 15/5/2014 of the Government providing for compensation, support and resettlement when the State recovers land
No: 13342/VPCP-QHQT	14/12/2017	Documentary of the Office of the Government	This Document approve of Policy Framework for Compensation, Support, Resettlement

Reference	Date	Title	Description
			and Ethnic Minority Development of the BII G1 project.

83. The decisions of Cao Bang province people’s committee on land recovery and resettlement include:

- Cao Bang PPC’s Decision No.42/2020/QĐ-UBND dated 08/07/2020 on issuing regulations on compensation, support, and resettlement upon land expropriation by the state in Cao Bang province;
- Cao Bang PPC’s Decision No.16/2014/QĐ-UBND dated 24/06/2014 price list of houses and construction works on land for calculation of compensation upon land expropriation by the state in Cao Bang province;
- Cao Bang PPC’s Decision No.19/2015/QĐ-UBND dated 15/07/2015 regulations on trees and crops prices upon land expropriation by the state in Cao Bang province;
- Cao Bang PPC’s Decision No.47/2018/QĐ-UBND dated 28/12/2018 Regulation land adjustment coefficient applied in Cao Bang province (in 2019);
- Decision No. 2336/2019 / QĐ-UBND dated December 20, 2019 by People's Committee of Cao Bang on issuing the land price list in Cao Bang province for the period of 2020-2024.

84. *Ethnic Minorities:* The Constitution of the Socialist Republic of Viet Nam (2013) confirms the justice of the ethnic groups in Vietnam. Article 5 of the Constitution 2013 clearly indicates that (i) the State of Vietnam is the united state of the various ethnic communities co-habiting on the territory of Vietnam; (ii) All EMs are equality, solidarity, respect and mutual assistance among all nationalities, and forbids all acts of national discrimination and division; (iii) National language is Vietnamese, every ethnic community has the right to use its own language and system of writing, to preserve its national identity, and to promote its fine customs, habits, traditions and culture; and (iv) the State applies a policy of comprehensive development and give good conditions for EMs to promote their internal force for the country development.

85. Vietnam's Socio-Economic Development Plans and Socio-Economic Development Strategy pay special attention to ethnic minorities. The main programs related to ethnic minorities was promulgated. Two of the most important policies are the Program 135 (on the assistance of infrastructure investment, production development for poor communes, border communes, communes in safety area, poor villages) and Program 134 (on the assistance of productive land, houses, residential land and domestic water for poor ethnic minority households).

86. Government of Vietnam has formulated the policies for socio-economic development for ethnic minority group in remote area. After the 134 and 135 programs (phase 1 and phase 2), the Government has developed the program 135 – phase 3 for creating the opportunity for socio-economic development of poor villages and communes in the mountainous areas in which the ethnic minority groups live. In addition to general development program for ethnic

minorities, the Government assigns Ethnic Committee to guide the provinces to implement the development assistance schemes for ethnic groups with less than 1,000 people, including Si La, Pu Peo, Ro Mam and Brau Hoi Du. The Government also develop a poverty reduction program – poverty reduction program in 61 poor districts in which the ethnic minority groups live.

87. Several decrees, circulars and decisions regarding the ethnic minorities have been promulgated. Decree No.05/2011/ND-CP dated 14/01/2011 on provides activities in ethnic minorities work in order to assure and promote equality, solidarity, mutual assistance for development, respect for and preservation of cultural identities of ethnic minority groups living in the territory of the Socialist Republic of Vietnam. According to this decree, the proposed projects impact land, environment or daily life of ethnic minority groups should disclose the relevant information and the public consultation must be conducted with the representatives of local authorities in order to ensure the expected outcomes of the investment fields (improved living condition is on basis in accordance with culture of ethnic minority groups, Article 9).

88. The Government promulgated the Decree No.13/2017/ND-CP dated 12/10/2017 on defining the functions, tasks, powers and organizational structure of the committee for ethnic minority affairs. The decree regulates that the Committee for Ethnic Minority Affairs is a ministerial-level agency of the Government which performs the state management of ethnic minority affairs nationwide and of public services under its management in accordance with law. Decree No.05/2011/ND-CP dated 14/01/2011 on ethnic minorities works and Decree No. 13/2017/ND-CP was promulgated as a legal basis for Ethnic Minority Affairs to implement the State's policies on ethnic minorities during industrialization and modernization period; promote the strength of ethnic union for the target of rich people, strong country, fair, democratic and civilized society; to ensure and promote the equality, union, respect and mutual assistance for developing and preserving the culture of ethnic groups.

89. The regulations of the Government on the civilize basis and the participating of the local people directly related to this REMPF include: Ordinance No.34/2007/PL-UBTVQH11 dated 20/04/2007 (replacement of Decree No.79/2003/ND-CP dated 07/07/2003) on exercise of democracy in communes, wards and townships being the basis of the community's participation in the community's plan preparation and supervision in Vietnam; the Prime Minister's Decision No.80/2005/QD-TTg dated 18/04/2005 on investment supervision regulations of community.

90. In 1995, Ethnic Minority Affairs has established a legal framework regarding external assistance for ethnic minority development. This legal framework leads to a strategy for the ethnic minority development in the Government's targets of stable and sustainable growth and poverty reduction. The main points of this policy framework are: a) to combat of poverty; b) to encourage the positive participation of ethnic minority groups; d) to manage the natural and human resources sustainably; and e) to ensure the mutual respect and responsibilities of stakeholders. In the provinces with a significant number of ethnic minority board under the provincial ethnic minority affairs. The functions of ethnic minority affairs are to develop the regulations of ethnic minorities development program, to play a role of coordinator among the

stakeholders and to cooperate with international organizations within the competence in accordance with law.

