

Updated Resettlement Plan

December 2021

Viet Nam: Northern Mountain Provinces Transport Connectivity Project

Package CW8 PR 136 San Thang - Dong Pao (128+040 -137+040 and 137+960-146+540) in Lai Chau province

Prepared by Project Management Unit No. 2 of the Ministry of Transport for the Asian Development Bank.

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ABBREVIATIONS AND ACRONYMS

A4T	Aus4Transport
ADB	Asian Development Bank
AH	Affected household
AIDS	Acquired Immune Deficiency Syndrome
AP	Affected Person
ART	Antiretroviral Therapy
BCC	Behaviour Change Communication
BIM	Building Integration Model
CDC	Centre for Disease Control
CEMA	Committee for Ethnic Minority Affairs
CPC	Commune People's Committee
CSC	Construction Supervision Consultant
DARD	Department of Agriculture and Rural Development
DDD	Detailed Design & Documentation Consultant
DFAT	Department of Foreign Affairs and Trade
DMS	Detailed Measurement Survey
DOC	Department of Construction
DOLISA	Department of Labour, Invalids, and Social Affairs
DONRE	Department of Natural Resources and Environment
DOF	Department of Finance
DOT	Department of Transport
DPC	District People's Committee
EA	Executing Agency
EM	Ethnic Minority
EMDP	Ethnic Minority Development Plan
(C)-EMP	Environmental Management Plan / Contractor - Environmental Management Plan
FGD	Focus Group Discussion
FS	Feasibility Study
FSW	Female Sex Worker

GAP	Gender Action Plan
GOA	Government of Australia
GOV	Government of Vietnam
GRM	Grievance Redress Mechanism
HIV	Human Immunodeficiency Virus
HHTAP	HIV/AIDS and Human Trafficking Awareness Program
ICB	International Competitive Bidding
IDU	Injection Drug User
IEC	Information Education Campaign
IEE	Initial Environmental Examination
ILRP	Income and Livelihood Restoration Program
IR	Involuntary Resettlement
KAP	Knowledge Attitude Practice
MOLISA	Ministry of Labour, Invalids and Social Affairs
MOT	Ministry of Transport
NCB	National Competitive Bidding
NGO	Non-Government Organization
NMPTCP	Northern Mountain Provinces Transport Connectivity Project
NH	national highway
NTP	Notice to Proceed
PAC	Provincial AIDS Centre
PE	Peer Educators
PMC	Project Managing Contractor (A4T: DT-Global)
PMU2	Project Management Unit No. 2 (Ministry of Transport: DOT)
PPC	Province People's Committee
PPTA	Project Preparation Technical Assistance
PR	provincial road
PID	Project Implementation Division
RP	Resettlement Plan
SAP	Social Action Plan
SP	Service Provider

STI	Sexually Transmitted Infection
TCQM	Transport Construction Quality Control and Management bureau
TCVN	Vietnamese national standards
TOR	Terms of Reference
TOT	Training of Trainor
USD	United States Dollar
VAAC	Vietnam Administration for HIV/AIDS Control
VCT	Voluntary Counselling and Testing
VND	Vietnam Dong
WU	Women's Union
YU	Youth Union

DEFINITION OF TERMS

Affected Households	Refer to all households whose residence will be affected by the project. Affected Household is a subset of Affected Persons.
Affected persons (APs)	A general term that refers to those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) because of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Affected Persons are categorized by tenurial status (i.e. landowner, non-landowner) and by type of impact (i.e. physical and economic displacement)
Consent of affected ethnic minority (EM) or indigenous people (IP) community	This refers to a collective expression by the affected EM Peoples communities, through individuals and/or their recognized representatives, of broad community support for the project activities. Such broad community support may exist even if some individuals or groups object to the project activities. The consent from the affected EM communities will include the formal agreements reached with EM Peoples communities and/or EM Peoples' organizations.
Cut-off date	The cut-off date for eligibility for compensation, assistance and resettlement will be the date that notice of land recovery takes effect. The AHs will be informed of the cut-off date for each subproject component, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation, assistance, and resettlement under the subproject.
Detailed Measurement Survey (DMS)	With the aid of the approved detailed engineering design, this activity involves the demarcation of road right of way clearance and survey of all assets to be acquired as part of resettlement and the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of displaced persons earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Eligibility	Means any person who has settled in the subproject area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, regardless of relocation – will be entitled to compensation and/or assistance.
Entitlement	Refers to the range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation

support, etc. which, depending on the type and severity of their losses, are due to the DPs to restore their economic and social base.

Ethnic minority (EM)/ indigenous people (IP)

The term ethnic minority or indigenous people is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

- self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture;
- a distinct language, often different from the official language of the country or region.

In the case of Viet Nam, there is a high degree of consistency between the Vietnamese definition of ethnic minorities and ADB's definition of Indigenous People. The main point of divergence is that, in the case of ADB's policy, a group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage. National legislation, customary law, and any international conventions to which Viet Nam is a party are taken into account for application of the ADB policy.

Income restoration

This is the re-establishment of sources of income and livelihood of the affected persons to approximate or exceed the level it was before the development project.

Income restoration program

A program designed with various activities that aim to support affected persons to recover their income/livelihood to pre-subproject levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.

Inventory losses

of 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 subproject right-of-way (ROW) 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 DPs will be determined
Involuntary Resettlement	Occurs when affected person do not have the right to refuse land acquisition and are displaced, which may result in long-term hardship and impoverishment as well as social stress.
Land acquisition	Refers to the process whereby an organization, household, individual, overseas Vietnamese 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.
Meaningful consultation	<p>A process that</p> <ul style="list-style-type: none"> - begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; - provides timely disclosure of relevant and adequate information that is understandable and readily accessible to DPs; - is undertaken in an atmosphere free of intimidation or coercion; - is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and - enables the incorporation of all relevant views of DPs and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
Rehabilitation	This refers to additional support provided to AHs/DPs 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 pre-project living standards and quality of life.
Relocation	This is the physical relocation of an AH/DP from its pre-project place of residence and/or business.
Replacement cost	The term used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.
Replacement cost study	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	Means all social and economic impacts that are permanent or temporary and are caused by acquisition of land and other fixed assets by change in the use of land or restrictions imposed on land, as a result of a project

	This includes all measures taken to mitigate any, and all, adverse impacts of a subproject on DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed
Resettlement plan (RP)	This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlements, actions, responsibilities, monitoring and evaluation.
Severely affected household	<p>This refers to affected households who will</p> <ul style="list-style-type: none"> - lose 10% or more of their total productive land and/or assets, - or have to relocate, or - lose 10% or more of their total income sources due to the subproject
Vulnerable group	<p>These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and include:</p> <p>(1) female headed households with dependents:</p> <p>Poor widows, with children under 16 years of age, breadwinner, or those whose husbands are in state of poor health</p> <p>(2) disabled household heads</p> <p>Household with members with a disability. The level of disability significantly affects the income earning capacity of the household either directly on ability to engage in work or indirectly due to need to provide high level of care to disabled household member. Type of disabilities include: disability caused by sickness/ill health, war invalids, soldiers in poor health, Agent Orange victims will be certified by the Commune/Ward People's Committee about the level of disability and considered granting the certification by Commune/ Ward/ Town under Government Decree No. 28/2012/ND-CP dated 10 April 2012;</p> <p>(3) households falling under the generally accepted indicator for poverty;</p> <p>Should have Certificate of Poor Household issued by DPC. (Includes poor and near poor.)</p> <p>(4) children and the elderly households who are landless and with no other means of support</p> <p>Children under 16 years old or younger as the household heads (Under the Law No. 25/2004/QH11on Protection, Care and Education of Children and Children Law 102/2016/QH13 dated 05 April 2016 which</p>

will become effective from 1 June, 2017) will be certified by the CPCs and the elderly from 60 years old and above who are household heads (under the Elder Law No. 39/2009/QH12 dated 23 November, 2009).

(5) Indigenous people or ethnic minorities;

Husband and/or the Wife are/is ethnic minority or Family Book specified that the household belongs to the ethnic minority household. To be considered vulnerable the household should specifically be ethnic minority households (i) still being involved in traditional/shifting farming, subsistence agriculture or communal forest activities; or (ii) living in areas considered as having hard conditions; or (iii) living in a community still governed by traditional (*gialang*) patriarchs.

(6) landless households include households without LURC or not eligible to get LURC or rural households who lost all their productive land or left with productive land which is below the average productive land in the area (i.e. no longer viable)

(7) policy beneficiary households

Other households with persons falling within the Government criteria of social assistance beneficiaries as set out in National Decree 136/2013/ND-CP dated 21/10/2013

NOTICE {S}

In this report, \$ means US dollars

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EXECUTIVE SUMMARY

1. **Project Description.** The Government of Vietnam (GOV) requested financial assistance from the Asian Development Bank (ADB) for the implementation of the Northern Mountain Provinces Transport Connectivity Project (NMPTCP) that aims to enhance the access to the Greater Mekong Sub-region (GMS) corridors in the north-western Region of Vietnam. The NMPTCP consists of 11 civil work (CW 1-11) packages spread in the provinces of Lai Chau, Yen Bai, and Lao Cai.
2. The project covering Lai Chau Province with a total length of 82.459 km is subdivided into five construction packages namely: CW- 04; CW-05; CW-06; CW-07; and CW8 of which package CW8 is considered a priority project scheduled for implementation in the last quarter of 2021, thus, this Updated Resettlement Plan specifically covers package CW8.
3. The updated RP has been prepared to identify all impacts associated with land acquisition and resettlement involving landowners, non-landowners, owners of businesses and organizations. This updated RP will also assess the socio-economic context of affected people in the area and present measures to fully mitigate impacts.
4. However, while this RP is not prepared and approved yet, but in order to ensure the progress of project implementation, a total of 12 compensation plans for 481/582 AHs have been approved by City/district People's Committee with an amount of VND 41,531,552,293. Moreover, the compensation payment has been conducted for 454 AHs with an amount of VND 36,529,903,177. Meanwhile, according to the project requirements, compensation is only made when uRP is approved by ADB and construction only commences when compensations and assistance payments have been completed. Therefore, a due diligence review (DDR) is required to be conducted for this package as project policy framework and ADB SPS 2009. (Please see the details of DDR in **Annex 3** of this report)
5. **Measures to Minimize Adverse Impacts.** To minimize negative impacts of land acquisition and resettlement on local people, the measures taken during technical design are as follows: (i) improving the road based on the existing alignments; (ii) temporary use of land may be considered to avoid more loss for local people. The APs were informed early about the land acquisition schedule so that they would not plant crops that cannot yet be harvested by the time of land acquisition for construction and also would not construct and/ or setup new houses and structures within the ROW. Other negative impacts during the subproject construction process have been determined such as noise, dust, and effect on traffic flows during the construction. However, when mitigation measures are applied, the negative impacts will be mitigated.
6. **Project Land Requirement and Resettlement Impacts.** As the DMS results, the land acquisition for this package and construction of 2 resettlement sites will impact on total of 582 AHs and 9 public organizations in 4 communes/wards of Tam Duong district and Lai Chau city. Of which 389 households and 07 organizations in Tam Duong district and 193 households and 02 organizations of Lai Chau city. Out of 582 AHs, 39 households are classified as severely affected (36 households have to relocate and 3 households will lose from 10 -30% of their productive landholdings). Besides, 347 AHs belong to vulnerable groups (347 EM households, 32 poor households, 1 female headed household with dependents and 1 disable headed household – due to these households¹ are also ethnic minority, therefore, total of vulnerable households is 347 households). There are 23 households whose businesses are affected. Out of this, 10 are associated with affected houses with the business being located in the house and 13 household businesses just right in front of the house which are mostly small-scale trading under the eaves of the house.

¹ 32 poor households, 1 female headed household with dependents and 1 disable headed household

7. Approximately 414,857.5 m² of land generally categorized as residential land, productive land such paddy, perennial, aquaculture, and others need to be acquired. Of which, 8,517.2 m² of residential land; 23,216.1 m² of paddy land used for growing rice; 28,975.2 m² of annual crop land used for growing annual or seasonal crops such as vegetables, maize, sugar cane, legumes; 40,392.2 m² of perennial crop land used for growing perennial plants and crops such as tea, coffee, fruit trees; 26,937.2 m² of upland; 11,497.2 m² of aquaculture land; 275,322.4 m² classified as other purposes. A total of 36 main houses with 2,451.2 m² with the claim on the affected land will be severely affected while 3 main houses will be marginally affected with 134.3 m². In addition, a total of 24,693 productive trees will be cut affecting 386 households of which 183 households lost 14,089 timber trees and 10,604 fruit trees owned by 203 households. Various types of annual crops will be affected such as paddy, vegetables, maize with total of 74,054.2 m² belonging to 353 households. Various types of secondary structures will be affected. The most common types of losses are paved yards affecting 207 households, followed by water pipes affecting 188 households.

8. Public facilities to be affected by the project include a total of 12,274 meter of electric line; 7,040 meter of water pipeline; and 28,368 meter of telephone poles need to be relocated including two public school classrooms.

9. **Socio-economic information and profile.** The population of the project area of influence is 80,737 with an average household size of 4.4 persons per household. The area with the largest population is Dong Phong Ward with 7,246 while 69.6% or 56,212 are ethnic minority. Out of the 582 HHs with 2,735 household members (1,832 male and 903 female), a total of 381² are covered by the Socio-economic Survey (SES) of which 100% or 39 household of the severely affected and 347 vulnerable HHs and 28 HHs of the marginally affected (non-vulnerable).

10. **Information disclosure, consultation, and participation.** Information dissemination and consultations were conducted in all the affected communes in November 2020 prior to updating of this RP with project stakeholders, local communities and affected households. A total of 296 people participated across the four venues consisting of 194 (66%) men and 102 women (34%). Out of the 296 attendees, 234 or 79% are ethnic minorities. Another round of stakeholder engagement was conducted with the local authorities who are directly involved in the implementation of the RP and related activities in Lai Chau province on March 18, 2021. The objective of this engagement was to socialize the Entitlement Matrix prior to finalization; to clearly explain the updated detailed design/concept of the project and the requirements of ADB for the local authorities to have a common understanding of the procedures in the land acquisition and involuntary resettlement and the compensation and entitlements to be applied for the Project to facilitate the smooth implementation of the RPs.

11. This Updated RP will be disclosed to APs and communities as well as be publicly disclosed on ADB website once approved both by the ADB and the GOV. An updated Public Information Booklet (PIB) setting out key principles, forms of assistance, GRM (with contact information) and an updated project schedule will also be publicly posted in each commune following approval of the updated RP.

12. **Resettlement Policy.** The Resettlement Plan (RP) is prepared based on the provisions of the policy and legal framework of the GOV and ADB (ADB SPS 2009 Safeguard Requirements 2 and 3 and cross-cutting policy themes included in OM/F1/OP updated in October 2013), likewise, this RP follows the approved Resettlement and Ethnic Minority Development Framework (REMDF).

² 33 severely AHs are also vulnerable households due to these households are EM people.

13. **Compensation, Entitlement, Assistance and Benefit.** Entitlement and compensation are determined according to the nature of the impacts. A range of entitlement is provided in the project Entitlement Matrix.

14. **Grievance Redress Mechanism³.** To facilitate resolution-building from affected persons' concerns, complaints or general grievance related to the implementation of the NMPTCP (the project), a grievance redress mechanism (GRM) built on existing government regulations is established. This GRM was presented during the Stakeholder Training Workshop in August 2020 conducted in the province of Lai Chau to concerned local authorities and staff from PMU2/MOT. The GRM was also presented during public consultations in all communes covered by the project. The GRM will be readily accessible to ensure that grievances shall be handled and resolved, if possible, at the lowest level as quickly as possible, failing which the complaint will go through a structured process of hearings, with final recourse to the judicial system, whose judgement will be final. The Mechanism will provide a framework within which complaints about environmental, social, gender and safety issues can be handled, grievances can be addressed, and disputes can be settled promptly. The GRM is in place prior to related resettlement activities and commencement of civil works.

15. **Relocation and Resettlement.** A resettlement site with a total of 2-hectare in Ban Hon and Dong Pao villages has been allotted by the local authorities *based on the Decision No. 2419/QDUB-UBND of Tam Duong district – Lai Chau province dated 5th October 2021 and quoted in the progress report in October 2021 of PMU.* The proposed 2-hectare resettlement sites in Ban Hon and Dong Pao village with estimated infrastructure cost of VND 18,3 billion are under the selection process of contractor to develop the site with basic services, facilities, and amenities such as road, electricity, water, 2 classrooms etc. These proposed resettlement sites will be completed and handover to 31 relocating households in February 2022. Meanwhile, 5 out of 36 relocating households (3 AHs in San Thang and 2 AHs in Dong Phong Ward) have chosen to relocate to the existing Resettlement Site 2B located in Dong Phong Ward.

16. Under the regulations of the Project as well as of the People's Committee of Lai Chau province, the unit price of resettlement land will be equal to or lower than the compensation unit price for acquired residential land. In case, the unit price of resettlement land is higher than the compensation unit price for acquired land, the relocating HHs will be assisted for different corresponding to the acquired area.

17. **Livelihood Restoration Program.** The indicative numbers who would be eligible to participate in the LDP is 366 out of the 582 affected households. Total cost for the implementation of the LDP is VND 2,249,390,000. This cost includes the management cost, consultancy cost and all income restoration activities. The estimated cost is prepared based on the needs assessment and in consultation with District Agricultural Service Centre.

18. **Gender Equality and Social Inclusion.** The design and implementation of the resettlement plan is to pay adequate attention to gender concerns, including specific measures addressing the needs of vulnerable women, gender-inclusive consultation, information disclosure, and grievance redress mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, as well as assistance to restore and improve their incomes and living standards.

19. **Institutional arrangement.** The Ministry of Transport (MOT) is the Project Executing Agency for the Project, through the Project Management Unit 2 (PMU2). The People's Committee will take the overall responsibility for the resettlement activities. Other key institutional stakeholders include

³ This GRM is different with the GRM indicated in the RP approved during PPTA in 2018, however, ADB has accepted to use this GRM in all updated RPs and EMDPs for the project during implementation stages.

DCARB led by the Vice President of the District People's Committees will include the Directors of Centre for Land Development Fund (vice-chair), Financial and Planning Office, Natural Resources and Environment Office, Agricultural Office, Economy and Infrastructure Office, Chairperson of the affected communes and PMU 2 staff, in addition to representatives of the Fatherland Front, Farmers Associations, Committee for Ethnic Minority Affairs, the Women's Unions and representatives of affected households. Also, Communes Peoples Committee and DOLISA will play a lead role in the design and implementation of the project's Livelihood Development Program (LDP) together with PMU2. The DDD Consultant or CSC will have a social safeguards team that will provide technical assistance to PMU 2 and the major stakeholders in the updating and implementation of the RP.

20. **Implementation Schedule.** The uRP will be implemented right after the approval date, tentatively started in December 2021 and finished when the package is completed and the objectives of the uRP is obtained.

21. **Monitoring and Evaluation.** The implementation of the RP will be monitored regularly to help ensure that it is implemented as planned and that mitigating measures designed to address adverse social impacts are adequate and effective. The monitoring will be done at two levels, internal monitoring to be done by the PMU, and external monitoring to be undertaken by an external monitoring consultant (EMC).

22. **Resettlement Budget.** The estimated resettlement budget is VND 83,452,193,172 (US\$ 3,664,202) and this will be part of the government counterpart. The compensation rates used in the estimated budget are derived from the land replacement costs approved by Lai Chau PPC as Decision No. 534/QD-UBND of Lai Chau PPC dated 17th May 2021 on approving the land prices applied for the NMPTCP and Decision No. 598/QD-UBND of Lai Chau PPC dated 26th May 2021 on approving the asset on land, crop, tree, animals, structures when the government acquire land. PMU2/MOT will be responsibility to ensure that the resettlement budget will be transferred adequately and timely for resettlement implementation.

A. INTRODUCTION

1.1. Project Introduction

23. **The project.** The Northern Mountain Provinces Transport Connectivity Project (NMPTCP), that aims to enhance the access to the Greater Mekong Sub-region (GMS) corridors in the north-western Region of Vietnam, will be implemented by the Government of Vietnam (GOV) through a Loan from the Asian Development Bank (ADB). The Ministry of Transport (MOT) is the Project owner with overall responsibility for implementation. MOT have assigned Project Management Unit 2 (PMU2) as the Project Implementing Agency responsible for the Project implementation at the national level.

24. The Project will improve and upgrade two national highways and two provincial roads with approximately 199 kilometers (km) in length, connecting several towns and districts in the provinces of Lai Chau, Lao Cai, and Yen Bai and from the towns and districts to the Noi Bai–Lao Cai Expressway.

25. The Civil Works (CW) will be implemented over a 3-year period through 11 construction packages spread along the project alignment as illustrated in Figures 1; 2; and 3 below. The location maps are extracted from Detailed Design Documentation (DDD) Report.

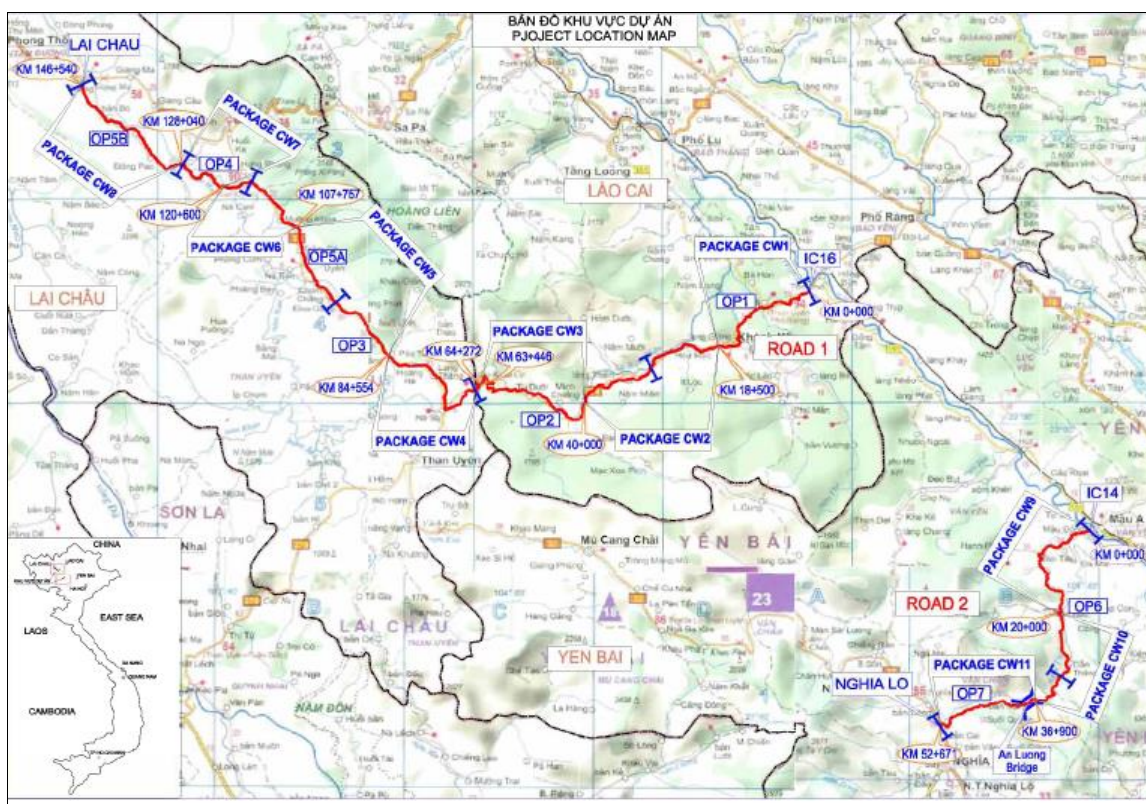


Figure 1 - Map of Civil Works Packages in North-West Vietnam



Table 1. Construction package information of the project

No.	Package name	From Km to Km	District/ Province
1	Package CW-01	Km0+00 to Km18+500 (including replanting the forest) belongs to the road connecting to Lai Chau	Van Ban District, Lao Cao Province
2	Package CW -02	Km18+500 to Km40+000 belong to the road connecting to Lai Chau	Van Ban District, Lao Cao Province
3	Package CW -03	Km40+000 to Km63+446 belong to the road connecting to Lai Chau	Van Ban District, Lao Cao Province
4	Package CW -04	Km64+272 to Km84+554 belong to the road connecting to Lai Chau	Than Uyen & Tan Uyen Districts, Lai Chau Province
5	Package CW -05	Km84+554 to Km107+757 belong to the road connecting to Lai Chau	Tan Uyen District, Lai Chau Province
6	Package CW -06	Km107+757 to Km120+600 belong to the road connecting to Lai Chau	Tam Duong & Tan Uyen Districts, Lai Chau Province
7	Package CW -07	Km120+600 to Km128+040 belong to the road connecting to Lai Chau	Tam Duong District, Lai Chau Province
8	Package CW -08	Km128+040 to Km146+540 (including replanting the forest) belong to the road connecting to Lai Chau	Tam Duong District and Lai Chau City, Lai Chau Province
9	Package CW -09	Km00+000 to Km20+667 (including replanting the forest) belong to the road connecting to Nghia Lo	Van Yen District, Yen Bai Province
10	Package CW -10	Km20+667 to Km38+252 belong to the road connecting to Nghia Lo	Van Yen and Van Chan Districts, Yen Bai Province
11	Package CW -11	Km38+252 to Km54+069 belong to the road connecting to Nghia Lo	Van Chan District, Yen Bai Province

1.2 Summary of CW8 Package

26. Out of the 11 Civil Works (CW) Packages, the project covering Lai Chau Province with a total length of 82.459 km is subdivided into five construction packages namely: CW-4; CW-5; CW-6; CW-7; and CW8 as per Detailed Design Documentation (DDD) of which CW8 is considered a priority project scheduled for implementation in the last quarter of 2021, thus, this Updated RP specifically covers CW8.

27. CW8 Package is subdivided into two sections as indicated in Table 1-1 with a total length of 18.08 kms traversing two districts (Tam Duong and Lai Chau City) with four communes (Ban Hon, Ban Giang, San Thang and Dong Phong Ward).

Table 2. CW8 alignment

Package	FS chainage		Length (km)	Existing road
CW8	km128+040	km137+040	9.46	PR136 section Dong Pao - Ban Giang (Km19+800 – Km9+935)
CW8	km137+960	km146+540	8.62	PR136 section Ban Giang –San Thang (Km9+000 – Km0+020)

28. In addition, a bridge (Nam Hon bridge) will be constructed on the realigned section (Km133+480.00 - Km133+129.22) with a total length of 107m. The bridge is located at Km133 + 868 that is 10m away from Provincial Road No. 136 in Tam Duong district.

29. It must be pointed that PR136 stationing is increasing in the opposite direction of the FS and Detailed Design stationing system. **Design documentations related to the section between km137+040 to km137+960 is voided and will be replaced in another contract Package.**

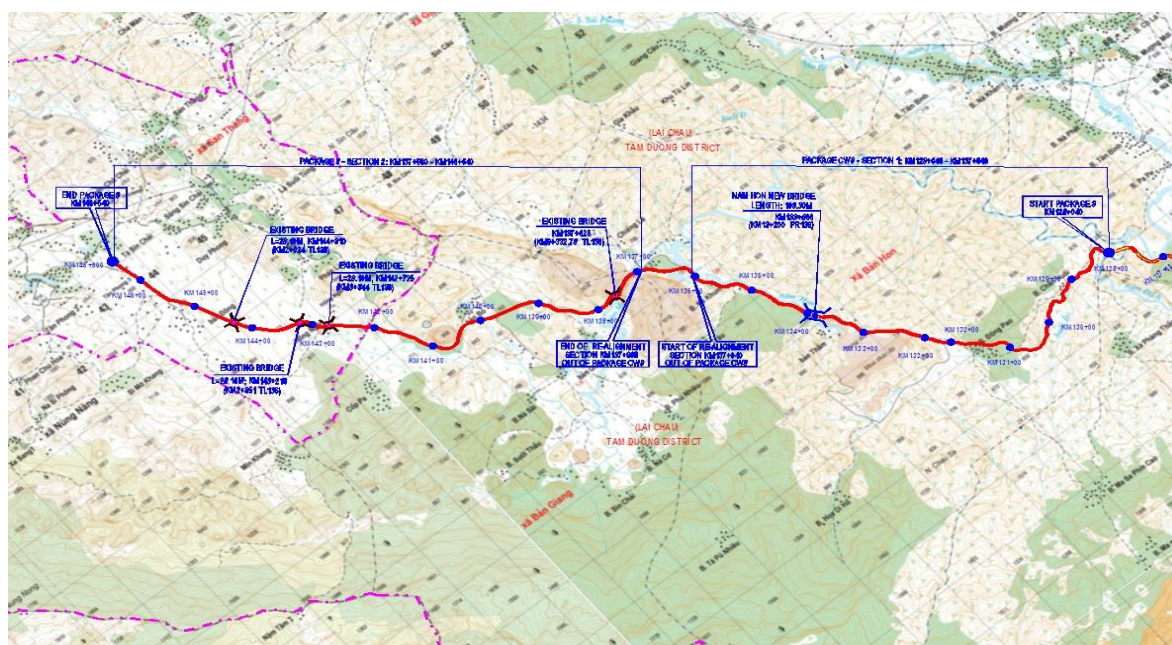


Figure 4: CW8 Package, Location Map

1.3 Rationale of the Project

30. The project alignment is in difficult terrain crossing high mountains and large rivers with lower class technical standards that do not meet the increasing transport demands and do not provide all-year accessibility. Also, the existing road is prone to climate change effects such as flash flooding and increasing temperature variations. Hence, the proposed project will upgrade the design class, ensure standard is consistent over the entire length and integrate climate resiliency features (reinforced slope protection, increased drainage capacity, etc) in order to (i) provide reliable access to basic social services such as education, health care, job training, and emergency disaster relief; (ii) increase economic and employment opportunities for the people of the north-western provinces, especially the poor ethnic minorities; (iii) provide further opportunities of inter and intra provincial trade; (iv) save

travel time and costs, hence, reducing fuel consumption and carbon dioxide emissions and (v) ensure consistency of standards over the entire road length, including road safety and climate resilience features.

31. The existing mountainous road has many tight curves with radiuses ranging from R30m to R60m which is sub-standard for Class IV (mountainous) road. Horizontal alignment can still accommodate the operating speed of 40km/h with the improvements of these sub-standard curves.



Figure 5: Existing sharp curves (<R30m) at Km 129+000



Figure 6: Existing sharp curves (<R30m) at Km 129+050

1.4 Measures taken to minimize negative impacts

32. To avoid potential impacts on the local people, affected households were advised (through consultations) not to cultivate new crops on the land to be permanently and temporarily acquired. A public information booklet (PIB) that explains, among others, the policy on cut-off date for eligibility, was distributed to the APs and communities. Other than the aforementioned, the PMU will ensure that the payment of compensation and assistance and relocation for AHs are completed and rehabilitation measures are in place prior to the issuance of notice to proceed to start construction works. During the research, to mitigate impacts due to land acquisition and resettlement, a construction plan was proposed to minimize the affected land area and assets and the number of affected households. Mitigation measures include:

- Section crossing the Ban Giang CPC, the route coincides with PR 136 to Ban Giang CPC T-junction, turns left and merges into PR 136 at km 140+400 (station of connection route).

- Realignment (DDD) to avoid two existing graveyards, one near Nam Hon Bridge km 133+930 and one at km 136.

1.5 Objective of Updating the Resettlement Plan of CW8 Package

33. The estimated resettlement impacts identified during the Project Preparatory Technical Assistance (PPTA)/Feasibility Stage (FS) based on the Inventory of Losses (**IOL**) are updated and validated after the approval of the Detailed Design laterally with the ROW clearance through **Detailed Measurement Survey (DMS)**. Therefore, the objective this RP updates the number of eligible AHs; enumerates the actual assets that would be affected; presents a more accurate number of APs; confirms the budget for implementation of the RP as per Replacement Cost Survey (RCS); and clarifies the Grievance Redress Mechanism (GRM), the institutional framework and mechanism for implementation and the monitoring and evaluation.

34. Project implementation will be contingent on the compliance with the following RP related conditionality along with other safeguards conditions:

- Approval of this Updated RP by ADB
- Full disclosure of at least summary of this approved updated RP to the community or the public
- Complete implementation of the RP including payment of all compensation before land handover
- Internal and external monitoring consultant is in place
- No Objection Letter from ADB for commencement of physical works.

35. In the event that additional impacts will be accounted in the course of civil works due to modification of design or technical engineering considerations, the same procedure to determine compensation and entitlements as those of the other AHs shall be provided.

36. The uRP is prepared following detailed technical design (DED), Detailed Measurement Survey (DMS), Replacement Cost Survey (RCS), and public consultation with AHs and relevant parties.

37. In addition, while this RP is not prepared and approved yet, but in order to ensure the progress of project implementation, a total of 12 compensation plans for 481/582 AHs have been approved by City/district People's Committee with an amount of VND 41,531,552,293. Moreover, the compensation payment has been conducted for 454 AHs with an amount of VND 36,529,903,177. Meanwhile, according to the project requirements, compensation is only made when uRP is approved by ADB and construction only commences when compensations and assistance payments have been completed. Therefore, a due diligence review (DDR) is required to be conducted for this package as project policy framework and ADB SPS 2009. (Please see the details of DDR in **Annex 3** of this report)

B. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

2.1. Survey Process

38. The assessment of land acquisition and involuntary resettlement impacts for this package was undertaken through series of activities starting from consultation meeting with local authorities, public consultations with APs, focus group discussions with women headed households and ethnic minorities/vulnerable group and gender assessment. Insights on possible impacts of the project to APs and corresponding recommendations to avoid or minimize these impacts were gathered and the conduct of subsequent activities to further understand and assess those impacts were informed. The policy of the cut-off date and the Grievance Redress Mechanism (GRM) were also disclosed during the consultations.

39. The limit of project ROW as per approved detailed design was demarcated to serve as reference for survey team to tag the affected assets inside the demarcated area followed by DMS which intends to assess the severity and magnitude of impacts.

40. Replacement Cost Survey (RCS) were conducted, as a result, replacement cost for affected land and trees are based on current market value while non-land assets are based on current prices of construction materials, labour cost and other associated cost needed to rebuild the affected structures.

41. Socio-economic Survey (SES) were administered using survey questionnaire. The main purpose of conducting the SES is to provide an overview of the socio-economic setting of the project area; to determine the profile of APs including their socio-demographic characteristics, tenure status, livelihood sources, economic status or living standards as well as establishing baseline information of APs, vulnerability of APs, and project perception. Data gathered from this survey will be used to determine eligibility for compensation, other forms of assistance, and budget. Moreover, the APs profile would serve as baseline data to gauge and monitor changes to the quality of life of APs after displacement.

42. Based on the approved detailed design, a Detailed Measurement Survey (DMS) was conducted in the area of CW8 (from Feb 2021 to July 2021) by the LFDCs of Tam Duong district and Lai Chau city to identify potential impacts on households and organizations. Besides, the Socio-Economic Survey (SES) was also conducted on periods of January to February 2021; and October 2021 to collect socio-economic information of the AHs (including demographic information of the APs, income, livelihood, ethnicity, educational background and their interests) via questionnaire and interviews. The SES has covered a total of 381⁴ affected households. Of which 100% or 39 severely affected household and 347 vulnerable HHs and 28 HHs of the marginally affected. During the survey, the secondary data was also collected from Lai Chau PPC, Lai Chau city, Tam Duong district as well as project communes.