91. Legal framework was updated in 2016. All documents regarding the ethnic minorities are as follows:

Table 6: Government’s legal documents related to Ethnic Minorities

Year	Documents
2018	Decision No. 12/2018/QĐ-TTg dated March 6, 2018 of PM about criteria to select and recognize reputational people and policy for the reputational people on EMs
2018	Decision No. 474 / QĐ-UBND dated 2018 on the Ethnic Minority Policy Review Program for the period 2016-2020, policy orientations for the period 2021-2025 promulgated by the Minister-Chairman of the National Committee for Ethnic Minorities.
2017	Decree No.13/2017/ND-CP dated February 10, 2017 defining the functions, tasks, powers and organizational structure of the Committee for Ethnic Minority Affairs
2017	Decision No. 1163 / QĐ-TTg of August 8, 2017 approving the project "Promote law dissemination and education and advocacy for ethnic minority and mountainous areas in 2017-2021 period
2017	Circular No. 02/2017/TT-UBND by CEMA to instruct the implementation of Decision No. 2085/QĐ-TTg dated October 31, 2016 of PM
2016	Decision No.2086/QĐ-TTg dated 31/10/2016 on the approval of the project of economic - social development for ethnic minorities with sparse population from 2016 to 2025
2016	Decision No.2085/QĐ-TTg dated 31/10/2016 on promulgating the specific policy of socio-economic development assistance in the ethnic minorities area and mountainous area in 2017-2020 period.
2016	Decision No.12/2016/QĐ-TTg dated 11/03/2016 (on continuing to implement the Decision No.30/2012/QĐ-TTg dated 18/07/2012 on criteria to identify special difficult villages and communes in ethnic minority and mountainous areas for the 2012 - 2015 period) and Decision No.1049/QĐ-TTg dated 26/06/2014 (Issue a list of administrative units in special difficult areas).
2015	Decision No.1557/QĐ-TTg dated 10/9/2015 approving certain criteria on implementation of MDGs for ethnic minorities in association with national post-2015 sustainable development goals.
2014	Decision No. 456/QĐ-UBND dated 7/11/2014 on issuing the implementation plan of capacity building and state management effectiveness about ethnic works.
2014	Directive No.28/CT-TTg dated 10/08/2014 on improving the state management effectiveness about ethnic works.

*Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject:
Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province*

2013	Joint Circular No.05/2013-TTLT-UBND-NNPTNT-KHĐT-TC-XD dated 18/11/2013 on guiding program 135 of infrastructure investment and production development for special difficulty-hit communes, border communes, communes in the safety area and special difficult villages.
2013	Decision No.2214/QĐ-TTg dated 14/11/2013 of the Prime Minister on approving scheme of international cooperation and socio-economic development in the ethnic minorities area.
2013	Decision No.551/QĐ-TTg dated 4/4/2013 of the Prime Minister on approval of Program 135 of infrastructure investment and production development for special difficulty-hit communes, border communes, communes in the safety area and special difficult villages.
2012	Decision No.42/2012/QĐ-TTg dated 08/10/2012 on giving support to units, organizations using employees who are ethnic minority people in the mountainous regions, especially difficult areas.
2012	Joint Circular No. 01/2012/TTLT-BTP-UBND of the Ministry of Justice and the Committee of Ethnic Minorities, on guiding implementation of legal assistance for EMs
2010	Decision No.2123/QĐ-TTg dated 22/11/2010 of the Prime Minister approving the scheme on education development for very small ethnic minorities in the 2010-2015 period.
2010	Decree No.82/2010/NĐ-CP dated 15/07/2010 on regulations of the teaching and learning of spoken and written languages of ethnic minorities in general education establishments and continuing education centers.
2009	Decision No.61/QĐ-UBND dated 12/03/2009 on confirming the communes and districts in the mountainous area due to adjustment of administrative boundaries.
2008	Resolution No.30A/2008/NQ-CP dated 27/12/2008 on the support program for fast and sustainable poverty reduction in 61 poor districts.
2008	Decision No.1366/QĐ-TTg dated 25/09/2008 of the Prime Minister on amending and supplementing the Decision No. 289/QĐ-TTg dated 18/03/2008 on issuing several assistant policies for ethnic minorities, policy households, poor households, near poor households and fisherman.

C. Reconciliation of Government and ADB policies on Involuntary Resettlement and Indigenous Peoples

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

93. With regard to policy on indigenous peoples, a key difference is in the definition of Indigenous Peoples. In Viet Nam, the term "ethnic minorities" is used rather than "indigenous people" to refer to all the 53 ethnic groups other than the majority Kinh (Viet) ethnic group. In

the case of development projects, there is no specific requirement under Viet Nam legislation concerning ethnic minorities particularly for: preparation of an indigenous peoples' plan (IPP) to address adverse impacts on ethnic minorities and maximize positive impacts.

94. There is agreement between Vietnam's laws and ADB's Resettlement Policy especially with regard to the entitlement of persons with legal rights/titles. The existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation, assistance for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance to livelihood restoration and training; and (vii) notification/disclosure, consultation and grievance mechanisms.

95. Another different point is that the ADB's policy does not consider the absence of legal rights of DPs on the acquired land as an impediment to receiving compensation for non-land assets and for resettlement assistance. An analysis of gaps between the policy principles set out in the ADB-SPS for Resettlement and Vietnam's resettlement legislation, including measures to address the differences, are outlined in the table below. However, importantly, the Land Law specifically provides for adherence to the frameworks and policies of international funding organizations supporting the projects. Article 87 of the land law states that, for projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply.

96. The following table provides a gap analysis of ADB's Policy (SPS 2009) and Government's policy on involuntary resettlement and ethnic minority, and measures for filling gaps applied for the subproject.

Table 7: Gap Analysis between Viet Nam Regulations and ADB SPS (2009) and project policy: Involuntary Resettlement and Indegenous Peoples

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Identification of severely impacted APs who lose productive land	Involuntary resettlement impacts deemed significant if 200 or more persons will be physically displaced from home or lose 10% or more of their productive or income-generating assets ADB Safeguard category definitions: https://www.adb.org/site/safeguards/safeguard-categories	APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures. <i>Decree 47/2014/ND-CP, Article 19, Item 3:</i>	HHS to be deemed severely affected if they are to experience loss of 10% or more of productive assets and/or physical displacement
Meaningful consultations in planning and implementing resettlement programs	Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase. <i>SPS Involuntary Resettlement Safeguards Policy Principle 2</i>	Public consultation is required for the preparation of district land use plans (Land Law article 43). Notification of between 90-180 to be given to affected land users (Land Law Article 67) On approval of compensation arrangements, detailed information on arrangements to be provided to affected persons, and provision for involvement of the Fatherland Association to mediate in case of disagreements/grievances. (Land Law Article 69)	Conducting meaningful consultations with affected persons, mass organizations and civic organizations as part of REMDP preparation throughout project cycle.
Compensation (general)	Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement	Provision for cash at or replacement land of the same land use purpose (Land Law Article 74). Provision for valuation by licensed	Land and non land assets will be compensated at replacement costs. APs are to be consulted in determining arrangements whereby they receive relocation

Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province

	<p>of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 3</i></p>	<p>valuers (Land Law Articles 114 to 116 and Decree 44/2014/ND-CP).</p> <p>Provision with compensation for cost moving (Land Law Article 91).</p> <p>Provision of interest for compensation in case of late payment (Land Law Article 93).</p>	<p>assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.</p>
<p>Determination of compensation rates for houses and structures</p>	<p>The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs with no deduction of salvageable materials. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments</p> <p><i>SPS Appendix 2: Safeguard Requirements for Involuntary Resettlement</i></p>	<p>Houses/structures used for living purpose will be compensated at replacement cost.</p> <p>(Land Law 2013, Article 89, item 1)</p> <p>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. (Decree 47, article 9)</p>	<p>Full compensation at replacement cost to be paid for all structures. No deductions for salvageable materials or depreciation to be made.</p>
<p>Transparency, consistency and equitability in negotiated settlements</p>	<p>Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 6</i></p>	<p>No regulation</p>	<p>Rents and conditions for temporary use of land or assets will be negotiated with land users. Restoration will be to equal or better condition.</p>
<p>Provisions for APs who do not have LURCs</p>	<p>Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 7</i></p>	<p>For displaced households who are not eligible for compensation with residential land, but have no other place to live in project commune, provision is made for the State to sell, lease, provide rent-to-own houses or to</p>	<p>All affected persons to be entitled to compensation in line with ADB policy and government policy depending whichever is higher .</p>

Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province

		allocate land with levy collection (Land Law Article 79). The Land Law (Article 92) permits recovery of land without compensation for lost assets in some cases.	
Prepare Resettlement Plan	Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. <i>SPS Involuntary Resettlement Safeguards Policy Principle 8</i>	Requirement for preparation of plans for compensation, support and resettlement. (Land Law Article 67) according to prescribed procedures (Article 69). Contents of plans provided in Decree No. 47/2014/ND-CP, Article 28.	REMDPs to be prepared for each subproject
Disclosure of draft resettlement plan	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders. <i>SPS Involuntary Resettlement Safeguards Policy Principle 9</i>	Full disclosure of detailed arrangements and compensation plans to affected persons. (Land Law Article 69)	Disclose draft REMDPs for each subproject, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected persons, and other stakeholders.
Ethnic Minorities			
Action planning	Prepare an EM Development Plan (EMDP) that is based on the social impact assessment and meaningful consultation with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected EM communities.	No provision of the government on preparation of EMDP	The EMDP shall be prepared and updated, implemented and monitored.
Recognition of customary rights	Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories	The issues of customary rights or ancestral domains have not been fully recognized through LURC.	Full consultation with local EMs will be made to define areas with customary rights and to reflect the issues in an updated EMDP with

Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province

	that EMs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.		particular actions to protect or compensate the areas.
Third-party validation of consultation related to land donations	The borrower is required to engage an independent third party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	Not required.	In case of land donations involving marginal portions of land, the third party consultant will witness 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.
Monitoring	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	No monitoring indicators indicated	The IA 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.

D. Subproject policies

97. Based on the gap analysis between Vietnam Regulations and ADB SPS (2009) and Government's policies, following policies are applied for the subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province:

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options;
- (ii) All subprojects will be screened in terms of impacts related to involuntary resettlement. Safeguards due diligence for existing facilities and previous resettlement activities conducted in anticipation of the Project will also be conducted and corrective action will be prepared in case of non-compliance;
- (iii) Compensation and assistance will be based on the principle of replacement cost at the time of acquisition;
- (iv) Severely affected household (SAH) status applies when they are losing 10% or more of the household's productive land or other assets (generating income) or are physically displaced from housing;
- (v) Affected people (APs) without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost;
- (vi) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to AHs;
- (vii) Meaningful consultation will be carried out with the AHs and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the AHs and communities will be taken into account;
- (viii) The REMDP will be disclosed to AHs in a form and language(s) understandable to affected persons prior to submission to ADB. The REMDPs will be disclosed on the ADB's website;
- (ix) Resettlement identification, planning and management will ensure that gender concerns are incorporated;
- (x) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line;
- (xi) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical;
- (xii) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project;

- (xiii) Resettlement transition stage should be minimized. Restoration measures will be provided to AHs before the expected starting date of construction in the specific location;
- (xiv) Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the project provinces;
- (xv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of resettlement and ethnic minority development plan should be carried out by the PMUs. Monitoring reports will be disclosed on the ADB website;
- (xvi) Cao Bang PMU will not issue notice of possession to contractors until they have official advice in writing that (i) payment has been fully disbursed to the AHs and rehabilitation measures are in place (ii) already-compensated, assisted AHs have cleared the area in a timely manner; and (iii) the area is free from any encumbrances;
- (xvii) The Cut-off date is the date of notification on land recovery for the subproject by the competent State agency. The notification is sent to every land user whose land is recovered, publicized in meetings with APs and posted at the offices of the commune-level PCs and common public places;
- (xviii) All subprojects will be screened for presence of ethnic minorities in the subproject area and impacts on ethnic minorities (EMs). Subprojects with significant adverse impacts on EMs will be excluded;
- (xix) Local patriarchs will be engaged in the conduct of consultations for the preparation of the subproject. In case there are potential adverse impacts (including minor land acquisition), an REMDP will be prepared. For subproject with only positive impacts on ethnic minorities, the subproject preparation and implementation will include measures for ensuring their participation and inclusion in subproject benefits as elaborated in the Project Administration Manual.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFIT

A. Eligibilities and entitlements

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

99. All APs who satisfy the cut-off date for eligibility are entitled to compensation for their affected assets (land, structures, trees and crops), and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off-date for this subproject in commune is 8 May 2021.