2.2 Permanent impacts of package CW08

2.2.1 Affected Households and Organizations

43. As the final DMS results, the land acquisition for this package CW08 and 2 resettlement sites will impact on total of 582 AHs and 9 public organizations in 4 communes/wards of Tam Duong district and Lai Chau city. Out of 582 AHs, 39 households are classified as severely affected (36 households have to relocate and 3 households will lose from 10 -30% of their productive landholdings). Besides, 347 AHs belong to vulnerable groups (347 EM households, 32 poor households, 1 female headed

⁴ 33 severely AHs are also EM people, therefore, these households belong to vulnerable households.

household with dependents and 1 disable headed household – due to these households are also ethnic minority, therefore, total of vulnerable households is 347 households).

44. Out of the total 582 AHs as above mentioned, 37 EM households will be affected by land acquisition for the development of two relocation sites where the relocating of project will be arranged for the resettlement land plots. Therefore, this land acquisition is also as apart of project land acquisition and these households are entitled to get the compensation and assistances following to project policies. The land acquisition for the resettlement sites is almost as productive land and these households are not involved to any land acquisition before. Please see below table for more details.

Table 3. Affected households and Organizations

Communes	Total AHs			Vulnerable HHs				Severely Ahs*(losing >10% of productive land area)	Displaced HHs*
	HHs	Org.	EM	Women with dependent	Poor Hh	Disable HHs	Others		
Tam Duong	389	7	347	1	32	1	0	3	31
Ban Hon	262	5	246		30	1			30
Resettlement area in Ban Hon	31	0	31	0	0	0	0		0
Resettlement area in Dong Pao	6	0	6	0	0	0	0		0
Ban Giang	90	2	64	1	2			3	1
Lai Chau city	193	2	0	0	0	0	0		5
San Thang	133	1							3
Dong Phong ward	60	1							2
Total	582	9	347	1	32	1	0	3	36

Source: DMS results provided by LFDCs in October 2021

2.2.2 Impacts on Land

45. The implementation of CW08 and construction of 2 resettlement sites will be affecting an approximately 414,857.5 m² of land generally categorized as residential land, productive land such paddy, perennial, aquaculture, and others need to be acquired. Of which, 8,517.2 m² of residential land; 23,216.1 m² of paddy land used for growing rice; 28,975.2 m² of annual crop land used for growing annual or seasonal crops such as vegetables, maize, sugar cane, legumes; 40,392.2 m² of perennial crop land used for growing perennial plants and crops such as tea, coffee, fruit trees; 26,937.2 m² of upland; 11,497.2 m² of aquaculture land; 275,322.4 m² classified as other purposes. Table below presents the affected land by classification in the affected communes.

Table 4. Impact on Land by classification

District/Commune	Unit	Residential rural land	Paddy land	Annual crop land	Perennial crop land	Up land	Aquaculture land	Other land	Total
Ban Hon	HH	107	39	121	61	52	25	0	
	Organization							5	
	Area (m2)	7,890.7	7,957.8	18,528.2	21,273.0	16,733.5	3,921.3	203,469.2	279,773.7
-Resettlement site in Dong Pao	HH		1		5				
	Organization				1				
	Area (m2)		1,342.6		6,821.7			444.7	8,609.0
-Resettlement site in Ban Hon	HH	1	16	1	4	10			
	Organization								
	Area (m2)	119.9	6,375.2	91.3	1,835.1	5,692.3		3,877.0	17,990.8
Ban Giang	HH	2	17	40	37	22	10	0	
	Organization							2	
	Area (m2)	158.0	4,752.0	4,003.6	10,462.4	4,436.1	7,361.2	67,216.8	98,390.1
San Thang	HH		41	79		1	4	1	
	Organization								
	Area(m2)		2,740.0	5,096.0		75.3	214.7	314.7	8,440.7
Dong Phong ward	HH	9	2	48					
	Organization			1					
	Area(m2)	348.6	48.5	1,256.1					1,653.2
Total	HH	119	116	289	107	85	39	1	
	Organization	0	0	1	1	0	0	7	
	Area(m2)	8,517.2	23,216.1	28,975.2	40,392.2	26,937.2	11,497.2	275,322.4	414,857.5

Source: DMS results provided by LFDCs in October 2021

2.2.3 Impacts on Houses

46. The DMS distinguishes two types of houses. House #1 is main houses that are being used for living whereas House #2 is temporary houses built on the same affected land plot but not used for living, these temporary households just were being used for storage of production tools or others. A total of 36 main houses with 2,451.2 m² will be totally affected while 3 main houses will be marginally affected with 134.3 m². Therefore, all 36 AHs must to relocate to resettlement sites of the project. (Please see more details of resettlement option in following section). Besides, all of 16 temporary houses belong to these 36 AHs with 666.7 m² will be totally affected. Please see more details in the below table.

Table 5. Impacts on Houses

District/ Commune	House #1 (Main house)				House #2 (Temporary house)			
	Totally affected		Partially affected		Totally affected		Partially affected	
	House	Area (m2)	House	Area (m2)	House	Area (m2)	House	Area (m2)
Ban Hon	30	2,113.90			16	666.7		
Ban Giang	1	65.6						
San Thang	3	187.7						
Dong Phong ward	2	84	3	134.3				
Total	36	2,451.2	3	134.3	16	666.7	0	0

Source: DMS results provided by LFDCs in October 2021

2.2.4 Impacts on secondary structures

47. Various types of secondary structures will be affected. The most common types of losses are paved yards affecting 207 households, followed by water pipes affecting 188 households and all other losses as detailed in Table below.

Table 6. Loss of secondary structures

Item	Unit	PACKAGE 8	
		HHs	Qty
Kitchen	m2	2	24.0
Shed	m2	80	1,433.0
Electric meter	m2	80	80.0
Water meter	m2	80	80.0
Fence	m2	111	249.7
Gate	m2	156	304.4
Toilets/	m2	103	
bath house	m2	98	
Built grave	m2	75	75.0
Well	m2	3	3.0
Water tank	m2	132	115.1
Water pipe	m2	188	1,245.0
Yard	m2	207	2,230.8
Pond	m2	41	11,283.5

Source: DMS results provided by LFDCs in October 2021

2.2.5 Impacts on Trees and Crops

48. **Impact on Trees.** A total of 24,693 productive trees will be cut affecting 386 households of which 183 households lost 14,089 timber trees and 10,604 fruit trees owned by 203 households. The commune with the highest losses is Ban Giang. Summary of trees to be cut by location is set out below.

Table 7. Affected trees

Commune/district	Unit	Timber tree	Fruit tree
Ban Hon	HH	157	125
	Tree/Qty	13,830	10,126
-Resettlement site in Dong Pao	HH		
	Tree/Qty		
-Resettlement site in Ban Hon	HH		
	Tree/Qty		
Ban Giang	HH	20	53
	Tree/Qty	235	290
San Thang	HH	2	13
	Tree/Qty	7	110
Dong Phong ward	HH	4	12
	Tree/Qty	17	78
Total	HH	183	203
	Tree/Qty	14,089	10,604

Source: DMS results provided by LFDCs in October 2021

49. **Impact on crops.** A total of 74,045.2 m² of annual crops and paddy will be affected, of which 23,216.1 m² of rice belong to 108 HHs; 29,444.8 m² of affected vegetables owned by 167 HHs and 21,384.3 m² of other crops owned by 78 HHs. Summary of affected crops is presented in table below.

Table 8. Affected crops

Commune/district	Paddy (m2)	Vegetable (m2)	Others (maize, cassava...) (m2)
Ban Hon	39	121	52
	7,957.8	18,528.2	16,733.5
-Resettlement site in Dong Pao	1.0	5.0	
	1,342.6	6,821.7	
-Resettlement site in Ban Hon	16.0	1.0	
	6,375.2	91.3	
Ban Giang	17	40	22
	4,752.0	4,003.6	4,436.1
San Thang	33		4
	2,740.0		214.7
Dong Phong ward	2.0		
	48.5		
Total	108	167	78
	23,216.1	29,444.8	21,384.3

Source: DMS results provided by LFDCs in October 2021

2.2.8 Impacts on shop/business

50. There are 23 households whose businesses are affected. Out of this, 10 are associated with affected houses with the business being located in the house and 13 household businesses just right in front of the house which are mostly small-scale trading under the eaves of the house.

Table 9. Impacts on shop/business

District/ Commune	House-cum-shop	Business in front of affected house	Roadside vendors	Total Affected Businesses
1. Ban Hon	2	4		6
2. Ban Giang		1		1
3. San Thang	3	3		6
4. Dong Phong	5	5		10
Total	10	13	0	23

Source: DMS results provided by LFDCs in October 2021

2.2.8 Impacts on public facilities

51. There are public facilities to be affected by the project that include a total of 12,274 meter of electric line; 7,040meter of water pipeline; and 28,368meter of telephone poles need to be relocated including two public school classrooms. All these facilities will be compensated at replacement cost and must be restored before taking the land to ensure the services are always available for the people. Summary of the affected public structures is presented in table below.

Table 10. Impacts on public structures

District/ Commune	Electric line (m)	Water Pipe line (m)	Telephone poles (m)	Other public works
1. Ban Hon	6,284	2,540	17,212	2 public school classrooms
2. Ban Giang	1,490		6,656	
3. San Thang	2,000	2,000	2,000	
4. Dong Phong ward	2,500	2,500	2,500	
Total	12,274	7,040	28,368	

Source: DMS results provided by LFDCs in October 2021

2.2.8 Impacts on Vulnerable households/Ethnic Minorities

52. Households are defined as poor or near-poor using the Government-set national poverty line of average monthly per capital income together with consideration of deprivation of access to social services. A poor household in a rural area is one that satisfies either of the two following criteria: (i) Having a monthly per capita income of VND 700,000 or lower; or (ii) Having a monthly per capita income of between over VND 700,000 and VND 1,000,000 and lack of three or more

indicators measuring the lack of access to basic social services (Total is 12 indicators⁵ according to Decree 07/2021 stipulating the multidimensional poverty line for the 2021-2025 period of the Government officially took effect from March 15, 2021). A poor household in an urban area is one that satisfies either of the two following criteria: a monthly per capita income of VND 900,000 or lower; or a monthly per capita income of between over VND 900,000 and VND 1,300,000 and lack of three or more indicators measuring the lack of access to basic social services. A near-poor household in rural areas is the one that has a monthly per capita income of between over VND 700,000 and VND 1,000,000 and lack of three or more indicators measuring the lack of access to basic social services. A near-poor household in an urban area is one that has a monthly per capita income of between over VND 900,000 and VND 1,300,000 and lack of three or more indicators measuring the lack of access to basic social services. (Decision No 59/2015/QĐ-TTg issued by Prime minister⁶).

53. The SES collected information on vulnerability of households that may experience greater challenges in restoring their living standards than others or may need additional assistance to improve their living standards. The vulnerable HHs recognized during the SES is 347 and all 347 are ethnic minorities, of which 32 are poor HHs and 1 household with disable person and 1 female headed household. During interview with all the vulnerable HHs, they expressed their belief that the road upgrading would yield benefits for their small businesses and/or their households. Summary of the SES result on vulnerable HHs is presented in table below.

Table 11. Vulnerable HHs

Communes	Vulnerable HHs			
	EM	Women with dependent	Poor Hh	Disable HHs
Tam Duong district	347	1	32	1
Ban Hon	246		30	1
Resettlement area in Ban Hon	31	0	0	0
Resettlement area in Dong Pao	6	0	0	0
Ban Giang	64	1	2	
Lai Chau city	0	0	0	0
San Thang				
Dong Phong ward				
Total	347	1	32	1

Source: DMS results provided by LFDCs in October 2021

2.2.9 Temporary impacts

54. In the process of construction of package CW08, there will be other impacts including dust emission; noise, vibration; generation of domestic wastewater, construction wastewater; generation of solid waste; impacts on traffic; impacts due to Covid 19 pandemic. These negative impacts directly affect to the workers as well as the local people living on the construction road.

⁵ Twelve indicators measuring the extent of basic social service shortages include: 1. Employment, 2. Dependents in the household; 3. Nutrition; 4. Health insurance; 5. Education level of adults; 6. School attendance status of children; 7. Housing quality; 8. Housing area per capita; 9. Domestic water source; 10. Hygienic latrines; 11. Using telecommunications services; 12. Means for accessing information.

⁶ Decree 07/2021 stipulating the multidimensional poverty line for the 2021-2025 period of the Government officially took effect from March 15, 2021, has changed the criteria for identifying poor households compared to the criteria for identifying poor households. Currently, according to Article 2 of Decree 07, from January 1, 2021, the multi-dimensional approach poverty line will continue to be implemented in the 2016-2020 period according to Decision No. 59/2015/QĐ-TTg

These temporary impacts can be mitigated by application of the following measures: (i) Comply with the mitigation measures in the Environmental Management Plan; (ii) Arrange workers for traffic divergence; (iii) Reasonable arrangement of construction time; (iv) successive construction method (section by section, complete one section before starting the other); (v) Collect and classify construction solid waste at the end of the working session; and (vi) water the construction site or on the transportation route in densely populated locations in hot and dry conditions; (vi) In addition, during construction, potential impacts or damage may affect to the assets of the AHs (houses, buildings, other assets). However, during the public consultation, the AHs discussed and agreed that during the construction period, if such impacts or damage occurs to their property, the project will carry out the payment compensation and allowances to AHs according to the policy framework of the whole project and current regulations.

55. In addition, temporary use of land for regrouping materials, machines, and equipment: as designed, the contractors can use vacant/unused public land for regrouping materials, machines, and equipment during the construction period. However, in cases they need additional land/ land lots from households for temporary use, the civil works contract will include the following provisions, (i) the contractor has to pay rental charge for any land required for construction work based on negotiation with and concurrence of AHs; (ii) to the extent possible, only unused land will be used as construction work space; and (iii) temporarily used land will be restored or returned to its pre-project condition.

C. SOCIO-ECONOMIC INFORMATION AND PROFILE

3.1. Socio – economic information of project areas

56. Lai Chau is a border province, bordered to the north by Yunnan province of China, to the west and southwest by Dien Bien province, to the east by Lao Cai province, to the southeast by Yen Bai province, and to the south by Son province. La. This is the 10th largest province out of 63 provinces and cities in Vietnam. The administrative centre of the province is Lai Chau City, 397 km from Hanoi capital.

57. Located in the northwest of Vietnam, it has geographical coordinates from 21°41' to 22°49' North latitude and 102°19' to 103°59' East longitude.

- North of Lai Chau borders Yunnan province, China
- The East borders the provinces of Lao Cai, Yen Bai, Son La
- The west and south borders Dien Bien province.

58. Lai Chau has a natural area of 906,512.30 ha and a population of 313,511 people, including the districts of Muong Te, Phong Tho, Sin Ho and Tam Duong; Pu Dao, Chan Nua, Nam Hang and Thanh Chu and Xa Tong communes of Muong Lay district; Le Loi ward of Lai Chau town; Than Uyen district of Lao Cai province. The provincial capital is located in Phong Tho town, Tam Duong district.

59. Lai Chau is one of the difficult provinces. However, Lai Chau's economy has developed and achieved important results, with high economic growth rate, positive changes in economic structure, well-developed socio-economic infrastructure. The average GDP economic growth rate is 13%/year, the per capita income in 2020 will reach 45 million VND. The economic structure changed in a positive direction, the proportion of agriculture and forestry reached 34% (down 11.3%); industry – construction 35% (up 9.6%); services 31% (up 1.7%). All economic sectors and fields have developed in the direction of commodity production. A number of concentrated agricultural and forestry production areas have been formed, with prospects for economic and social efficiency; Food production increased in terms of area, productivity and output, total grain food production reached 157 thousand tons, food per capita reached 400 kg/person/year. Rubber trees were invested to plant nearly 7,000 hectares, continue to intensively cultivate tea areas and put new varieties into production. Forest economy has developed with the attraction of a number of businesses to invest and develop economic forests.

60. **Agriculture - Forestry - Fisheries:** To build concentrated commodity production areas, with areas reaching 30–50 million VND/ha/year in the fields of Muong So, Binh Lu, and Muong Than. Maintain and improve, intensively cultivate and develop tea and cardamom trees, which are two strong plants in exporting goods of the province. To socialize forestry, to fundamentally shift from traditional forestry to community-based social forestry development, to develop economic forests to serve the processing industry. To organize rural production in the direction of developing the farm economy, taking the household economy as an autonomous unit, agro-forestry enterprises and cooperatives as a two-way service unit for the development of the household economy.

61. **Industry:** For Lai Chau, this can be considered as a spearhead economic sector, combining to serve agricultural and forestry production. The province has approved the detailed planning of locations where hydropower plants can be built, especially the Lai Chau hydropower project. The processing industry of agro-forestry products also needs to be given due attention. Mining industry and building material production avoid following trivial methods for easy management and effective exploitation. Small handicrafts with local traditional trades such as bamboo and rattan, brocade weaving, food...

3.2 Demographics of Project Area

62. The population of the project area of influence is 80,737 with an average household size of 4.4 persons per household. The area with the largest population is Dong Phong Ward with 7,246 while 69.6% or 56,212 are ethnic minority as presented in Table below.

Table 12. Population of Project Communes

Commune	Total household	Total population	Average Household size	EM household	EM population	% EM population
Ban Hon	566	2,770	4.9	561	2,746	99.1
Ban Giang	843	3,820	4.5	775	3,512	91.9
Dong Phong ward	2,130	7,246	3.4	383	1,303	18
San Thang	1,316	5,111	3.9	623	2,420	47.3
CW8	18,415	80,737	4.4	12,334	56,212	69.6

Source: Statistical Yearbook 2020 and CEMA report

63. There is a high proportion of ethnic minorities in the project communes with majority population of 99.1% in Ban Hon followed by Ban Giang of 91.9% as summarized in table below.