B. Entitlement Matrix

100. The summary of entitlements applied to the Subproject is presented in the following Table.

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

Table 8: Entitlement Matrix

Entitled persons	Type and level of impact	Compensation policy	Implementation issues
A. AGRICULTURAL LAND			
A.1 Permanently affected agricultural land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Losing less than 10 percent of total productive landholding (01 HH with 47.8 m2)	a/ Cash compensation at replacement cost for affected land and at market price for standing crops and trees; and b/ Job training/creation assistance by cash equivalent to: (a) 2.5 times of the price of agricultural land of the same type in the land price table issued by PPC, if the affected land is paddy land, annual crop land, perennial tree land, aquaculture land and other agricultural land.	AHs will be noticed about land acquisition at least 90 days before and fully receiving the compensation at replacement cost before site clearing at least 01 (one) month. If the remaining area of the land plot is no longer economically viable (too small, the shape is difficult for cultivation) and if the owner requests, the entire plot shall be acquired and compensated by replacement cost. If the household head is married, land title will be issued in the names of both the husband and the wife. LURC shall be adjusted at no cost for the owner.
	Losing 10 percent or more of total productive landholding. (02 HHs with 250.8 m2)	a/ Cash compensation at replacement cost for affected land and at market price for standing crops and trees; and b/ Job training/creation assistance by cash equivalent to: (a) 2.5 times of the price of agricultural land of the same type in the land price table issued by PPC, if the affected land is paddy land, annual crop land, perennial tree land, aquaculture land and other agricultural land; c/ Economic rehabilitation package (see D, below).	
	Productive forest land under management of Pac Mieu CPC. (8,887.3 m2)	a/ No compensation for affected land but support equivalent with not exceeding 100% of compensation value of the affected land; and	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune
A.2 Temporarily affected agricultural land			
	Public land under CPC management (21,090 m2)	a/ No compensation for land; b/ Restore of land before returning to the CPCs to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month before returning land.	The construction contractor will reach an agreement with the CPCs during the implementation process.
B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND			
B.1. Permanently Affected Residential Land and/or Non-Agricultural Land			

Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province

Entitled persons	Type and level of impact	Compensation policy	Implementation issues
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding without houses and structures built thereon (02 HHs with 116.9 m2)	Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota in the locality	- AHs will be noticed about land acquisition at least 90 days before and fully receive the compensation at replacement cost before site clearing at least 01 (one) month.
C. COMPENSATION FOR AFFECTED CROPS AND TREES			
Owners of crops and/or trees	Loss of annual crops (01 HH with 170.8 m2)	If standing crops are ripening and cannot be harvested, cash compensation of unharvested crops at market values based on the average production over past 3 years. No compensation for crops if harvested.	A minimum of 3 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights. Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years.
	Loss of trees (04 HHs with 413 trees)	Cash compensation at current market prices given the type, age and productive value of the affected trees.	The compensation must equal to the value of relevant crops that would be harvested. Calculation of compensation for other trees is based on their ages and diameters. APs have the right to use salvageable trees.
D. PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE			
D.1. Economic Rehabilitation Assistance			
All affected household lost their agricultural land	Job training/Creation allowance. (04 HHs)	b/ Job training/creation assistance by cash equivalent to: (a) 2.5 times of the price of agricultural land of the same type in the land price table issued by PPC, if the affected land is paddy land, annual crop land, perennial tree land, aquaculture land and other agricultural land; b/ If AP requests for training, they will be entitled to a free training course.	AHs will fully receive assistances prior to conducting site clearance.
Severely affected DPs (displaced from housing or losing 10% or more of their	AHs lost from 10% to under 30% of agricultural land and no relocation. (01 HH)	a/ Assistance for life and production stabilization by cash equal to 30 kg of rice/person/month for all family members for 03 months; AND b/ Entitled to participate in Income Restoration Program (IRP).	Price of rice is the market price at the time of compensation. If necessary, an income Restoration Programs will be designed during project

Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province

Entitled persons	Type and level of impact	Compensation policy	Implementation issues
productive, income generating asset irrespective of tenure status	AHs lost from 30% to under 70% of agricultural land and no relocation. (01 HH)	a/ Assistance for life and production stabilization by cash equal to 30 kg of rice/person/month for all family members for 06 months; AND b/ Entitled to participate in Income Restoration Program (IRP).	implementation with the assistance of an agency specialized in livelihoods/labor or vocational assistance and with the active involvement of the Ahs. Forms of assistance may include, but are not limited to agricultural extension assistance and training for non-agricultural occupations. AHs will fully receive assistances prior to conducting site clearance.
<i>D.2. Special allowance for social and economically vulnerable households</i>			
Vulnerable households	Female headed households with dependents . (04 HHs)	a/ Assistance by cash: Poor households: it is proposed minimum assistance of VND 2,000,000 for insignificantly affected household; VND 5,000,000 for adversely affected households. b/ Entitled to participate in Income Restoration Program (IRP)	The assistance will be paid to affected households by the time of conducting compensation payment and before conducting site clearance.

VIII. INCOME RESTORATION PROGRAM

102. According to the DMS results of CARB of Bao Lam district, out of 04 affected households, there are 02 severely HHs. Total number of vulnerable households is 04. This is also the total number of AHs that are eligible households to take part of the income restoration program in the subproject.

103. In addition to being compensated at replacement cost for affected land and assets, some supporting activities to be implemented for the severely households and vulnerable households affected by this subproject are as follows:

Additional assistances in cash to severely households:

104. According to subproject policy, in addition to the compensation for the affected land and non-land assets, in case the affected households are classified as severely households, they will received allowances as follow:

105. AHs lost from 10% to under 30% of agricultural land: Assistance for life and production stabilization by cash equal to 30 kg of rice/person/month for all family members for 03 months. It means that each member of AH will receive a rehabilitation allowance equal to the amount of VND 1,080,000. AHs lost from 30% to under 70% of agricultural land: Assistance for life and production stabilization by cash equal to 30 kg of rice/person/month for all family members for 06 months. It means that each member of AH will receive a rehabilitation allowance equal to the amount of VND 2,160,000. In addition AHs will be provided job training/creation assistance equivalent by cash 2.5 times of the price of agricultural land.

Additional assistances in cash to vulnerable groups:

106. According to subproject policy, in addition to the compensation for the affected land and non-land assets, in case the affected households are classified as poor household by Molisa's regulations additional support will be provided to AHs in cash: Poor households: it is proposed minimum assistance of VND 2,000,000 for insignificantly affected household; VND 5,000,000 for adversely affected households.

Analysis of demands and income restoration program

107. The SES and consultation meeting results showed that none of them have the desire to participate in vocational training programs. Only 04 people without stable jobs and wishing to find seasonally work in the subproject. The jobs that they want to work are excavation and transportation of construction materials during construction.

Proposed support program:

108. For 04 people who want to find seasonality jobs, Cao Bang PMU will request the contractors for this subproject must prioritize the recruitment of local labor that meets the skill requirements of the civil works. If affected persons want to work for the subproject, they can directly apply for jobs with contractors or through the PMU which will transfer their name to the contractors. The PMU will negotiate with construction contractors to provide appropriate employment for APs in need of a job.