Table 13. Ethnic Minority Groups in the Project Communes (%)

Communes	EM rate	Ethnic minority rate by group							
		Thai	Giay	Dao	Hmong	Kho Mu	Lu	Lao	Others EM
Ban Hon	99.1	0.5			8.3		90.3		
Ban Giang	91.9		64.5	17.2	10.2				
Dong Phong ward	18.0	4.0	11.0				3.0		
San Thang	47.3	1.9	43.4	1.8	0.2				
Average (%) of CW8	64.1	2.1	39.6	9.5	6.2		46.6		

Source: Statistical Yearbook 2020 and CEMA report

3.3. Socio-economic information of affected households

64. The Socio-Economic Survey (SES) was also conducted on periods of January to February 2021; and October 2021 to collect socio-economic information of the AHs (including demographic information of the APs, income, livelihood, ethnicity, educational background and their interests)

via questionnaire and interviews. The SES has covered a total of 381⁷ affected households. Of which 100% or 39 severely affected household and 347 vulnerable HHs and 28 HHs of the marginally affected. During the survey, the secondary data was also collected from Lai Chau PPC, Lai Chau city, Tam Duong district as well as project communes.

Table 14. Coverage of SES

Commune	Inter-viewed HHs	Thai		Giai		Dao		H'Mong		Lu		Kinh	
		HH	%	HH	%	HH	%	HH	%	HH	%	HH	%
Ban Hon	285	2	0.7	0		0		24	8.4	257	90.2	2	0.7
Ban Giang	71	0		45	63.4	12	16.9	7	9.9	0		7	9.9
San Thang	17	0		0		0		0		0		17	100
Dong Phong ward	8	0		0		0		0		0		8	100
Total CW8	381	2	0.5	45	11.8	12	3.1	31	8.1	257	67.5	34	8.9

Source: SES results by Oct 2021

65. Out of the 381 covered by SES with a total household member of 1,833 (928 male and 905 female). Even in the age groups, the percentage of female is lower as summarized in table below.

Table 15. Age-Sex Disaggregation of Survey Population

District/ Commune	Unit	Household members	< 18	18-30	31-40	41-50	51-60	>60	Total from 18-60	% of 18-60 to total population	Total surveyed HHs
Ban Hon	M	713	222	151	127	95	65	53	438	61.4	285
	F	673	215	140	110	91	50	67	391	58.1	
Ban Giang	M	169	56	35	33	21	18	6	107	63.3	71
	F	178	61	41	26	20	23	7	110	61.8	
Dong Phong	M	30	9	9	4	8	0	0	21	70.0	8
	F	38	17	4	4	8	0	5	16	42.1	
San Thang	M	16	5	4	1	3	3	0	11	68.8	17
	F	16	4	4	1	2	3	2	10	62.5	
CW8	M	928	292	199	165	127	86	59	577	62.2	381
	F	905	297	189	141	121	76	81	527	58.2	
	SUM	1,833	589	388	306	248	162	140	1,104	60.2	
	% M	50.6	49.6	51.3	53.9	51.2	53.1	42.1	52.3		
	% F	49.4	50.4	48.7	46.1	48.8	46.9	57.9	47.7		

Source: SES results by Oct 2021

⁷ 33 severely AHs are also vulnerable households due to these households are EM people.

3.4 Education, livelihood, and Participation in Community Organization

3.4.1 Educational attainment

66. The SES gathered information on the highest education of the household members. No education or illiteracy levels are significant or 35.46% in the surveyed commune, 16.39% are in primary (not completed), 10.68% are in primary completed, 20.11% are in lower secondary school, 16.78% are upper secondary and 0.58% have completed for university. Please see more details in below table.

Table 16. Educational Attainment of Household Members

Commune	Unit	No education	Primary, not completed	Primary completed	Lower secondary	Upper secondary	University & Other	Total
Ban Hon	%Male	26.9	18.6	12.4	21.0	20.6	0.5	100.0
	%Female	44.5	14.1	8.8	19.2	12.7	0.7	100.0
	%Total	35.7	16.3	10.6	20.1	16.7	0.6	100.0
Ban Giang	%Male	25.7	20.9	14.2	14.2	18.2	6.8	100.0
	%Female	41.9	14.8	6.5	18.1	14.2	4.5	100.0
	%Total	33.8	17.9	10.3	16.1	16.2	5.7	100.0
Dong Phong ward	%Male	0.0	14.3	0.0	28.6	57.1	0.0	100.0
	%Female	22.2	11.1	11.1	33.3	22.3	0.0	100.0
	%Total	11.1	12.7	5.6	31.0	39.6	0.0	100.0
San Thang	%Male	27.8	11.1	0.0	22.2	38.9	0.0	100.0
	%Female	22.2	16.7	5.6	22.2	33.3	0.0	100.0
	%Total	25.0	13.9	2.8	22.2	36.1	0.0	100.0
Total of CW8	%Male	13.82	9.53	6.39	10.77	10.58	0.29	51.4
	%Female	21.64	6.86	4.29	9.34	6.20	0.29	48.6
	%Total	35.46	16.39	10.68	20.11	16.78	0.58	100.0

Source: SES results by Oct 2021

3.4.2 Livelihood

67. The SES revealed that most of the household members are engaged in agriculture with 898 (462 male and 436 female). Only 18 (13 male and 5 female) are working in the government and some for hired labour. See table below for the summary of household members' occupation.

Table 17. Main Occupation of Household members

Commune	Unit	Agricultural production	Aquaculture	No job	Hired labour	Services	Gov. staff	Retired / housewife	Other	Total
Ban Hon	Total	730	0	75	7	1	7	2	7	829
	Male	379	0	43	5	0	4	2	5	438
	Female	351	0	32	2	1	3	0	2	391
Ban Giang	Total	151	10	23	17	4	8	0	4	217
	Male	74	6	11	7	0	7	0	2	107

Commune	Unit	Agricultural production	Aquaculture	No job	Hired labour	Services	Gov. staff	Retired / housewife	Other	Total
	Female	77	4	12	10	4	1	0	2	110
Dong Phong ward	Total	6	0	3	3	14	2	3	6	37
	Male	3	0	3	3	8	2	0	2	21
	Female	3	0	0	0	6	0	3	4	16
San Thang	Total	11	0	2	0	0	1	0	7	21
	Male	6	0	0	0	0	0	0	5	11
	Female	5	0	2	0	0	1	0	2	10
Total of CW8	Total	898	10	103	27	19	18	5	24	1,104 ⁸
	Male	462	6	57	15	8	13	2	14	577
	Female	436	4	46	12	11	5	3	10	527

Source: SES results by Oct 2021

3.4.3 Living conditions

68. The 71.7 % (273 households) reported earning an average monthly income of upper VND 1million per month, 19.9% (76 households) reported earning an average monthly income of from 700,000 VND to 1 million per month and 8.4 % (32 households) reported earning monthly income below VND 700.000 as summarized below.

Table 18. Average monthly income of surveyed households⁹

Commune	Total surveyed HHs	Under VND 700,000/ month		From VND 700,000 - 1 million/ month		Upper VND 1 million/ month	
		HH	%	HH	%	HH	%
Ban Hon	285	30	10.5	63	22.1	192	67.4
Ban Giang	71	2	2.8	9	12.7	60	84.5
Dong Phong ward	8	0	0	3	37.5	5	62.5
San Thang	17	0	0	1	5.9	16	94.1
CW8 Total	381	32	8.4	76	19.9	273	71.7

69. Majority reported that their income was sufficient to meet expenditure 78.5% reported having enough income to save; only 0.8% reported income met expenditure and 20.8% revealed that their income was not enough for expenditure.

⁸ This is total of surveyed HH members who are in working ages (from 18 to 60 years old)

⁹ Norms for measuring multidimensional poverty line for 2021 remain unchanged as the Government extends the implementation of Decision No. 59/2015/QĐ-TTg dated November 19, 2015 on multidimensional poverty line for 2016-2020 period. Poor household in rural areas is recognized as is the one that satisfies either of the two following norms:

- Having a monthly per capita income of VND 700,000 or lower;
- Having a monthly per capita income of between over VND 700,000 and VND 1.000. 000 and deprived of at least 3 indicators measuring deprivation of access to basic social services.

Table 19. Income VS expenditure

Commune	Total	HHs who have savings (income > expenditure)		HHs who have no saving (expenditure = income)		HHs expenditure > income	
	HH	HHs	%	HHs	%	HHs	%
Ban Hon	285	226	79%	3	1%	56	19%
Ban Giang	71	59	84%	0	0%	12	16%
Dong Phong	8	1	12%	0	0%	7	88%
San Thang	17	16	96%	0	0%	1	4%
Total of CW8	381	302	78.5%	3	0.8%	76	20.8%

Source: SES results by Oct 2021

70. The surveyed households also revealed that they applied for loan in the bank to invest in agriculture and business and for family consumption. Below table presents the HHs in four communes the amount loaned in the bank.

Table 20. Loan investment

Commune	No. of HHs	Average amount (million VND)	Source of loan (million VND)			
			Bank	Other organizations	Individuals	Others
Ban Hon	285	71.3	9,417.0	1,387.0	537.5	-
Ban Giang	71	81.8	3,295.0	430.0	200.0	-
Dong Phong	8	485.4	6,060.0	180.0	70.0	-
San Thang	17	84.3	970.0	100.0	110.0	-
Total of CW8	381	97.3	19,742.0	2,097.0	917.5	-

Source: SES results by Oct 2021

71. For the surveyed households, most of them 85.5% applied loan to invest in agricultural production/farming; 54.7% spend for children's education and 23.9% for home consumption.

Table 21. Purpose of the loans

Commune	Total HHs (with loan)	Spend for the family	Invest in agricultural production, farming	Invest in business/ trade	Build/ repair the house	Spend for children's education	Other
		%	%	%	%	%	%
Ban Hon	159	22.0%	91.8%	15.7%	11.3%	55.3%	7.5%

Commune	Total HHs (with loan)	Spend for the family	Invest in agricultural production, farming	Invest in business/ trade	Build/ repair the house	Spend for children's education	Other
Ban Giang	48	31.3%	77.1%	14.6%	29.2%	54.2%	0.0%
Dong Phong	13	15.4%	38.5%	92.3%	0.0%	38.5%	7.7%
San Thang	14	28.6%	85.7%	28.6%	0.0%	64.3%	0.0%
Total of CW8	234	23.9%	85.5%	20.5%	13.7%	54.7%	5.6%

Source: SES results by Oct 2021

3.4.4 Participation in Mass Organization

72. HHs participate in a variety of local mass organizations and participation of women is high in the Women Union with 131 HHs, followed by Farmer Association with 107 HH.

Table 22. Membership of Mass Organizations

Commune	HHs joined (%)	Women Union		Elderly Assoc.		Veteran Assoc.		Farmer Assoc.		Others		Number of HHs	HHs joined
		HH	%	HH	%	HH	%	HH	%	HH	%		
Ban Hon	45.7%	114	40%	9	3%	7	2%	91	32%	0	0%	285	131
Ban Giang	20.9%	4	5%	6	8%	4	5%	4	5%	0	0%	71	15
Dong Phong	70.6%	6	65%	1	6%	0	0%	4	47%	0	0%	8	6
San Thang	44.0%	7	36%	0	0%	0	0%	8	44%	0	0%	17	8
Total of CW8	41.3%	131	33%	16	4%	11	3%	107	27%	0	0%	381	160

Source: SES results by Oct 2021

3.4.5 Project Perception

73. All the HHs were asked of their perception of the project. Survey result shows that they understand the purpose of the project and the benefits that it will eventually bring to the community. The perceived project benefits identified by the respondents include improved comfort and convenience to passengers, improved access to workplace, markets and schools, and opportunities for work and business among others.

74. In terms of issues and concerns, the primary concern among households is their productive land to be acquired and their houses to be demolished and relocated. They are also concerned that their business will be disrupted resulting to lose income.

75. To lessen the impact of the perceived issues and concerns, households recommended to redesign the project to avoid or minimize land acquisition and resettlement, just compensation for assets to be acquired, provide financial assistance to displaced households and provision of relocation.

3.4.6 Gender equality and social inclusion

76. In the project areas, both men and women are actively engaged in the workforce. The most common livelihood activities were farming with general labour also a common income source.

77. Women in the project areas are very busy, carrying a large part of family work and care duties within the home as well as earning a living. Some responsibilities fall to a greater extent on women alone, such as cooking and taking care of children and the elderly in the family. In other activities, both husbands and wives mostly share such as farming, forestry work and conducting retail or service businesses as noted in tables above related in occupations.

78. Most of household decision-making was reported by surveyed households to be shared between husbands and wives. However, where one or the other is the main decision maker, it tended to be the husband. Land registration in the name of both spouses is not uniform.

79. Adult women in the surveyed households have been afforded much less opportunity for formal education than men. Women in surveyed households have significantly lower education attainment than men and are overrepresented in the proportion of illiterate adults.

80. The design and implementation of the resettlement plan is to pay adequate attention to gender concerns, including specific measures addressing the needs of vulnerable women, gender-inclusive consultation, information disclosure, and grievance redress mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, as well as assistance to restore and improve their incomes and living standards.

81. Participation and involvement of the Women's Union at all levels is encouraged especially for supervision and monitoring of the resettlement process and its implementation, and to help inform communities and women's groups as to subproject potential impacts. Women are to have full and equitable access to the subproject's resources and benefits including income restoration programmes and skills training. Adequate resources including a financial and social safeguard specialist must be allocated to support the resettlement process and its implementation. Women must be present during consultations made when conducting the detailed measurement survey and visit to resettlement site. This is to ensure that all information and opinions can be collected and that they include the women's perspectives. Names of both husband and wife must be on the land use rights certificates. Women must be present when compensation payments are made to ensure that any decisions regarding use of compensation monies will be open to decisions made by husband and wife. Sex- disaggregated data are collected in the socio-economic survey and must be collected in the inventory of loss.

82. Women, including ethnic minority women face gendered prejudices, minority status, and isolation in mountainous locations and often face heightened cultural barriers restricting their participation in decision-making. Women in the project area face situation of low income from agricultural production and lacking jobs to do at the leisure times in between two rice crop seasons. Therefore, many of them leave home to work in other provinces or big cities to contribute to family incomes. Inequitable treatment of women, especially women in the remote, mountain communes still happens in the society and in the families. Accordingly, ensuring that women of severely affected and vulnerable households have full access to the livelihood development activities is of critical importance.

83. Development projects can impact differently on men and women. The impacts on women are often overlooked when mitigation measures focus solely on the nominal heads of households alone to the exclusion of other household members. Several key areas of risks related to women are highlighted as particular need for focused attention.

84. Land acquisition for the project will affect numerous households and create severe impacts in the form of relocation and loss of productive resources. Women often earn their livelihoods in the

informal sector – the impacts on which can often be overlooked. The project is expected to have significant negative impacts on the livelihoods of women as well as men and also on livelihoods which are not formally registered. The compensation process associated with land acquisition has the potential to alienate women from household assets if compensation is not made to both spouses heading households. For example, as noted above, most land registrations are in the names of male heads of families only. Female headed households face additional challenges associated with resettlement – especially where they are reliant on extended family and social networks for care and socialization of children. The resettlement plans will include gender specific measures to ensure that women are not marginalized through the process. Such measures will include paying compensation to both spouses heading households, issuing any new land certificates to both spouses, separate consultations with women on livelihood restoration and relocation given that women often have differing needs that need to be incorporated, as well as issuing invitation letters for public consultations to both spouses during updating of the resettlement plans.

The following gender sensitive measures are included in the design and implementation of the Updated RP:

- Consultation and participation strategies and activities will ensure the meaningful participation of women. Both spouses of households are to be invited to attend public consultation meetings. Where specific views of women need to be considered carefully, such as resettlement arrangements and design of, as well as needs assessment for the detailed LDP, separate consultations will be held with women.
- Composition of the DCARB will include representatives of the Women's Union.
- Both spouses are to be advised on the compensation and assistance amounts to be paid and timing of payment. Both will be invited to attend the compensation payment.
- New land titles or registration of new assets will be in the names of both spouses jointly residing in the same household, unless they specifically request registration in the name of one spouse only, in accordance with the Land Law and the Law on Marriage and Family.
- Special attention will be paid to the needs of vulnerable female-headed households in relocation and livelihood development.
- Sex-disaggregated data are incorporated in consultation records, participation in livelihood development as well as monitoring and evaluation.

3.5 Assessment of Social impacts

85. Suitable measures in the process of implementing DMS, Replacement Cost Survey (RCS), SES required in updating this RP are ensured to be suitable for cultural, environmental, and vulnerable aspects. Community consultation meetings are organized in favourable locations for people.

86. Positive and negative impacts caused by the project and impact mitigation measures will and have been carried out. Benefit channels are presented in the table below:

Table 23. Summary of impacts caused by the project

Impacts	Positive/ negative (+/-)	Mitigation measures/ support channel
Land acquisition and resettlement	-	Mitigation through updating and implementation of updated Resettlement Plan
Risk of HIV transmission and human trafficking	-	Risk of HIV transmission and human trafficking is high, HIV/AIDS and human trafficking awareness program (HHTAP) will be implemented through a Service Provider
Traffic safety due to increase of speed of vehicle participating in traffic	-	Mitigation measure is implemented through combination of road safety in technical design of the project, including measures for reducing speed in residential area. A Road Safety Awareness program will be carried out.
Accessibility to services and market	+	Improved road condition will improve traffic condition, especially in rainy season
Improvement of health condition	+	Reduce of dust and improvement of accessing to health services
Improvement of economy	+	Benefit of improving economic condition is longer than expectation due to increasing traffic flow, reducing transport cost and saving travelling time.
Consultation, participation and redressing of complaint/grievance	+	Local community will be informed and consulted about all aspects/impacts caused by the project on them in suitable manner with culture. Reputable persons should participate in consultation. Grievance redressing mechanism is operated in suitable manner with culture.

Impacts	Positive/ negative (+/-)	Mitigation measures/ support channel
Covid 19 epidemic	-	Mitigation measure is implemented through EMP of the contractors as regulations of government on Covid 19

D. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

4.1 Objectives of Consultation and Participation

87. Meaningful consultation is an integral element of the preparation and implementation for this project RP. Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation is a continuous process that is undertaken before, during and after the implementation of the RP.