Monitoring and provision of addition supports:

109. During the process of land acquisition, Cao Bang PMU and LIC will regularly engage with these affected households to monitor their ability in order to recover their livelihoods and income. Accordingly, PMU will have additional supporting measures when the affected households have demands, to ensure that the income and livelihoods of the affected households are restored at least as before project.

X. RESETTLEMENT BUDGET AND ASSISTANCE

110. *Replacement cost:* Cao Bang province has conducted a survey, collecting information on market price of land for the construction of land price list in the period of 2020 – 2024, which was conducted within the province. This is the most comprehensive and updated survey for Cao Bang province to have a basis for developing a unit price set for the implementation of compensation and site clearance as well as land price management, to fulfill the above tax obligation in Cao Bang province.

111. Because the amount of affected agricultural land in the subproject is very small, the DPC of Bao Lam did not issue a separately specific compensation unit price for this subproject. On the basis of a comprehensive assessment of the scope and extent of impacts of land acquisition and considering of the updating and reflection of the market price of the above land prices list issued CARB of Bao Lam district agreed to apply this unit prices for compensation for affected land for this subproject. This compensation unit prices has also been consulted with the affected households and they all agreed to apply.

112. Accordingly, compensation price for land will be applied in accordance with Decision No. 2336/2019QD-UBND dated on 20 December 2019 of Cao Bang PPC. Compensation price for crops and trees will be applied in accordance Decision No.19/2015/QD-UBND dated 15/07/2015 regulations on trees and crops prices upon land expropriation by the state in Cao Bang province.

113. During preparation the compensation plans for AHs, these replacement costs have been consulted with the AHs and all of AHs have agreed on these compensation rates.

Table 9: Compensation price for land and assets

(unit: VND)

No.	Asset	Unit	Unit price regulated by PPC	Applied rates for the subproject
1	Residential land	m2	710,000	710,000
2	Annual crops land	m2	59,000	59,000
3	Productive forest land of Pac Mieu CPC (support)	m2	11,000	11,000
4	Perennial crops land	m2	57,000	57,000
5	Paddy land	m2	65,000	65,000
6	Aquaculture land	m2	41,000	41,000
7	Paddy	m2	4,500	4,500
8	Timber tree ϕ 20 cm, 3 m in height (Group VI)	m3	567,000	567,000
9	Timber tree ϕ 10 cm, 2 m in height (Group VI)	m3	567,000	567,000

10	Pinus φ 25 cm, 6.5 m in height (group IV)	m3	1,092,000	1,092,000
11	Dimocarpus longan, type C	Tree	350,000	350,000
12	Dimocarpus longan, type D	Tree	350,000	350,000
13	Citrus tangerina, type A	Tree	600,000	600,000
14	Citrus tangerina, type D	Tree	170,000	170,000
15	Timber tree φ 40 cm, 8 m in height (Group VI)	m3	756,000	756,000
16	Timber tree φ 20 cm, 4 m in height (Group VI)	m3	567,000	567,000
17	Timber tree φ 10 cm, 3 m in height (group VI)	m3	567,000	567,000
18	Timber tree, type A	Tree	7,000	7,000
19	Timber tree, type B	Tree	5,000	5,000

114. **Cost and budget for resettlement:** The total cost estimates for implementation of the subproject "Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province" is VND **309.571.174** equivalent to USD 13,286. The cost covers compensation rate for land, assets on land, trees and crops, allowance, management cost and contingencies.

115. Cao Bang PPC will allocate costs from the provincial budget for implementation of the plan. The DPC and CARB of Bao Lam district will be responsible for using the allocated amount from Cao Bang PPC effectively and on right purposes. Cost estimates are clarified below.

Table 10: Estimated cost for compensation, assistance and resettlement

No	Type of cost	Unit	Area/Quantity	Rates (VND)	Amount (VND)
A	Compensation cost				206,893,590
I	Compensation cost for land				198,493,200
1.1	Residential land	m2	116.9	710,000	82,999,000
1.2	Annual crops land	m2	32.8	59,000	1,935,200
1.3	Productive forest land of Pac Mieu CPC (support)	m2	8,887.30	11,000	97,760,300
1.4	Perennial crops land	m2	47.8	57,000	2,724,600
1.5	Paddy land	m2	170.8	65,000	11,102,000
1.6	Aquaculture land	m2	48.1	41,000	1,972,100
II	Compensation cost for crops and trees				8,400,390
2.1	Paddy	m2	170.8	4,500	768,600

Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province

2.2	Timber tree ϕ 20 cm, 3 m in height (Group VI)	m3	0.471	567,000	267,057
2.3	Timber tree ϕ 10 cm, 2 m in height (Group VI)	m3	0.047	567,000	26,649
2.4	Pinus ϕ 25 cm, 6.5 m in height (group IV)	m3	0.638	1,092,000	696,696
2.5	Dimocarpus longan, type C	Tree	5	350,000	1,750,000
2.6	Dimocarpus longan, type D	Tree	1	350,000	350,000
2.7	Citrus tangerina, type A	Tree	2	600,000	1,200,000
2.8	Citrus tangerina, type D	Tree	2	170,000	340,000
2.9	Timber tree ϕ 40 cm, 8 m in height (Group VI)	m3	1.0048	756,000	759,629
2.10	Timber tree ϕ 20 cm, 4 m in height (Group VI)	m3	0.3768	567,000	213,646
2.11	Timber tree ϕ 10 cm, 3 m in height (group VI)	m3	0.942	567,000	534,114
2.12	Timber tree, type A	Tree	102	7,000	714,000
2.13	Timber tree, type B	Tree	156	5,000	780,000
B	Assistance cost				74,534,750
I	Job training/Creation allowance.				44,334,750
1.1	Annual crops land	m2	32.8	147,500	4,838,000
1.2	Perennial crops land	m2	47.8	142,500	6,811,500
1.3	Paddy land	m2	170.8	162,500	27,755,000
1.4	Aquaculture land	m2	48.1	102,500	4,930,250
II	Assistance for life and production stabilization				16,200,000
2.1	Lose 10% to under 30% of agricultural land	person	5	1,080,000	5,400,000
2.2	Lose 30% to under 70% of agricultural land	person	5	2,160,000	10,800,000
III	Allowance for vulnerable households				14,000,000
4.1	Poor households (insignificantly affected household)	HH	2	2,000,000	4,000,000
4.2	Poor households (adversely affected households)	HH	2	5,000,000	10,000,000
C	Total cost for compensation and assistances (A+B)				281,428,340
D	Provision cost (10%\times(A+B))				28,142,834
E	Total (C+D) in VND				309,571,174

	Total (C+D) in USD (rate 23,300 per 01 USD)	13,286
--	--	---------------

IX. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

116. This uREMDP will be implemented by Cao Bang Provincial People's Committee, Cao Bang Department of Planning and Investment and other relevant agencies at district and commune levels.

A. Provincial level

117. Cao Bang PPC with the role of Executing Agency is responsible for implementation of resettlement activities within its administrative jurisdiction. The main responsibilities of PPC

include:

- (i) Endorse the uREMDP prepared for the subproject;
- (ii) To issue decisions on approving land valuations applied for compensation rates and allowances and other supports to APs, especially vulnerable groups, based on principles of uREMDP,
- (iii) To timely provide the budget for compensation, support and resettlement;
- (iv) To directly supervise provincial relevant departments to implement effectively the uREMDP.
- (v) To authorize the district-level People's Committees to approve compensation, assistance and resettlement plans;
- (vi) To direct the relevant agencies to settle APs' complaints, grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
- (vii) To direct the relevant agencies to examine and handle the violations in the compensation, assistance and resettlement and resettlement domain.

118. The Cao Bang Provincial Department of Planning and Investment (DPI) authorized by Cao Bang PPC as Project Owner, is responsible:

- (i) To manage the project loan allocated for subprojects in Cao Bang province;
- (ii) To establish Provincial Project Management Unit (PMU);
- (iii) To direct PMU to implement all project activities according to the regulations of government and ADB policies;
- (iv) To ensure budget available for implementation of land acquisition in time;
- (v) To coordinate with relevant agencies to ensure timely redress of complaints or grievances of APs;
- (vi) To supervise the project's implementation.

119. The Cao Bang Provincial Project Management Unit (PMU), on behalf of the project owner is responsible for comprehensive REMDP implementation and internal monitoring. The main tasks of PMU are:

- (i) To prepare, update, implementation of the updated REMDP in collaboration with the People's Committees district and commune level and and monitor the uREMDP implementation of subproject;
- (ii) To guide guide the CARB of Bao Lam district to implement all resettlement activities in compliance with the approved REMDP; and handle with any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the uREMDP are met;
- (iii) To coordinate with the CARB and CPCs, conduct information campaigns and stakeholder consultation in accordance with established project guidelines;
- (iv) Develop and implement a training program for the People's Committees of Bao Lam district and affected communes, the CARB and related groups regarding the updated REMDP and complaint handling;
- (v) To coordinate with relevant agencies to ensure timely: providing compensation, support and rehabilitation measures, and handle with complaints or grievances of APs;

- (vi) To conduct internal resettlement monitoring, establish and maintain resettlement and grievance databases in accordance with procedures and requirements in the approved REMDP and providing regular reports to Cao Bang PPC, DPI and ADB;
- (vii) To implement prompt corrective actions in response to internal monitoring.

B. District level

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

- (i) To approve the schedule and monitoring the progress of land acquisition and resettlement implementation in compliance with uREMDP;
- (ii) To establish a District Compensation, Assistance and Resettlement Board (CARB) and direct them and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
- (iii) To approve and take responsibility on the legal basis, and accuracy of the detailed compensation, assistance and resettlement plans in the local area; To approve cost estimates on implementation of compensation, assistance and resettlement work;
- (iv) To take responsibility for issuing LURC, certificate on land owning right of HHs and individuals who have land, house entirely recovered; to adjust LURC for HHs and individuals who have land, house partially recovered, in accordance with authorization;
- (v) To direct Communal People's Committees and relevant organizations on implementation of various resettlement activities;
- (vi) To review and confirm the uREMDP approved by PPC and ADB;
- (vii) To resolve complaints and grievances of APs

C. District Compensation, Assistance and Resettlement Board (CARB)

121. The CARB of Bao Lam district will work with PMU, CPCs and under the direction of DPC to:

- (i) To organize, plan and carry out compensation, assistance and resettlement activities;
- (ii) To conduct DMS, consultation and information dissemination activities, design and implement income restoration program, coordinate with various stakeholders;
- (iii) To prepare compensation plan and submit to DPC for approval. Implement compensation, assistance and resettlement alternative; to take responsibility for legal basis applied in compensation, assistance and resettlement policy following approved REMDP;
- (iv) To lead and coordinate with the CPC in the timely delivery of compensation payment and other entitlements to AHs; and
- (v) To assist in the resolution of grievances.

122. Ethnic Minority Department of District: Ethnic minority department is a specialized agency directly under the DPC. The agency will work with CPC, PMU and under the direction of DPC to:

- To coordinate with consulting agencies to screen potential impacts and propose solutions (with ethnic minority groups)
- To coordinate with the construction contractor to develop an appropriate construction plan, minimizing impacts on local people.

- To coordinate with the CPC in the timely delivery of compensation payment and other entitlement to AHS, and to assist in the resolution of grievances for ethnic minority groups
- To coordinate with the CPC, and PMU in conducting, designing the income restoration program for ethnic minority groups.
- To join and support in translating the project documents into ethnic minority group languages (if needed).

D. Commune level

123. CPCs will support CARB in their resettlement tasks. Specifically, the CPCs will be responsible for the following:

- (i) To cooperate with district level and with local mass organizations at commune level to mobilize people who will be acquired to implement the compensation, assistance and settlement policy according to the approved REMDP;
- (ii) To cooperate with CARB to present reason of compensation for people with acquired land area; disseminate and disclosure compensation plan to people;
- (iii) To assign commune officials to assist the CARB in the updating of the REMDP and implementation of resettlement activities;
- (iv) To identify replacement land for AHS;
- (v) To sign the Agreement Compensation Forms along with the AHS;
- (vi) To assist in redressing grievances; and,
- (vii) To actively participate in all resettlement activities.

X. IMPLEMENTATION SCHEDULE

124. The PMU in coordination with CARB of Bao Lam district will carry out the updated REMDP upon official approval from ADB.

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

126. The PMU will conduct internal monitoring as detailed in the next Chapter. Monitoring will be implemented from having DMS results to completion of all social safeguards activities. Internal monitoring reports will be prepared and submitted on a semi-annual basis.

127. Grievances received will be addressed through the grievance redress mechanism. Post-resettlement assessments will be conducted within 6 to 12 months after the completion of the compensation and resettlement activities.