88. This process enables communities and APs to be fully informed about the decisions that will affect their way of life and living standards. Importantly, it also provides opportunities for them to participate in the decision making on matters that will directly affect them. This is not only consistent with principles of transparency and fairness but ensures better outcomes in the design and implementation of mitigation measures.

4.2 Consultation and Participation Conducted

4.2.1 Information dissemination and public participation during preparation phase

89. During the preparation of the RP in 2018, 12 consultations were held in all the affected communes in Lai Chau province between 29 January and 8 February 2018. The consultations were facilitated by social and environmental safeguard consultants. Attendance included potentially affected households, representatives of local authorities and mass organizations. The information presented included general information about the project design and anticipated land requirements, types of land acquisition and resettlement impacts as well as approach to mitigation and policy principles. A total of 490 people participated consisting of 301 men and 189 women (39% of total).

90. Issues raised by attendees included resettlement related matters, such as the need for adequate compensation, livelihood restoration, and transparency in resettlement planning. There were also some environment and design related comments.

4.2.2 Information dissemination and public consultation during the RP updating

91. Another round of information dissemination and consultations were conducted in all the affected communes in November 2020 prior to updating of this RP with project stakeholders, local communities and affected households identified through the assistance of concerned local authorities based on the detailed design and the road Right of Way (ROW) Plan.

92. The consultations were facilitated by the DDD safeguards consultants (Social/Resettlement Experts, Environmental Experts and Gender Experts). The information presented included general information about the salient features of the project; requirements of the funding institution (ADB) and the GOV as far as environmental, social and gender considerations and the likely impacts; schedule of activities and anticipated land requirements, types of land acquisition and resettlement impacts as well as approach to mitigation and policy principles. In addition, the GRM to be adopted for the project was disclosed and a Public Information Brochure (PIB) setting out key information was disseminated.

93. A total of 296 people participated across the four venues consisting of 194 (66%) men and 102 women (34%). Out of the 296 attendees, 234 or 79% are ethnic minorities. (Please see the sample of minutes of consultation meetings with AHs in **Appendix 1** and selected pictures during RP updating in **Appendix 2**).

Table 24. List of Consultation Meetings Conducted in Affected Communities

Commune	Date	Total participants of	Male	Female	EM Participants
Ban Hon	3 rd Nov.2020	110	87	23	102
Dong Phong ward	4 th Nov.2020	30	17	13	5
San Thang	4 th Nov.2020	79	36	43	66
Ban Giang	6 th Nov.2020	77	54	23	61
Total		296	194	102	234

94. The issues and concerns raised during the dissemination and public consultations are summarized below:

Table 25. Summary of feedback from public consultation meetings

Issue Raised	Responses/ How the Issue is Addressed in the Project
The Project	
The project is highly appreciated and supported by the local authorities and people	Much appreciated. Social acceptability obtained
Resettlement Issues	
Compensation needs to be reasonable	Fair compensation for land and non-land losses: Compensation will be at full replacement cost based on a replacement cost study to be undertaken as part of updating the RP. Land and non-land assets will be compensated at replacement costs. Assistance will be provided for culturally appropriate reburial on a plot provided by the project. If the remaining portion of land is unviable, the entire parcel of land will be acquired in accordance with Government and ADB regulations.
Determination of compensation and entitlements for affected assets	The application of compensation and entitlements of affected assets will be based on the reconciled policies of ADB and GOV, or in principle paid at replacement cost

Issue Raised	Responses/ How the Issue is Addressed in the Project
(That the project has separate policy for compensation and assistance and pricing is understood)	
It is necessary to provide support to people living on roadside trading (disrupting and limiting trading).	Business households along the road that are affected will receive compensation for affected assets at replacement cost and will be provided with support for disrupted/affected business.
During implementation, measuring land and property needs to be transparent and equitable.	DMS of the affected assets will be carried out by the district land fund development centre staff and commune officers, village leaders and representatives of the AHs. Copies of DMS records will be handed over to the AHs for checking and keeping.
Life stabilization assistance needed.	An allowance package will be provided for the AHs losing land, in which there is also life stabilization assistance.
Provision of compensation and assistance to the APs should be on-time	PMU2 must ensure that fund for compensation and assistance is available and ready for release
In cases where APs have no place to re-organize	The Project or the government must provide resettlement site
Currently the local people are growing rice and tea, raising chicken, duck, pig, buffalo, if these people are affected, will the gov't provide support for training on proper growing and raising of their commercial activities	A Livelihood Development Program will be developed for the Project, and this will be discussed with local authorities.
In the case of commune previously belonging to Tam Duong District but now expanded city, so the people still reside within Tam Duong, but their productive land is now within Lai Chau City or vice versa. Of this, the issue for identification of land ownership and compensation was raised as this may involve two LFDCs for crossed ownership.	For cross-district land ownership issues, the 2 LFDCs will work together to identify the impact and legal ownership to avoid duplication of compensation and complaints from the AHs.
Limit agriculture and set up of facilities along the COI by local people while civil works of the project have not yet started	Cut-off date will be announced. Any structures or facilities introduced after the cut-off date will not be compensated

Issue Raised	Responses/ How the Issue is Addressed in the Project
Housing on non-residential land were being reviewed to identify non-entitlement	The eligibility for the provision of entitlement will be presented in the Matrix.
Design Issues	
- The construction of a bypass should be considered to reduce traffic density through the town.	The construction of bypass within Tan Uyen town is being considered by the detailed design consulting unit aside from upgrading the existing road
The construction should not affect the newly constructed power pole on the left side of the road.	The affected public structures will be compensated. The displacement of electric poles will be carried out by the specialized unit.
It is necessary to arrange access paths to people's production areas to ensure agricultural production.	Regarding access paths to the production areas, if they are affected by the project, they will be compensated at the principle of restoration. In case the construction of the road causes obstacles to the accessibility to the production areas, the project will have to construct a new access path to the production areas.
Traffic and road safety	Necessary measures will be incorporated into the road design such as the installation of road crossings marker especially at schools and markets, bus stops, informative signs, warning devices, covered lined ditch canal and a Road Safety Awareness Campaign will be delivered.
Environment Issues	
Environmental impacts need to be carefully assessed, mitigation measures put in place; and environment plans be implemented carefully.	
Erosion and landslides need to be avoided during construction. Concerns that any erosion could lead to subsidence of houses.	
For the household losing the house area but still living by the road will be affected by noise and vibration during project operation. Attention should be given to relocation and life stabilization.	

Issue Raised	Responses/ How the Issue is Addressed in the Project
When constructing, it is necessary to ensure proper environmental measures and drainage positions, avoiding the land for production of houses and fishponds.	The comments were noted for inclusion in the Project's Environmental Impact Assessment and Environment Management Plan
The project must take measures to minimize the environmental impacts during construction.	
Need to ensure public security and traffic safety during construction	
Dust and Noise pollution during the construction period	
Construction and Recommendations	
Manage traffic safety during the construction process to minimize disruptions and accidents.	Traffic Management Plan will be prepared and implemented by Contractors
Improve road safety awareness	The project will include a community road safety awareness program.
<p>Agricultural Extension Training:</p> <ul style="list-style-type: none"> Development policies should be in line with local realities and needs. Training regarding crop production, additional training on how to use fertilizers, tend crops should be provided. Training on agriculture product storage following each product's characteristics and climate conditions is also expected Open training courses on plant and animal species because there is no training course. 	The project will include a livelihood development program expected to include farming extension through model development and training. While the program will prioritize those affected by land acquisition, the local models will be accessible to those in the local community. The training to be provided will be detailed during the updating of the EMDP and will include a phase of needs analysis and consultations with local communities.
Local labour hire during construction should be actively promoted.	The project will actively promote local labour hire.
Employment opportunities during construction phase	Local people will be hired by contractors. Qualified women and youth of employable age in the localities should be given equal opportunities for employment including qualified vulnerable persons, ethnic minorities will be given higher priority in consideration for project employment.

Issue Raised	Responses/ How the Issue is Addressed in the Project
	Approximately 35% each for male and female will be sourced from local communities, especially for semi-skilled and unskilled positions. As the work progresses, additional workers may be required especially at the peak of construction, but this will be determined by the contractors.
Need to maintain social order during construction.	This will be covered in the EMDP and will be monitored.
Contractors need to responsibly manage their workforces and pay full compensation to local workers.	Contractors will be required to adhere to labour laws and will be monitored.
Disturbance of water facilities and other water bodies during drainage construction or slope protection works	The Project or contractor will ensure that proper construction methodologies will be adopted, or the execution of civil works will be done with care to avoid damaging water lines or any other facilities

95. Another round of stakeholder engagement was conducted with the local authorities who are directly involved in the implementation of the RP and related activities in Lai Chau province on March 18, 2021. The objective of this engagement was to socialize the Entitlement Matrix prior to finalization; to clearly explain the updated detailed design/ concept of the project and the requirements of ADB for the local authorities to have a common understanding of the procedures in the land acquisition and involuntary resettlement and the compensation and entitlements to be applied for the Project to facilitate the smooth implementation of the RPs.

4.2.3 Information disclosure during implementation

96. The Updated RP will be disclosed to APs and communities as well as be publicly disclosed on ADB website once approved both by the ADB and the GOV. An updated Public Information Booklet (PIB) setting out key principles, forms of assistance, GRM (with contact information) and an updated project schedule will also be publicly posted in each commune following approval of the updated RP.

97. The PIB will be translated in two or multiple languages – Kinh languages and ethnic minority languages to enable the AHs/APs and local communities of the associated impacts of the project, their benefits and compensation accorded to AHs.

E. GRIEVANCE REDRESS MECHANISM

98. A Grievance Redress Mechanism¹⁰ will be established for the project to address grievances and requests. The principles and procedures of the grievance redress mechanism are based on The Law on Grievances 02/2011 dated 13/11/2011; Circular 07/2014 on Procedures for Addressing Grievances, Denunciations, Requests; and the Land Law 2013.

5.1 Key Principles and Procedures for Grievances or Requests Directly Related to Land Acquisition and Resettlement

99. Grievances or requests that are directly related to land acquisition and resettlement, such as land acquisition decisions, compensation, assistance, resettlement or other similar matters are to be addressed and processed in accordance with the measure described above and directed to the following specific agencies:

- a. If an affected person has any query, request or grievance they can seek advice from legal cadre at the respective Commune or District People's Committee office. If after guidance and explanation the affected person wishes to submit formal request or grievance, they must do so within 90 days of the relevant decision or becoming aware of the issue of concern.
- b. Requests or grievances will be submitted in the first instance to the complaints receiving office of the relevant District People's Committee (DPC). The DPC complaints receiving officer will refer the request or grievance to the District Compensation, Assistance and Resettlement Board (DCARB) for consideration and recommendation if the matter is related to eligibility, DMS, land categorization, payment of compensation and assistance or resettlement entitlement. The DCARB composition will include representatives of relevant local agencies including CEMA and Women's Union as well as representatives of affected households. The DCARB will request the participation of the relevant Commune People's Committee Chair or Vice Chair. The DPC will refer any matters requiring a decision from the provincial level to the Department of Natural Resources and Environment (DONRE). The DPC will issue the decision addressing the request or grievance. If the matter is related to compensation rates, the request or grievance will be referred by the complaint receiving officer to the District office of environment and natural resources for review.
- c. If the person submitting the request or grievance is not satisfied with the decision of the DPC and wish to pursue their request further, they may submit their grievance or request directly to either Provincial DONRE.
- d. If a person submitting a grievance is still not satisfied with the decision issued, they may submit their grievance to the court having jurisdiction over administrative matters

5.2 Regulations on Complaint Letter

100. Complaint letter must be written in Vietnamese and clearly state the date of writing, full name, address, signature or fingerprint of complainant. The written complaint must clearly state the name

¹⁰ This GRM is different with the GRM indicated in the RP approved during PPTA in 2018, however, ADB has accepted to use this GRM in all updated RPs and EMDPs for the project during implementation stages.

and address of complained agency, organization, unit or individual, content and reason for complaint and request of the complainant.

101. If the complaint relates to land acquisition, compensation, assistance and resettlement, the complainant must be the person whose name is in the decision of land acquisition, compensation and resettlement. If the complainant represents a group of people who exercise the right to complain to file the complaint, there must be a written authorization from the authorizers (enclosed with their original signature) as prescribed by laws.

5.3 Order and Procedures for Settling First-Time Complaints

102. Stage 1. Receiving complaints

- a. Complainant shall send their complaint letter and relevant documents (if any) to most relevant receiving unit (Residents Receiving Unit of the relevant District People's Committee).
- b. If the complaint does not fall under the settling competence of the receiving unit, the receiving unit shall have to forward the complaint to a competent agency for settlement and notify the complainant in writing of the forwarding.
- c. Receiving agency shall inform the unit that has forwarded such complaint in writing and the complainant of receipt of complaint and expected date of review and response.

103. Stage 2. Acceptance of complaints for settlement

- a. Within 10 days after receiving a complaint under its competence, PMU 2, District People's Committees or Residents Receiving Unit of District notify the acceptance in writing to the complainant. In case of refusal to accept the complaint, responsible agency must clearly state the reason thereof.

104. Stage 3. Verification of complaint contents

- a. In cases where the contents of a complaint must be verified, the verification shall comply with the provisions of Article 29 of the Law on Complaints and Section 2, Chapter II of Circular No.07/2013/TT-TTCP of 31 October 2013 of the Government Inspectorate providing the process of settlement of administrative complaints. The time limit for verification of complaint contents is 30 days.

105. Stage 4. Issuance of first-time complaint settlement decision

- a. The relevant District People's Committee must issue the first-time complaint settlement decision within 03 working days counting from the date sending the acknowledgement to the complainant (if verification of complaint contents is not required) or from the date of completion of verification of complainant content (if verification of complainant content is required) and send the first-time complaint settlement decision to the complainant and the complained subject.

- b. If the complainant disagrees with the decision of the District People's Committee, he/she may lodge a second-time complaint to the Provincial People's Committee or an administrative lawsuit at court in accordance with laws.

5.4 Order and Procedures for Settling Second-Time Complaints

106. Stage 1. Receiving complaints

- a. The second-time complaint shall falls under the competence of the Chairman of the Provincial People's Committee under Article 20.21 of the Law on Complaints, the complainant must send a second-time complaint enclosed with the first-time complaint settlement decision and relevant documents to the Provincial People's Committee (through Residents Receiving Unit of the Provincial People's Committee).

107. Stage 2. Acceptance of complaints for settlement

- a. Within 10 days after receiving a complaint, the Residents Receiving Unit of the Provincial People's Committee must accept such complaint for settlement and notify the acceptance in writing to the complainant. In case of refusal to accept the complaint, the Residents Receiving Unit of the Provincial People's Committee must clearly state the reason thereof.

108. Stage 3. Verification of complaint contents

- a. In the process of settling a second-time complaint, competent agency shall verify the contents of complaint based on the nature of the complaint. The verification shall comply with the provisions of Items 2, 3, 4 of Article 29 of the Law on Complaints and Section 2, Chapter II of Circular No. 07/2013/TT-TTCP of 31 October 2013 of the Government Inspectorate providing the process of settlement of administrative complaints. The time limit for verification of complaint contents is 30 days.

109. Stage 4. Issuance of second-time complaint settlement decision

- a. The Chairman of the Provincial People's Committee must issue the second-time complaint settlement decision within 07 working days counting from the date sending the acknowledgement to the complainant (if verification of complaint contents is not required) or from the date of completion of verification of complainant content (if verification of complainant content is required) and send the second-time complaint settlement decision to the complainant, the complained subject, the first-time complaint settler and the agency that has forwarded the complaint.
- b. If the complainant disagrees with the decision of the Provincial People's Committee, he/she may lodge an administrative lawsuit at court in accordance with law.

110. APs may lodge a written complaint directly to the Department of Southeast Asia through the Resident Representative Office of Asian Development Bank (ADB) in Vietnam. If AP remain disagrees with the response of Southeast Asia Department, and only as a last option, APs can access ADB's Accountability Mechanism via <https://www.adb.org/site/accountability-mechanism/main>.

F. LEGAL AND POLICY FRAMEWORK

111. The Resettlement Plan (RP) is prepared based on the provisions of the policy and legal framework of the GOV and ADB (ADB SPS 2009 Safeguard Requirements 2 and 3 and cross-cutting policy themes included in OM/F1/OP updated in October 2013). The RP follows the approved Resettlement and Ethnic Minority Development Framework (REMDF) which concerns all subprojects under this investment program and requires compliance with the following safeguard objectives:

- Land Acquisition and Resettlement: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.
- Ethnic Minority Peoples: (i) to design and implement projects in a way that fosters full respect for ethnic minority peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the ethnic minority peoples themselves, and (ii) so that ethnic minority peoples receive culturally appropriate social and economic benefits and do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them.

6.1 Relevant Laws and Regulations of Vietnam

112. According to the Constitution 2013, land in Vietnam belongs to the population as a whole and is administered by the state on the public's behalf. Citizens and organizations rely upon land-use rights, but do not own land. The law allows the state to acquire land used by citizens for a wide range of purposes, including national defence and security, national interest, public interest, and economic development.

113. Ownership rights in Vietnam are mainly land use rights, which means that they have the right to use but cannot own the land. The right to use includes the right to a land use right certificate (LURC) granted by the State, the user has the right to sell, lease, exchange, mortgage and leave the right to use and have the right to expel others out of the land for which they have the LURC. The State may grant land use rights and users may obtain legal use rights through rent, inheritance or grant from family members and purchase. LURCs are necessary for the recognition of the rights of users and to guarantee their right to use the land, for real estate transactions, access to credit and for legal protection of land use rights.

114. Some types of legal title may have land use rights. The State may grant user rights through allocation or lease and some rights require users to pay fees or rent. Under the law, the type of "land user" includes: (1) domestic organizations (political organizations and people's armed forces units), which the State allocates, leases land or recognizes land use rights; (2) economic organizations are permitted to transfer land use rights; (3) communities granted with land or with land use rights recognized by the State; (4) domestic households and individuals are allocated or leased land by the State, with recognized land use rights and entitlement to transfer such rights; (5) religious organizations are granted and recognized land use rights by the State; (6) foreign diplomatic missions have land leased by the State; (7) some Vietnamese residing overseas are allocated or leased land; (8) Foreign organizations and individuals investing in Vietnam may have land leased by the State.

115. In addition, the government also promulgated several laws, decrees and regulations to create a legal framework for land acquisition, assistance, compensation and resettlement. The main documents include:

a. Law and Ordinance

- (i) Land Law 2013, No.45/2013/QH13 approved by the National Assembly on 29/11/2013;
- (ii) Law on Complaints (2011) No.02/2011/QH13 approved by the National Assembly dated 21/11/2011;
- (iii) Construction Law No.50/2014/QH13 dated 18/6/2014;
- (iv) Ordinance No. 34/2007/PL-UBTVQH11 of the National Assembly dated April 20, 2007, on exercise of democracy in communes, wards and townships and contents to be publicized to people including: "Investment projects and works, order of priority, implementation schedule, schemes on compensation, support for land clearance and resettlement related to projects and works in the commune area".

b. Government's Decree

- (i) Decree No. 01/2017/ND-CP dated 06/01/2017 amending and supplementing a number of decrees guiding the Land Law, such as Decree No.43/2014/ND-CP issued on May 15, 2014 detailing a number of articles of the Land Law; Decree No. 44/2014/ND-CP dated May 15, 2014 on promulgation of land prices and Decree No.47/2014/ND-CP dated 15/05/2014 on compensation, support and resettlement for land acquisition by the State;(ii) Decree No.43/2014/ND-CP dated 15 May 2014 by the Government specifying the implementation of a number of articles of the Land Law No.45/2013/QH13.
- (ii) Decree No.44/2014/ND-CP dated 15 May 2014 by the Government providing land price.
- (iii) Decree No.104/2014/ND-CP dated 14/11/2014 on Land price framework.
- (iv) Decree No. 45/2014 dated 15 May 2014 by the Government providing for the collection of land use fees.
- (v) Decree No. 46/2014/ND-CP dated 15 May 2014 by the Government providing for collection rental fee for land and water surface.
- (vi) Decree No.47/2014 dated 15 May 2014 by the Government providing for compensation, assistance and resettlement when land is acquired by the State.
- (vii) Decree No.84/2013/ND-CP dated 25/7/2013 on development and management of resettlement housing.
- (viii) Decree No.46/2015 dated 12/5/2015 on administering the quality and maintenance of building structures.
- (ix) Decree No.16/2016/ND-CP dated 16 March 2016 on the management and use of official development assistance (ODA) and preferential loans by donors.
- (x) Decree No.75/2012 / ND-CP dated 03/10/2012 detailing some articles of the Law on Complaints.
- (xi) Decree No.123/2017/ND-CP dated 14th November 2017 of the Government amending and supplementing a number of articles of the Decrees regulating the collection of land use fees, collection of land rent, water surface rent.

c. Decision

- (i) Decision No.1956/QD-TTg of November 17, 2009, of the Prime Minister approving the scheme on vocational training for rural laborers up to 2020.
- (ii) Decision 63/2015/QD-TTg dated 10 September 2015 on vocational training and job

referral policy for laborers who are impacted by agricultural land acquisition.

d. Circular

- (i) Circular No.23/2014/TT-BTNMT dated 19 May 2014 by the Ministry of Natural Resources and Environment regulating land use right certificates, house ownership rights and other land-related assets.
- (ii) Circular No.24/2014/BTNMT dated 19 May 2014 of the Ministry of Natural Resources and Environment regarding cadastral records.
- (iii) Circular No.25/2014/BTNMT dated May 19, 2014, of MONRE regulating cadastral mapping.
- (iv) Circular No.28/2014/BTNMT dated 02/6/2014 of MONRE regulating land statistics and inventory and establishing maps on current status of land use.
- (v) Circular 29/2014/BTNMT dated 02/6/2014 of MONRE regulating in detail the preparation and adjustment on land use planning.
- (vi) Circular 30/2014/BTNMT dated 02/6/2014 of Ministry of Natural Resources and Environment's on land allocation, lease, change of land use purpose and land recovery.
- (vii) Circular 36/2014/TT-BTNMT dated 30/6/2014 of MONRE on detailed methodology for valuation of land, construction, adjustment for land price, specific valuation of land and consultancy for land valuation.
- (viii) Circular No.37/2014/TT-BTNMT dated 30/6/2014 by Ministry of Natural Resources and Environment providing regulations on compensation, assistance, and resettlement when land is acquired by the State.
- (ix) Circular No.76 dated June 16, 2014, of the Ministry of Finance guiding some provisions in Decree No.45/2014/ND-CP on the collection of land use tax.
- (x) Circular No.77 dated June 16, 2014, of the Ministry of Finance guiding Decree No. 46/2014/ND-CP on land rent, water surface rent.
- (xi) Circular 74/2015/TT-BTC dated 15 May 2015 of the MOF guiding preparation of cost estimation, using and settling costs for compensation, assistance and resettlement implementation when land is acquired by the State.
- (xii) Circular No.02/2015/TT-BTNMT dated January 27, 2015, of the Ministry of Natural Resources and Environment guiding in detail some provisions of Decree No. 43/2014/ND-CP and Decree No.44/2014/ND-CP dated 15/5/2014 of the Government.
- (xiii) Circular 07/2014/TT-TTCP dated 31 October 2014 on procedures for settling complaints and denunciations.
- (xiv) Circular No.333/2016/TT-BTC dated 26/12/2016 to revise Circular No.77/2014/TT- BTC dated June 16, 2014, guiding a number of articles of Decree No. 46/2014/ND- CP dated May 15, 2014, of the Government stipulating the collection of land rents and water surface rents.
- (xv) Circular No.332/2016/TT-BTC dated 26/12/2016 for amending and supplementing a number of articles of Circular No. 76/2014/TT-BTC dated 16 June 2014, of the Ministry of Finance guiding a number of articles of Decree No. 45/2014/ND-CP dated 15 June 2014 by the Government regulating the collection of land use fees.

6.2 Local Regulations on compensation, assistance, and resettlement

Decisions of Lai Chau province

- (i) Decision No.39/2016/QĐ-UBND dated 28/10/2016 of Lai Chau PPC for determining the level of deduction, contents of spending and levels of spending for the organization of implementation of compensation, support and resettlement when the State acquires land in the province; Decision No. 19/2017/QĐ-UBND dated 17th July 2017 of Lai Chau PPC for amending, editing item 2, Article 3 of Regulations attached in the Decision No.39/2016/QĐ-UBND dated 28th October 2016.
- (ii) Decision No.30/2017/QĐ-UBND dated 14/8/2017 of Lai Chau PPC to issue together with this Decision the compensation unit prices for houses and buildings on land, plants and domestic animals and other assets affixed to land when the State acquires land in Lai Chau province.
- (iii) Decision No. 16/2020/QĐ-UBND dated 4 May 2020 of Lai Chau PPC on regulating the procedures to land acquisition, compensation, support, resettlement in Lai Chau province.
- (iv) Other regulations for adjustment and amendment of Lai Chau provincial authority.

6.3 Laws and regulations of the GOV that pertain to Ethnic Minority

- (i) The Constitution of the Socialist Republic of Vietnam adopted on 28 November 2013 recognizes the equality of all ethnic groups under one nation, the right to maintain their unique culture and language as well as the obligation of the State to promote equitable development of the living conditions of ethnic minorities. The Constitution defines indigenous people based on the following criteria: (i) a language other than the national language; (ii) has long lived on that land, or has a relationship with that land; and a long-standing social organization; (iii) self-sufficient production system; and (iv) distinct cultural identities and identified as a distinct cultural group recognized by neighbouring ethnic groups.
- (ii) The Land Law of 2013 (No.45/2013/QH13) enacted on 10/12/2013 recognizes the right of communities residing together, sharing the same customs and practices or same family line to have land use rights recognized by the State. It also states that such communities have rights to use land compensated for acquired land and non- land assets. The same law states that ethnic minority communities can be allocated or have long term and stable use of agricultural land recognized in order to preserve national identities associated with the traditions and customs of the people. (In the project affected areas, ethnic minority households tend to have individual rather than collective land use rights).
- (iii) The Government of Viet Nam has issued various policies on ethnic minority development issues, which can be divided into three groups of basic policy solutions, namely, (i) relating to facilitating agricultural settlement for ethnic minority people (ii) relating to facilitating the overall socio-economic development of the ethnic minority people in the uplands; and, (iii) relating to land allocation and land use in upland areas formerly inhabited by ethnic minorities.

6.4 ADB Safeguard policy and requirements

116. The ADB Safeguard Policy Statement (2009) consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment. The objectives of the IR policy are to: (i) where possible, avoid involuntary resettlement; (ii) explore design alternatives to avoid or reduce impacts; (iii) restore livelihoods and (iv) improve living standards of poor and vulnerable households. The IP policy objectives are to: (i) design and implement projects that foster full respect

for IP's identity, dignity, human rights, livelihood systems and cultural uniqueness as defined by IPs themselves; and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them.

117. The ADB Policy on Gender and Development (1998) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in and that their needs are explicitly addressed in the decision-making process for development activities. The new safeguard policy and requirements also reiterates the importance of including gender issues in the preparation of safeguards documents at all stages to ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights and restoration/improvement of their living standards; and to ensure that women will receive project benefits. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (March 2005), and (ii) Accountability Mechanism (2003).

118. Involuntary Resettlement covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas - regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary. Moreover, the Policy also applies to involuntary resettlement actions conducted by the borrower/client in anticipation of ADB support.

119. Subprojects financed by ADB that are financed by the Government or other sources, are expected to observe the following policy principles:

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with displaced persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options and ensure their participation in various stages of the subproject especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
- (iii) 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, assistance at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of subproject benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) 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.
- (vii) Ensure that displaced persons without titles to land or any recognisable legal rights to land are eligible for resettlement assistance and compensation for loss of non- land assets.
- (viii) 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.
- (ix) Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
- (x) Conceive and conduct involuntary resettlement as part of a development subproject or programme. Include the full costs of resettlement in the presentation of subproject's costs and benefits. For a subproject with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the subproject as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout subproject implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.
- (xiii) In case of Indigenous people/Ethnic Minority population, undertake meaningful consultations with affected EM Peoples communities and concerned EM Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected EM Peoples communities in a culturally appropriate manner. To enhance EM Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the EM Peoples' concern.
- (xiv) Ascertain the consent of affected EM Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of EM Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of EM Peoples. For the purposes of policy application, the consent of affected EM Peoples communities refers to a collective expression by the affected indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community

support may exist even if some individuals or groups object to the project activities.

- (xv) Continue consultation with the affected EM Peoples communities during project implementation; specifies measures to ensure that EM Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.

120. Calculation of full replacement cost will be based on the following elements: (i) current market value at the time of compensation; (ii) transaction costs; (iii) interests, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be considered when recovering structure, asset of the household, individual or private company. For assets recovered by the organization, the assets formed by the state budget will calculate the depreciated value of assets and structures to compensate. It is expected that qualified and experienced experts will undertake the valuation of acquired assets.

121. Individuals or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

6.5 Reconciliation of Government and ADB Policy on Resettlement

122. With the issuance of Land Law 45/2013 and Decree 47/2014 regulating on compensation, assistance, and resettlement when land is recovered by the State, the policies the Government have been significantly improved and are becoming more consistent with ADB's social safeguards policies. Nonetheless, provisions and principles adopted in this URP will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Article 45 of the Decree 56/2020/ND-CP (25th May 2020), which regulates the management and use of official development assistance.

123. The comparison and differences (gaps) between the Government of Vietnam's laws and decrees and ADB Safeguards Policy about land acquisition and resettlement as well as ethnic minority peoples, and how to address these gaps for this project are shown in the following table.

Table 6- 1: Gap Analysis between the Government National Laws, province Decisions and ADB Policy

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
1	Entity that conducts the valuation of acquired assets	Qualified and experienced experts will undertake the valuation of acquired assets	The provincial-level land administration agency is entitled to hire organizations	Qualified organization(s) will be recruited by the organization implementing site clearance to determine specific land prices. The determination of specific land price must be based on the investigation, collection of information about land parcels, market land prices and information on land price in land database; based on suitable valuation methods.
2	Compensation for non-land assets and other forms of eligibility for compensation for affected land.	Persons who have neither formal legal rights nor recognized or recognizable claims to affected land they occupy are to be compensated for the loss of assets other than land and non-land assets, such as dwellings, crops, irrigation infrastructure and other improvements to the land at full replacement cost, provided they occupied the land prior to the project cut-off date for eligibility.	The Peoples' Committees of the provinces or centrally run cities shall consider providing such support on case-by-case basis. (Article 7, Article 251, Decree 47/2014/ND-CP)	APs ineligible for compensation for land that they occupy will be entitled to compensation for non-land assets they own and remaining improvements to or investment on land. For house and other main structures to be deemed ineligible for compensation due to non-compliance with state regulations, evidence of written warnings/ sanctions by relevant authorities to affected persons at or near time of construction is required. If acquired land is not eligible

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
				<p>for compensation APs shall be considered for other assistance for acquired land to ensure stable living conditions and livelihood development, including</p> <p>(a) Support for stabilizing livelihood and production;</p> <p>(b) Support for training, occupation change and job seeking for cases of recovery of agricultural land from households and individuals directly engaged in agricultural production, or of recovery of land which is a combination between residential land and land for trading and services of households and individuals that have to be relocated;</p> <p>(c) Support for resettlement in case of recovery of land from APs who have to be relocated.</p>
3	House structure, other structures,	<p>Affected structures compensated at full replacement cost for the affected house/ structures and depreciation of structures and assets should be considered.</p> <p>Houses built on land ineligible for compensation are entitled to be fully compensated provided that such non- land assets are present before the project cut-off</p>	<p>The Land Law prescribes cases ineligible for compensation for land- attached assets upon land recovery by the State due to being constructed illegally or are created after the notice of land recovery by a competent state agency takes</p>	<p>Affected house and other structures that are legally built will be compensated at replacement cost (specific prices) prescribed by the PPC according to degree of impact (full or partial) with no depreciation and no deduction for salvageable materials.</p>

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
		date.	effect. (Land Law Articles 92, 64 and 65) Calculation of compensation for affected houses and other structure may take depreciation into account.	For house and other main structures to be deemed ineligible for compensation due to non-compliance with state regulations, evidence of written warnings/ sanctions by relevant authorities issued to affected persons at or near time of construction is required. In such cases appropriate assistance for vulnerable households will be provided to ensure stable resettlement.
4	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	Decree 47/2014 regulating on compensation, assistance and resettlement when land is recovered by the State regulates that severely affected households are those who lose 30% or more of their productive land.	HHs to be deemed severely affected if they are to experience loss of 10% or more of productive assets and/or physical displacement
5	Unregistered businesses	Promptly compensate all economically displaced persons for the loss of income or livelihood sources at full replacement cost, and assist through credit facilities, training, and employment opportunities.	Compensate and support only registered manufacturing and business enterprise or households	Assist affected persons/households who do not fall under registered business by providing assistance in cash or in-kind during transition period at replacement cost.

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
6	Loss of employment	Compensation for loss of income and assistance to restore income-earning capacity.	Assistance for job disruption for labourers under labour contracts	<p>Persons losing employment with labour contract of non-fixed term entitled to cash assistance equivalent to redundancy pay requirements specified in the Labor Code.</p> <p>Any persons experiencing permanent loss of employment due to loss of at least 10% of productive assets, eligible to participate in the project's livelihood development program. The level and duration of assistance is to be adequate for reasonable expectations for alternative livelihood. Actual loss of employment due to loss of productive assets owned by others (e.g. labourers, employees without labour contract) to be confirmed by local authorities.</p> <p>Entitlement subject to certification from local authorities that affected persons have lost employment due to loss of productive assets owned by others (e.g. labourers, employees without labour contract).</p>

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
7	Assistance for vulnerable groups	Identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. For vulnerable persons and households affected, the resettlement plan will include measures to provide extra assistance so that they can improve their incomes in comparison with pre-project levels.	The Chairperson of the PPC, based on the actual local conditions can determine additional forms of assistance to ensure that those affected by land acquisition have secure settlement, stable living conditions and livelihoods as well as equity. (Decree 47/2014 Article 25) The Land Law provides for exemption from and reduction of land use levy or land rental for poor households and ethnic minority peoples in certain circumstances. (Land Law 2013 Article 110)	Vulnerable APs to comprise the following groups: Female-headed households with dependents; Disabled household heads; Households falling under the generally accepted indicator for poverty; Children and elderly households, solitary and helpless; Ethnic minorities; Landless households. (As defined in detail below ¹¹ .) Entitled to participate in project livelihood development program.
8	Disclosure	Inform all displaced persons of their entitlements and resettlement options. Disclose draft and updated resettlement plans in an accessible place and a form and languages	Before issuing a decision on land recovery, at least 90 days prior to the recovery of	Some additional requirements in ADB SPS on disclosure of draft and final resettlement plans. In

¹¹Vulnerable Groups Definition/Criteria: - (a) Female-headed households with dependents (Poor widow, with children under 16 years of age, breadwinner, or husband in poor health) ;(b) Disabled household heads (Head of household with disability who has difficulty in working. Type of disability includes: disability caused by sickness/accident, wounded soldier ,Agent Orange victims); (c) Households falling under the generally accepted indicator for poverty (Should have Certificate of Poor Household issued by DPC and includes poor and near poor); (d) Children and elderly households, solitary and helpless (Headed by children 16 years old and below, as per GOV law on Children Care and Protection, with certification of CPC; Headed by elderly, 60 years and older, as per GOV law on elderly care); (e) Ethnic minorities (Husband and/or the Wife are/is ethnic minority or Family Book specified that the household belongs to the ethnic minority household. Includes ethnic minority households (i) still being involved in traditional/shifting farming, subsistence agriculture or communal forest activities; or (ii) living in areas considered as having hard conditions; or (iii) living in a community still governed by traditional (*gialang*) patriarchs.; (f) Landless households (Includes households without LURC or not eligible to get LURC or rural households who lost all their productive land or left with productive land which is below the average productive land in the area -i.e. no longer viable).