128. The schedule of implementation of the subproject resettlement activities is shown in following table below.

Table 11: Implementation Schedule

No	Main activities	Timeframe
1	Endorse final uREMDP by PPC and ADB	06/2021
2	Disclosure of the final uREMDP in ADB website and disclose locally to APs and communes	06/2021
3	Payment of compensation and assistance	06/2021
4	Land acquisition and site clearance	06/2021
5	Construction commencement	07/2021
6	Conducting monitoring on the implementation of uREMDP	From having DMS results until completion of all social safeguards activities
7	Post- Evaluation report on social safeguards implementation	6/2023 (tentative)

XI. MONITORING AND EVALUATION

129. The implementation of the uREMDP will be monitored regularly to ensure that it is implemented as planned and that mitigating measures designed to address the subproject's adverse impacts are adequate and effective. Towards this end, resettlement monitoring will be done through community monitoring and internal monitoring. External monitoring is not required for the subproject due to category B and uncomplicated subproject.

Community-based Monitoring:

130. Community-based monitoring (CBM) will be applied to gather overall opinion of community on the implementation of uREMDP of subproject. People in the subproject's area are encouraged to participate in monitoring the uREMDP implementation, especially affected people in terms of what they receive as compensation compared what is stated in the uREMDP.

131. Community-based monitoring (CBM) is a form of community monitoring which is boosted by the demand for information and value of local community. The community –based monitoring contributes to increasing quality of social services or contributes to management of all ecological resources. Within the framework of CBM, members of community affected by a social program or environmental changes will have needs, suggestions and criticism and then their feedback will contribute to the implementation of program and management of the subproject.

Internal Monitoring:

132. The project will set up internal monitoring and evaluation program of which the main purpose is to ensure that issues related to involuntary resettlement will be implemented in accordance with the policies and procedures outlined in the uREMDP under ADB SPS 2009 and REMDF. The monitoring will be carried out by the PMU (with the assistance of the Loan Implementation Consultant).

133. The objectives of the monitoring and evaluation program are: (i) to report on the status and assessment of compliance with the REMDP of the approved subproject; (ii) to make confirmation on the readiness of land handing over for the proposed subprojects; (iii) to monitor the contractor's compliance with the REMDP terms regarding temporary land acquisition during construction; (iii) to ensure that living standards of the affected people will be restored or improved; (iv) to monitor implementation progress within the agreed time frame; (v) to assess whether adequate compensation and rehabilitation measures and social development programs have been implemented; (vi) to identify potential issues and solutions.

134. PMU will ensure that information on the resettlement process will be disclosure by compensation, assistance and resettlement board of district. The compensation, assistance and resettlement board of district will submit monthly progress report to PMU, PMU will consolidate all reports from the province into the project implementation monitoring system to be the base for preparing periodical report to submit to ADB.

The PMU will submit safeguard monitoring report to ADB once in every six months. Semi-annual internal monitoring reports are submitted to ADB for review and upload on ADB website. The PMUs will integrate REMDP implementation into the Project Progress Report and send it to ADB

135. The internal monitoring and evaluation indicators include but not limited to the following issues:

- (i) Compensation, assistance and resettlement amount paid to affected households in accordance with agreement in resettlement policy framework and uREMDP;
- (ii) Completion of coordination of land acquisition and compensation, and the time of conducting construction as requirement of resettlement;
- (iii) The consent between sequence and procedure of information dissemination to community in comparison with contents in report;
- (iv) The consent between procedure of grievance redress and the content of grievance redress in report;
- (v) Affected person and compensation: number of affected people by type of impact; status of compensation and allowance payment, relocation and other assistance;
- (vi) Status of income restoration activity: number of adversely affected or partially affected persons due to (a) lossing production land and/or (b) relocation; number of affected persons under vulnerable group; relocation status of affected persons; status of income restoration assistance;
- (vii) Information dissemination and consultation: number and scope of community consultation meetings and/or consultations with affected persons; status of affected persons; summary of the need of affected persons, aspiration and major concerns of people in the meetings;
- (viii) Gender concerns: participation of women in meetings and in the implementation of resettlement; concerns of women in connection with their resettlement and resolution of their grievances;
- (ix) Participation of vulnerable groups in the implementation of resettlement activities and community-based monitoring (CBM);
- (x) Complaint and grievance redress: summary of recored grievance; implementation steps for redressing the grievance; and, any arising issue needs to be managed by authority at district level and provincial level or assisted by ADB;
- (xi) Financial management: the amount of fund allocated for compensation and other activities; the amount compensated for each affected household;
- (xii) Resettlement progress: completion of activities in accordance with the schedule plan; the delay and reason for the delay; adjustment of resettlement schedule;
- (xiii) Coordination of resettlement activities with contract award for civil works: the status of completion of resettlement activities and date of contract award for civil works;
- (xiv) Implementation issues: arising issues, reason and solution for the arising issues.
- (xv) Cao Bǎng PMU will be responsible for assigning qualified and experienced officers for monitoring the implementation of the uREMDP. Internal monitoring is the responsibility of PMU, the project executing agency; PMU will be responsible for pre-determining the establishment, implementation and activities of each agency in charge of resettlement in province and district.

ANNEX

Annex 1: Consultation documents

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

-----***-----

MINUTES OF PUBLIC CONSULTATION WITH PROJECT DIRECTLY AFFECTED HOUSEHOLDS

Project name: Basic Infrastructure for Inclusive Growth in Northeast Provinces: Ha Giang, Cao Bang, Bac Kan, Lang Son – Cao Bang Subproject.

Location: Pac Mieu town – Bao Lam district

Time: 8:00 – 11:00 on May 24, 2021

Meeting location: Meeting Hall of People’s Committee of Pac Mieu town

1. Participants:

1.1. Representatives of the Project Owner

- Mr. Nguyen Duc Toan Position: Director of PMU
- Mr. /Ms. Position:

1.2. Representatives of the Consultant

- Mr. Pham Son Tung Position: Social Specialist
- Mr. /Ms. Position:

1.3. Representatives of Pac Mieu Town

- Mr. Le Van Dong Position: Chairman of PC
- Mr. /Ms. Position:

2. Consultation contents:

- The PMU introduces about the project.
- The local authorities and people support the implementation of the subproject and agree to coordinate the survey and measurement of land and affected assets.
- The APs agree with the compensation policy of the subproject and compensation rate issued by the PPC.
- Affected households agreed to the unit prices based on Decision No.2336/2019/QD-UBND dated December 20, 2019 of the People’s Committee of Cao Bang province.
- The impact of the subproject is negligible.

- The subproject has no negative impact on women and ethnic minorities. Thus, all affected HHs agree to receive cash compensation and assistance in accordance with the subproject's policy.
- The affected households agree to cooperate with the Community Supervisor Board (CSB) during the construction.
- Construction contractors are required to restore the site to its original status after construction.
- In the construction period, if any unanticipated impacts happen, AHs will receive support and compensation in line with the resettlement policy of the project;
- Construction activities must be implemented quickly and in accordance with the schedule as the SP is planned for a long period of time and the local people want it to be completed as soon as possible.
- Clean water works should be maintained and protected after being put into use;
- PMU Cao Bang and contractors must cooperate closely with local authorities to ensure security and the environment during the construction process.
- The PMU will request that the contractors return the site to its original condition, and construction activities will be carried out in accordance with the approved EMP.
- The PMU will ask the construction contractor to give priority to hiring affected persons and locals to perform appropriate jobs during construction.
- Following the consultation with four affected vulnerable households who are eligible to participate in the income restoration program, it was found that none of the four households have a need to attend training classes or vocational training. There are four people who do not have stable jobs and are looking for seasonal work in the subproject. The jobs that they want to work are excavation and transportation of construction materials during construction.

3. End of the meeting:

- Local authorities and people totally agree with the project implementation.

.....
.....
.....
.....

The meeting ends at.....

**ON BEHALF OF
PROJECT OWNER**

ON BEHALF OF LOCAL AUTHORITY

(signed and sealed)

Le Van Dong

Chairman of PC

ON BEHALF OF CONSULTANT

(signed)

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

**BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG DÂN CƯ
CHỊU TÁC ĐỘNG TRỰC TIẾP BỞI DỰ ÁN**

Tên dự án: *Ph. an' Bng. s - Cao Bang*
Địa điểm thực hiện dự án: *Thị trấn Pac Mieu - huyện Bao Lam*
Thời gian họp: *ph - 11h ngày 24/12/2019*
Địa chỉ nơi họp: *UBND Thị trấn Pac Mieu*

I. Thành phần tham dự

- 1.1. Đại diện chủ dự án:**
- 1). *Nguyễn Đức Toàn* Chức vụ: *CTP Ban QLDA*
- 2). Chức vụ:
- 1.2. Đại diện đơn vị tư vấn:**
- 1). *Phạm Sơn Tùng* Chức vụ: *chuyên gia xã hội*
- 2). Chức vụ:
- 1.3. Đại diện xã hội trấn:** *Thị trấn Pac Mieu*
- 1). *Lê Văn Đông* Chức vụ: *CT UBND*
- 2). Chức vụ:

II. Nội dung và diễn biến cuộc họp

*Ban QLDA gửi liên chi an
chính quyền và nhân dân địa phương các hộ
vào thực hiện TPA trên địa bàn xã cũng như tình
vấn địa phương, do đó cần đặt đại và tại địa phương
các hộ.*
*Người bị ảnh hưởng đồng ý và chính sách bồi
thường của chủ an và đơn vị tư vấn do UBND
trấn ban hành các cấp trên chỉ đạo và áp
sức lên các hộ cũng như các hộ gia đình áp
dụng theo quyết định số 233/QĐ ngày
20/12/2019 của UBND tỉnh Cao Bang.*
*Các tài sản của chủ an do không được
TPA để có tài sản của chủ an phải bồi thường
người dân tộc thiểu số và dân tộc là các hộ bị ảnh*

hình thức xây dựng và kỹ thuật và hồ sơ hàng tồn
thuê chính sách của chi án
Các hộ bị ảnh hưởng công tác lập tài sản Ban giám
đặt công trình hàng quán hình xây dựng
Nhà thầu thi công phải phục hồi nguyên trạng
mặt bằng sau khi thi công xong
Trong thời gian xây dựng nên xây ra các tác
động không lường trước được, sự ki ảnh hưởng
sẽ có thể theo thời gian sẽ có chi án
hoặc công trình xây dựng phải được thực hiện
đúng công tác đang đưa ra vì chi án xây
dựng hàng tồn gồm chi và người dân mang
nuôi với chi án hàng quán hàng quán tốt
Các loại nước sạch cần được chuyển vào
chính thức và xây lại chi án, chi án
Chi án sẽ phải hợp chất chi án BTLĐA
hình Cao Bang và đưa, đưa vào chi án quản
đơn phương tiện, đảm bảo an ninh tập thể
công việc mỗi tháng hàng quán hàng quán
Ban QLĐA sẽ yêu cầu UBND thôn khu
phục hồi nguyên trạng hàng quán và các hoạt
động xây dựng hàng quán sẽ được thực hiện theo
chương EMP chi án chi án chi án
Ban quản lý chi án sẽ yêu cầu UBND
thôn thi công và vận chuyển hàng quán hàng quán
hàng quán và vận chuyển hàng quán thực hiện
Các công việc phải lập hàng quán hàng quán
công
I. Thăm vấn và chi án hộ bị ảnh hưởng thuộc
vườn chi án chi án hàng quán hàng quán
góp vào chi án hàng quán hàng quán hàng quán
thi ca chi án hàng quán hàng quán hàng quán
tham gia các chi án hàng quán hàng quán hàng quán
và các chi án hàng quán hàng quán hàng quán
lưu chi án hàng quán hàng quán hàng quán
thi ca chi án hàng quán hàng quán hàng quán
nuôi là chi án hàng quán hàng quán hàng quán
xây dựng hàng quán hàng quán hàng quán

III. Kết luận cuộc họp

Tổng thể hội nghị thống nhất các nội dung công việc của chi ủy.

ĐẠI DIỆN CHỦ ĐẦU TƯ

Cuộc họp kết thúc vào lúc..... Cùng ngày

Đại diện chính quyền địa phương



ĐẠI DIỆN ĐƠN VỊ TƯ VẤN

Handwritten signature in blue ink.

Annex 2: List of affected households

No.	Name	Address
1	Nong Van Uyen	Pac Miau township
2	Ma Van Nguyen	Pac Miau township
3	Mac Van Minh	Pac Miau township
4	Nong Van Dung	Pac Miau township

Resettlement and Ethnic Minority Development Plan Report (REMDP) – Subproject: Domestic water supply system for Pac Mieu township, Bao Lam district, Cao Bang province

5	Pac Mieu CPC	Pac Mieu township
---	--------------	-------------------