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
		understandable to affected persons and other stakeholders.	<p>agricultural land and 180 days prior to the recovery of non-agricultural land, competent State agencies shall notify the land users of the land recovery. The contents to be notified include the recovery plan, investigation, survey, measurement, and inventory. (Land Law Article 67 Clause 1) Land recovery notices shall be published on the local mass media, posted up at head offices of commune-level People's Committee, at public places of residential areas of which land is recovered, must be sent to every land user whose land is recovered, publicized in the meetings with people in the recovered area. (Land Law Article 69 Clause 1 Point a).</p> <p>Organizations responsible for compensation and site clearance who are assigned by the provincial-level People's Committees and district-level People's Committees for resettlement arrangement shall notify persons having land acquired and those who</p>	<p>addition to information dissemination and disclosure requirements under Government regulations, the following additional disclosure arrangements shall be applied:</p> <ul style="list-style-type: none"> · ADB will publicly disclose the agreed draft and final versions of RP as well as monitoring reports related to the implementation of the RP on its website. · Key elements of the draft and final RP will be disseminated to affected persons and their communities in the form of a public information brochure, which is also publicly posted at the local Commune/Ward Peoples Committee Office. · Translated versions of the agreed draft and final RP shall be made available at the local Commune/Ward People's Committee as well as District People's Committee offices for public access.

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
			<p>have to be relocated about the proposed relocation arrangement plan and post the plan at the offices of the commune-level People's Committee, at public places of the residential areas and at resettlement areas for at least 15 days before competent state agencies approve the plan.</p> <p>The contents of the notice shall include the location, size of the land fund, resettlement fund, design, area of each land parcel, apartment, land price, resettlement house price; proposed resettlement arrangement for people whose land is acquired. (Clause 1, Article 86 of the Land Law 2013).</p>	
9	Ethnic Minority Peoples	<p>Undertake a social impact assessment to assess potential project impacts, both positive and adverse, on Ethnic Minority Peoples and develop measures to avoid, minimize, and/or mitigate adverse impacts.</p> <p>Undertake meaningful consultations with affected Ethnic Minority Peoples communities and concerned Ethnic Minority Peoples organizations to solicit their participation in designing, implementing, and monitoring</p>	<p>Exemption from and reduction of land use levy or land rental may be applied in the following cases:</p> <p>To use land for implementation of policies for house and land for people contributed to the revolution; poor households; EM individuals/ households in</p>	<p>Some additional requirement in ADB SPS to assess and mitigate project impacts on ethnic minority communities and to ensure culturally appropriate means of consultation and participation. The project design and implementation will aim to avoid</p>

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
		<p>measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects. (Principle 2 Indigenous Peoples Safeguards)</p> <p>The borrower/client will explore to the maximum extent possible alternative project designs to avoid physical relocation of Ethnic Minority Peoples that will result in adverse impacts on their identity, culture, and customary livelihoods. (Para 33, Appendix 2)</p>	<p>areas with particularly difficult socio-economic conditions, border areas and islands; To use land for the construction of social houses according to the regulations of law on house, residential land for displaced persons when the State recovers land due to the threat to human life; To use agricultural land for EM households and individuals. (Points b and c, Art. 110 of the Land Law 2013).</p> <p>The State may allocate or recognize long term and stable use of agricultural land by ethnic minority communities to preserve national identities associated with the traditions and customs of the people. (Land Law 2013, Articles 125 and 131).</p> <p>Households and individuals of ethnic minorities using allocated land under the support policies of the State may transfer or donate land use rights after 10 years from the date of</p>	<p>or minimize impacts on the communities. Project aspects, which pose risks or have negative impacts, will be mitigated in consultation with local communities.</p> <p>Assets including land and structures of the affected ethnic minority communities will also be compensated at replacement cost regardless of tenure status of these affected assets. Consultations will be undertaken with ethnic minority communities in a culturally appropriate manner in forms and means best suited to the local conditions.</p> <p>Resettlement arrangements will be undertaken in a way to ensure social and cultural networks are maintained. Additional benefits for ethnic minority peoples as prescribed by Government regulations shall be applied.</p>

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
			issuance of the decisions on land allocation in accordance with the Government's regulations. (Land Law 2013, Article 192)	
10		Pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. (Para 18, Appendix 2)	In case land use rights, or land use rights and the ownership of houses and other land- attached assets, is the joint property of husband and wife, the full names of both husband and wife must be recorded in the certificate of land use rights and ownership of houses and other land-attached assets, unless husband and wife agree to record the full name of only one person. (Land Law 2013, Article 98)	<p>The following gender sensitive measures shall be included in the design and implementation of the RP:</p> <ul style="list-style-type: none"> • Women to be included in consultations as described elsewhere and in the GESI Plan matrix; • Composition of the DCARB to include representatives of the Women's Union; • Compensation to be provided to both spouses; • New land titles or registration of new assets to be in the names of both spouses jointly residing in the same household as specified in national regulations; • Special attention will be paid to the needs of vulnerable female- headed households

No.	ISSUE	ADB SPS	National Laws/ Provincial Decisions	Application for this Project
				in relocation and livelihood development.

G. ENTITLEMENT, ASSISTANCE AND BENEFITS

124. This section sets out the entitlements to compensation and assistance based on type of impact experienced by affected persons and according to eligibility criteria. The Entitlement Matrix below is based on an assessment of anticipated impacts and the project policy presented in the above section which incorporates Government legislation, decisions, and policies as well as ADB Safeguards Policy Statement requirements. The forms of compensation and assistance set out in the Entitlement Matrix are aimed at fully mitigating project impacts resulting from land acquisition and providing conditions for poor and vulnerable affected persons to improve their living standards compared to pre-project levels.

125. The scope of eligibility under this resettlement plan covers those affected by land acquisition or restricted land use as a direct result of the project. This includes, but is not limited to, those whose land is acquired for the project civil works needs as well as those whose land may be acquired for preparation of resettlement site plots.

126. To be eligible for compensation and assistance, the affected person and their affected assets need to be present in the affected area prior to the project cut-off date. The cut-off date for eligibility for compensation will be the date that notice of land acquisition takes effect (The cut – off dates for Package CW08 includes: 1st March 2021 for Dong Phong ward, 8th April 2021 for Ban Giang commune, 21st May 2021 for Ban Hon commune and 26th May 2021 for San Thang commune).

127. Those affected households splitting from the large families after the cut-off-date who meet the following conditions will be eligible for resettlement benefits:

- Households splitting from a family with minimum of two couples and having minimum of six persons; and
- Endorsement by the District/commune authority, with verification of Commune People's Committee that the household has split.
- Newly born children, spouses of persons named in the household registration books, people who have completed military service, and people who have just returned from schools to live with the affected households prior to the cut-off date will be entitled to the compensation and support measures for life stabilization.

128. The Entitlement Matrix is reviewed and updated during the process of updating the resettlement plan as presented in matrix below.

Table 26. Entitlement Matrix

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation Issues/gap filling measures
I.	PERMANENT LOSS OF AGRICULTURAL LAND				
I.1.	Agricultural Land	Marginal loss of agricultural land (less than 10% of productive landholdings) (579 AHs)	AH with LURC or in the process of obtaining it; those who are eligible to obtain LURC.	<ul style="list-style-type: none"> - Cash compensation for affected land at full replacement cost, free from taxes and transaction costs. - Entitled to assistance and support as stipulated in Item V. 	<p>If the remaining portion of land is not viable for continued use, either due to remaining area for farming economically or due to small parcel or irregular shape, the AP may opt to be compensated for the entire plot.</p> <p>The Project owner of land acquisition sub-project will hire professional valuation consultancy organization¹² (an independent professional and legal appraiser) to determine the current market price for the affected land. The determination of specific land price must be based on the site survey, collection of information about land parcels, market land prices and information on land price in land database; based on suitable valuation methods.</p>
I.2.	Agricultural Land	Severe loss of agricultural land (More than 10% of productive landholdings)	AH with LURC or in the process of obtaining it; those who are eligible to obtain LURC.	<ul style="list-style-type: none"> - Cash compensation for affected land at full replacement cost, free from taxes and transaction costs. 	<p>If the remaining portion of land is not viable for continued use, either due to remaining area for farming economically or due to small parcel or irregular shape, the AP</p>

¹² As required under Article 114 Land Law

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation Issues/gap filling measures
		(3 AHs, all AHs lose from 10% to 30%))		<ul style="list-style-type: none"> - Entitled to assistance and support as stipulated in Item V. - 	<p>may opt to be compensated for the entire plot.</p> <p>The Project owner of land acquisition sub-project will hire professional valuation consultancy organization¹³ (an independent professional and legal appraiser) to determine the current market price for the affected land. The determination of specific land price must be based on the site survey, collection of information about land parcels, market land prices and information on land price in land database; based on suitable valuation methods.</p>
II.	PERMANENT LOSS OF NON-AGRICULTURAL LAND/ RESIDENTIAL LAND				
II.1	Non- agricultural /residential land	Marginal or severe loss of non- agricultural/ residential land (119 AHs)	AH with LURC or in the process of obtaining it; those who are eligible to obtain LURC.	- Cash compensation for affected non-agricultural land/residential land at replacement cost, free from taxes and transaction cost	The Project owner of land acquisition sub-project will hire qualified valuation consultancy organization ³ (an independent professional and legal appraiser) to determine the replacement cost for the affected land. The replacement cost for land must be based on the site survey, collection of information about land parcels, market land prices and information on land price in land database and based on suitable valuation methods

¹³ As required under Article 114 Land Law

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation Issues/gap filling measures
					AHs shall be informed six months in advance before the Notice of land recovery. AHs shall fully receive the compensation and allowance at the replacement cost before site clearance.
III	Public land				
III.1.	Agriculture land managed by CPC	Loss of any agricultural land managed by CPC	People's Committee of locality managing the affected land.	No compensation for affected productive land but support equivalent with 70% of compensation value of the affected land; and Cash compensation at current market prices for standing crops on the affected land, if any.	Decree 47/2015 Article 24 and Decision 16/2020/UBND of Lai Chau PPC state that support amount is used for communal infrastructure and local public interest All service facilities on affected land will be compensated at replacement cost and must be restored before taking the land to ensure the services are always available for the people.
III.2	Non-agriculture land managed by CPC	Marginal/severely affected (4 CPCs)	People's Committee of locality managing the affected land.	No compensation for affected land but cash compensation at replacement cost for affected assets on land	In case if the service facilities owner has an agreement when using the corridor land or public land, the agreement shall be followed, but, must be restored before taking the land to ensure the services are always available for the people
IV	IMPACT ON HOUSES AND STRUCTURES				
IV.1	House structure.	Marginally affected (unaffected	Structure owners with or without acceptable proof	(i) For affected portion, cash compensation at full replacement cost with no	

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation filling measures	Issues/gap
		<p>portion of house/structure is still viable for use)</p> <p>(19 AHs, of which 3 AHs with partially impact on main house and 16 with impact on temporary house)</p>	<p>of ownership of land; with or without building permit</p>	<p>depreciation and no deduction for salvageable materials.</p> <p>(ii) Repair allowances equivalent to actual cost of restoration.</p>		
		<p>Severely affected (unaffected portion of house/structure is not still viable for use), or structure fully affected but can rebuild on remaining land and no relocation is required.</p> <p>(36 AHs)</p>	<p>Structure owners with or without acceptable proof of ownership of land; with or without building permit</p>	<p>(i) Cash compensation to affected houses/structures at full replacement cost without depreciation and no deduction for salvageable material.</p> <p>(ii) Transport allowance as regulated in V.</p> <p>(iii) Rental assistance for HHs without other place to live for a period of five months while new house is being constructed as regulated in V.</p> <p>(iv) Other assistances for: reinstalling water pipeline (VND 2,000,000/HH); or digging well (VND 3,000,000/HH); reinstalling telecommunication cable (VND1,000,000/HH); reinstalling electric line (VND 1,000,000/HH); and customary house moving rituals/procedures (VND 1,000,000/household).</p>	<p>For cases of fully affected houses where the remaining area is not residential land, the PPC/DPC will favourably consider AH application to change land use purpose to residential land and for new building license, which is compliance to the land use planning and within the limit of land allocation by locality as regulated in Item 5, Article 6, Decree 47.</p> <p>Households with various generations sharing the same house can split after the project's cut-off-date if they are eligible for splitting as per the national Law of Residence (dated 29 November 2006, effective as of July 1, 2007) – as specified at Article 6 of Decree 47/2014/ND-CP and Land Law 2013</p> <p>All fees will be covered by the Project.</p>	

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation filling measures	Issues/gap
				Bonus VND 7,000,000/HH) if hand over land 15 days before the deadline; VND 5,000.000/HH if hand over land before the deadline from 10-15 days; VND 3,000,000/HH before 5 – 10 days		
IV.2	Other non-land assets	Secondary structures (207 AHs)	Owners of structures with or without acceptable proof of ownership of land.	Cash compensation / assistance at full replacement cost with no depreciation and no deduction for salvaged materials.		
IV.3	Affected public facilities/ communal assets	Marginally / or severely affected structures (12,274 meters of electric line; 7,040 meter of water pipeline; and 28,368meter of telephone poles and two public school classrooms)	Owners of structures or assets with or without acceptable proof of ownership of land.	Compensation at replacement cost for restoration or relocation of affected assets and financed by the project.	Agency/unit performing compensation, support and resettlement will carry out work related to the cost estimate to submit to the competent authority for appraisal, approval, and payment to the managing unit of the affected structure/work. Or relocate under the owner's request	In case if the service facilities owner has an agreement when using the corridor land or public land, the agreement shall be followed, but, must be restored before taking the land to ensure the services are always available for the people
IV.4	Graves	Marginally / or severely affected structures (75 AHs with 75 graves)	Owners of grave /tomb with or without acceptable proof of ownership of	Allocation of new burial plot and cash compensation for cost of exhumation, transfer and construction of new grave along with	Relocation of graves will be closely consulted with the affected households and reflected in the consultation feedback.	

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation filling measures	Issues/gap
			land in which they are located.	other reasonable causally related costs. Graves/tombs to be exhumed and relocated observing traditional custom and culture of AH.		
V	PERMANENT IMPACT ON CROPS AND TREES					
V.1		Trees, crops, aquaculture products (386 AHs)	Owners, regardless of land tenure status	Annual crops: Cash compensation equivalent to the market price of affected annual crops at the time of recovery. Perennial trees: Cash compensation at replacement cost based upon their type, age and productive value etc. Aquaculture produce: If cannot be harvested at time of land acquisition, cash compensation at the market value of the products in the locality.		
VI	ALLOWANCE AND ASSISTANCE					
VI.1	Occupation changes and job creation	AH losing agricultural land.	AH directly engaged in farming on the affected land; with LURC or in the process of acquiring it.	Assistance for occupation change and job creation in cash equivalent to: <ul style="list-style-type: none"> - 05 times (02 season crop) and 04 times (01 season crop) of the value of the affected paddy land calculated based on price regulated by PPC; - 03 time the value of the affected annual crop land, perennial land and forest land. The specific amount of assistance is determined by the locality of the affected land as set out in PPC Decisions. 	Area counted for assistance for occupational change does not to exceed the land quota of locality. This entitlement is not applicable for those who receive land for land compensation for affected land.	

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation Issues/gap filling measures
VI.2	Income loss due to loss of agricultural land	AH losing less than 10% of agricultural land.	AH using the affected land with LURC or in the process of acquiring it; those who are eligible to acquire LURC.	Stabilization assistance: If households lose less than 10%, cash assistance equivalent to the value of 30% of the value of the land acquired.	Cash assistance equivalent to the value of 30% of the value of the land acquired based on regulation in Item 10, Article 21, Decision 16/2020/QD-UBND, if the land acquisition impacts significant on the AH's livelihood and life production and shall be confirmed by local authority.
		AH losing 10% and more agricultural land.	AH using the affected land with LURC or in the process of acquiring it; those who are eligible to acquire LURC.	(i) <u>Stabilization assistance:</u> Cash assistance equivalent to 30kg rice per household member per month for the following periods: <ul style="list-style-type: none"> - Those losing from 10% up to 30%: <ul style="list-style-type: none"> + 3 months if not required to relocate; + 6 months if required to relocate; + 12 months if required to relocate to location with difficult socio-economic conditions; OR Cash assistance equivalent to the value of 30% of the value of the land acquired; - Those losing from 30% up to 70%: <ul style="list-style-type: none"> + 6 months if not required to relocate; + 12 months if required to relocate; 	Rice price for assistance calculated based on the price announced by the Provincial Department of Finance at the time of compensation. APs losing from 10% up to 30% of their affected land will receive the higher of the two forms of stabilization assistance: either (a) stabilization assistance equivalent to 30kg of rice per household member for the specified periods; OR (b) cash assistance equivalent to 30% of the value of the acquired land calculated based on regulation in Item 10, Article 21, Decision 16/2020/QD-UBND, if the land acquisition impacts significant on the AH's livelihood and life production and shall be confirmed by local authority.

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation filling measures	Issues/gap
				<ul style="list-style-type: none"> + 24 months if required to relocate to location with difficult socio-economic conditions. - Those losing 70% and more: <ul style="list-style-type: none"> + 12 months if not required to relocate; + 24 months if required to relocate; + 36 months if required to relocate to location with difficult socio-economic conditions. (ii) <u>Entitled to participate in project livelihood development program.</u> (iii) <u>Assistance for provision of agricultural production inputs in form of planting materials, fertilizers, appropriate technology, etc. based on government and PPC programs and policies.</u> 		
			AH using the affected land with no LURC and those who are not eligible to acquire LURC.	(iv) <u>Entitled to participate in project livelihood development program.</u>		
VI.3	Income loss due to impacts on other productive assets	Permanent loss of income from existing business/shops (10 AHs)	Owners of relocating business/shops	(i) Production stabilization assistance equivalent to 30% of average annual net income after tax, based on income level of 3	In accordance with Clause 4, Article 19 of Decree 47/2014/ND-CP promulgating the conditions for being provided living stabilization assistance.	

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation Issues/gap filling measures
				<p>consecutive years that is confirmed by the local tax office.</p> <p>(ii) Material transportation allowance equivalent to actual cost of dismantling, moving and re-installing their facilities</p> <p>(iii) Entitled to participate in project livelihood development program.</p>	If absence of the tax document, the income loss will be based on the minimum wage in the project area for 4 months.
		<p>Temporary loss of income from existing business/shops.</p> <p>(13 AHs)</p>	<p>Owners of business/shop combined with house must suspend business due to the project.</p>	<p>Support for lost income equivalent to net income during business interruption for rebuilding or reorganization.</p>	<p>Business interruptions period will be estimated during the detailed measurement survey.</p> <p>Support level is decided by the PPC which will determine a reasonable period of support for period of disruption and time required for rebuilding and reorganizing. The total income loss will be determined on the basis of the average annual income after tax, based on the three-year consecutive income level confirmed by the local tax office. If absence of the tax document, the income loss will be based on the minimum wage in the project area.</p>
VI.5	Rental allowance	<p>Support for renting house during the transition period</p> <p>(36 AHs)</p>	<p>Relocated households regardless of legal status of land</p>	<p>Rental assistance to be provided according to family size and for transition period of 5 months since the date of receiving the notice of resettlement land allocation. The monthly rates are:</p>	<p>Based on regulation in Item 6, Article 21, Decision 16/2020/QĐ-UBND</p>

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation filling measures	Issues/gap
				<ul style="list-style-type: none"> + 1-person household: VND 1,000,000; + 2-4-person household: VND 2,000,000; + From 5 or more persons household: VND 3,000,000; 		
V.6	Material transportation allowance	Severely impact on houses and have to relocate. (36 AHs)	Relocated households regardless of legal status of land	<ul style="list-style-type: none"> - Transport allowance for households (4 members) to be relocated: + VND 3,000,000 distance of relocation less than 10km; + VND 4,500,000 if distance of relocation from 10km to less than 30km; + VND 6,000,000 if distance of relocation from 30km to less than 50km; + VND 8,000,000 if distance of relocation from 50km and more in province; + VND 10,000,000 if relocation to another province. 		
VI.7	Higher risk of impoverishment of vulnerable affected persons due to land acquisition and resettlement impacts.	Regardless to level of impacts (347 VAHs)	Vulnerable APs Female-headed households with dependents; Disabled household heads; Households falling under the generally accepted indicator	<ul style="list-style-type: none"> (i) Entitled to participate in project income and livelihood restoration program. (ii) Assistance for provision of agricultural production inputs in form of planting materials, fertilizers, and appropriate technology and training. (iii) For households who have to demolish house for land 	Vulnerable households who are identified between the time of DMS until the time of LRP implementation will be entitled to participate in the livelihood development program.	

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation filling measures	Issues/gap
			for poverty; Children and elderly households, solitary and helpless; Ethnic minorities; Landless households; and Policy Households.	<ul style="list-style-type: none"> acquisition, cash assistance equivalent to: <ul style="list-style-type: none"> - 3 million VND/HH for Vietnam Heroic Mother HH, War Invalids HH (injury level at 81%); Martyrs HH; people with meritorious services to the Revolution...; - 2 million VND/HH for War Invalids HH (injury level from 20% - 80%); - 1 million VND/HH for social policy benefited HHs (iv) Cash assistance equivalent 3 million VND/HH to poor households who have land to be acquired; 		
VI.7	Bonus for timely land handing over to project			<ul style="list-style-type: none"> - For households who lose agricultural land, bonus for timely handing over of agricultural land is VND 5,000/m². - Bonus for households with partially affected house but not required for relocation, timely hand over the affected land: VND1,000,000 per HH; - Bonus for households with fully affected houses/structures, handing over timely the land: <ul style="list-style-type: none"> + VND 7,000,000/ HH if land hand over 15 days prior required date; 		

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation Issues/gap filling measures
				+ VND 5,000,000/ HH if land hand over within 10 to 14 days prior required date; + VND 3,000,000/HH if land hand over within 5 days to 9 days prior required date;	
VII	Impacts during construction period.	Impacts on assets caused during construction	Owners of affected assets.	Compensation of losses or impacts by the contractor consistent with principles set out elsewhere in this entitlement matrix. Full restoration of temporarily affected land by the contractor. If such affected land is not restored to pre-impact conditions, the affected person will be entitled to compensation by the contractor for the extent of the irreparable damages to the affected land.	These impacts include land and non-land assets, livelihood or residence resulting from temporary land occupation or use during civil works or other unanticipated impacts of the contractor. Such impacts are the responsibility of the contractor and the contractor is responsible for any associated costs. These responsibilities of the contractor are set out in Environment Management Plan for the project. The contractor must inform the PMU of any new IR impacts occurring during construction. Construction Contractors are responsible to compensate to all the impacts caused during civil works. Payment for the contractors may be withheld until compensation is fully made.
VIII	Unanticipated involuntary resettlement impacts		Eligible affected persons.	Entitlements will be prepared in accordance with the ADB Safeguard Policy Statement and applicable national laws and regulations (including requirements for preparation of corrective action plan	Entitlements to be prepared in such circumstances are subject to approval of the Borrower (Ministry of Transport) and concurrence by ADB.

	Type of Loss	Application	Eligible AP	Project (NMTCP) Entitlement	Implementation filling measures	Issues/gap
				and other related documents to ADB review and approve).		

H. RELOCATION AND RESETTLEMENT

8.1 The relocating households

129. A total of 36 households will be displaced and need to be relocated, all displaced households in these communes are ethnic minorities. The households will get compensation for affected land and houses at replacement cost. In addition, displaced households will receive other assistances in cash including (i) life stabilization allowance in accordance with the project policy on compensation and entitlement; (ii) materials transport allowance which will be equivalent to the actual cost of moving (vehicle and labor) assets to the new place, and (iii) house rental allowance.

8.2 Project Resettlement Site

130. Two new resettlement sites with a total of 2-hectare in Ban Hon and Dong Pao villages has been allocated by the local authorities based on the Decision No. 2419/QDUB-UBND of Tam Duong district – Lai Chau province dated 5th October 2021 and quoted in the progress report in October 2021 of PMU. These resettlement sites will be located in Ban Hon commune where almost of relocating AHs were living in the Ban Hon commune (30 relocating HHs). The average distance is about 0,5 km to 1,2 km from affected land to these resettlement sites.

131. The proposed 2-hectare resettlement sites in Ban Hon and Dong Pao village with estimated infrastructure cost of VND 18,3 billion are under the selection process of contractor to develop the site with basic services, facilities, and amenities such as road, electricity, water, 2 classrooms etc. This proposed resettlement site will be completed and handover to the APs in February 2022. While the resettlement site is undergoing development, displaced APs will be provided house rental for VND 2 million/HH of 4 person and in the event that AH members increase, every additional member will be supported by VND 500,000 during the construction until the time of handing over the resettlement site to AHs. Each displaced HHs will be allocated 300 m² of which 120m² for residential land and 180 m² for garden land.

132. In addition, some land plots of the existing Resettlement Site 2B have been also located to 6 relocating households due to project in Dong Phong Ward, Lai Chau city with each land plot is 105 m². The average distance is about 0.4 km to 0.8 km from affected land of 6 relocating households to this resettlement site.

133. Under the regulations of the Project as well as of the People's Committee of Lai Chau province, the unit price of resettlement land will be equal to or lower than the compensation unit price for acquired residential land. In case, the unit price of resettlement land is higher than the compensation unit price for acquired land, the relocating HHs will be assisted for different corresponding to the acquired area. Besides, as Article 86 of Land law 2013 of Viet Nam, if the amount of compensation and support is not enough to buy the minimum resettlement plot, the State shall provide the balance.

8.3 Resettlement Demands of AHs

134. As above mentioned, a total of 36 AHs will be entire impacted on their houses and have to relocate. Therefore, many consultations have been conducted for these 36 relocating households on the selection and needs for relocation options. The results showed that, 31 households have chosen to take land plots in two new resettlement sites that will be developed by project. While, 5 remaining households have chosen to the existing Resettlement Site 2B in Dong Phong ward, Lai Chau city. All households will receive support for these households will receive allowances for renting house within 6 months and support for dismantling and material transportation.

8.4 Impacts on the Host Community

135. The resettlement sites will be developed in the same communes where there are available infrastructures and public utility services as well as social services, such as health centres, schools, markets and commercial centres. In addition, the relocating households by land acquisition for subproject and development of resettlement site are also living in same areas, therefore no impact on the host community is anticipated if these relocating AHs relocate to the resettlement site.

I. LIVELIHOOD DEVELOPMENT PROGRAM

9.1 Objectives of LDP

136. Households experiencing significant loss of productive resources are expected to face challenges in restoring their livelihoods, income generating capacity and living standards. For ethnic minority households and vulnerable households, there is an opportunity within the project to contribute to improving living standards. The purpose of the Livelihood Development Program (LDP) is to assist severely affected to restore their income generating capacity to at least pre-project levels. For vulnerable households, the LDP is also aimed at improving their living standards.

137. The project's livelihood development strategy has been prepared based on assessment of affected households needs, review and capacity assessment of existing state programs, including strengths and gaps in addressing the livelihood needs of these households within the project timeframe. The LDP strategy also draws on good practices drawn together through ADB technical assistance to Vietnam Expressway Corporation "Sharing Good Practice and Lessons Learned on Livelihood Development Programs from Expressway Projects in Vietnam" ¹⁴. The main approach of the LDP will build on existing government programs in rural livelihood development to strengthen capacities amongst affected households so that they can effectively invest their compensation and assistance money in combination with other forms of support from the project.

9.2 Scope of Income Restoration Program

138. Beneficiaries of the livelihood development program are severely affected households and those considered as vulnerable. For the livelihood development program, severely affected households include those losing 10% or more of their agricultural land or other productive resources and those required to relocate (including households with fully affected houses to be rebuilt on residual land). Also, the impacts of land acquisition may fall disproportionately on those considered vulnerable households who may face greater challenges in restoring their living conditions. Vulnerable households include (a) female-headed households with dependents; (b) disabled household heads; (c) households falling under the generally accepted indicator for poverty; (d) children and elderly households, solitary and helpless; (e) ethnic minority households still being involved in traditional/shifting farming, subsistence agriculture or communal forest activities or living in areas considered as having especially hard conditions; (f) landless households; and Policy Households.

139. There are 23 households whose businesses are affected. Out of this, 10 are associated with affected houses with the business being in the house and 13 household businesses just right in front of the house which are mostly small-scale trading under the eaves of the house. The impacts are expected to be temporary in nature. As all impacts on houses are partial with no relocation required, the 13 households with businesses associated with affected houses are anticipated to be able to recommence their businesses once their houses are repaired and business space rearranged.

9.3 Analysis of Participation Needs

140. Eligibility to participate in the LDP is based on an incremental needs-based approach. Entitlement factors are being: (i) severely affected; (ii) affected vulnerable groups. An affected household would accrue a LDP participation entitlement for each factor. For example, a household that is severely affected but not vulnerable would accrue one participation entitlement. An affected ethnic minority household would accrue one entitlement. However, a household that is both severely affected and vulnerable would accrue two participation entitlements.

¹⁴ Sub-project under TA-7566 REG: Strengthening and Use of Country Safeguard Systems

141. The assessment of severely affected and vulnerable households was undertaken as part of updating resettlement plan through the DMS. Out of the 582 affected households, 3 households are severely affected by loss of productive land, 36 households will be displaced, 23 households will be affected by businesses and 347 households belong to vulnerable group. However, many households have more than one criterion, therefore, the total of households are eligible for taking part of the LDP is 366 households¹⁵.

142. Based on income restoration need survey during carrying out of SES, most of the HHs requested to participate in:

- Macadamia alternative cultivation with tea
- Orange cultivation
- Job trainings

143. Upon the results of the needs assessment, it is shown that most of the households want to switch to growing fruit trees or industrial crops. This is also a common situation of the vast majority of people in the northern mountainous region, because planting rice or other crops is almost inefficient due to the harsh climate and weather, besides, due to the nature of the region, there are many hills and mountains, so the area for annual crops is also limited compared to the delta area. Most of the households mainly only have land for perennial crops, which is suitable for growing fruit trees or industrial plants such as tea, coffee, etc. According to the statistics of the communes, the average area of households ranges from 2 ha to 5 ha. Accordingly, all households have enough area to grow the selected plants as above.

144. The cost estimation for income restoration program is prepared based on the need's assessment and in consultation with District Agricultural Service Centre as presented in table below. Total cost of LDP is VND 2,249,390,000 that include the management cost, consultancy cost and all income restoration activities.

Table 27. Estimated LDP Budget

No.	LDP activities	Unit	Scale	Benefited HH	Cost estimate	Note
	Agricultural Extension Model			366		
I	Crop cultivation					
1	Macamedia alternative cultivation with tea	Ha	45	146	810,000,000	This support for 146 AHs with total of 45 ha. So, each HH will benefit about 3,100 m2
2	technical assistance Orange cultivation	Ha	45	130	945,000,000	This support for 130 AHs with total of 45 ha. So, each

¹⁵ Due to 33 displaced households are also EM people, 10 business households are also relocating households, 32 poor households, 1 female headed household and 1 disable household are also EM people. Therefore, total of LDP beneficiaries is 366 households.

No.	LDP activities	Unit	Scale	Benefited HH	Cost estimate	Note
						HH will benefit about 3,400m2
B	Job trainings					
1	Raise and diseases prevention for animals (pig, buffalo, cow, horse)	Class	1	30	130,300,000	30px/class/37days
2	Chicken raising and diseases prevention	Class	1	30	90,300,000	30px/class/37days
3	Mushroom cultivation	Class	1	30	69,300,000	30px/class/37days
	Total direct cost				2,044,900,000	
	Contingency (10%)				204,490,000	
	Implementation cost (10% of direct cost for LDP)				204,490,000	
C	Grand total				2,249,390,000	

9.4 Implementation plan

145. The implementation plan and timeframe for implementing the livelihood development program are described in detail in the table below.

Table 28. LDP implementation schedule

No	Activities	Timeframe
1	Signing the contract with implementation agency in local	Q1/2022
2	Conduct needs assessment based on the proposed activities and the list of beneficiaries as project's regulation	Q1/2022
3	Summary of activities, budget and implementation schedules	Q1/2022
4	Public posting in public places and announcement on the loudspeaker system in the locality	Q1/2022
5	Appraisal and approval of the detailed LDP	Q1/2022
6	Implementation	Q2/2022

146. With the support of the Consultant, the needs assessment will be conducted for affected households who are entitled to take part in the livelihood development program (LDP) and implementation agency will prepare and submit the proposal with income restoration activities and its budgets to the PMU2/MOT and stakeholders for consideration and approval. The income restoration activities and funding will be adjusted according to actual needs at the time of deployment. The budgets for the implementation of the income restoration program will be part of the cost of land acquisition for the subproject.

9.4 Monitoring and additional measures

147. **Monitoring:** Primary responsibility for monitoring and review of the LDP implementation rests with the LDPSC and LDPMBs. The project will conduct internal and external monitoring of resettlement plan implementation, including the LDP. Internal monitoring will be conducted on an ongoing basis by PMU with support of the CSC. External monitoring will be conducted by qualified external experts engaged by the project on an intermittent basis.

148. **Review:** The appropriateness and effectiveness of the LDP design and implementation will be reviewed. Proposed milestones include completion of model establishment and application of skills after initial rounds of training. Reviews of LDP design and effectiveness will enable adjustments as/if required to enhance the success of the program.

149. **Evaluation:** Baseline data of participating households' income sources and livelihood practices, income levels (which may include proxy indicators) will be collected at the commencement of the LDP. At the completion of the LDP, evaluation against indicators established at the commencement of the LDP and against the baseline data will be conducted to assess the effectiveness of the LDP and produce lessons learned. The lessons learned are aimed at assisting the Province, PMU, and other agencies in future similar programs.

J. RESETTLEMENT BUDGET AND FINANCING PLAN

11.1 Replacement Cost

150. The resettlement plan is to be financed by the Government of Vietnam. The compensation rates used in the estimated budget for this updated RP are derived from the land replacement cost survey carried out in January 2021 by Natural Resources and Environment Technology Application Ltd. Company aim to determine the replacement cost value while RCS to determine the current market prices of structures, crop, tree, animals, was carried out in April 2021 by Chau A Appraisal Ltd. Company. Accordingly, PPC of Lai Chau has issued Decision No. 534/QD-UBND of Lai Chau PPC dated 17th May 2021 on approving the land prices applied for the NMPTCP and Decision No. 598 /QD-UBND of Lai Chau PPC dated 26th May 2021 on approving the asset on land, crop, tree, animals, structures when the government acquire land. During preparation the compensation plans for AHs and updating this RP, these replacement costs have been consulted with the AHs and all of AHs have agreed on these compensation rates.

11.2 Estimated Cost for RP implementation

151. The estimated resettlement budget is VND 83,452,193,172 (US\$ 3,664,202) and details are presented in table below.

Table 29. Estimated resettlement costs

No.	Items	Amount (VND)
I	Compensation for AHs	50,278,128,503
1	Land compensation	4,566,628,800
1.1	Residential land	602,644,000
1.2	Annual crop land	818,915,000
1.3	Paddy land	481,839,600
1.4	Aquaculture land	357,701,400
1.5	Upland	340,843,000
1.6	Perennial crop land	1,071,077,900
1.7	Other land	20,675,200
2	Compensation for assets and structures	27,728,287,114
3	Compensation for trees and crops	3,413,402,236
4	Supports	14,569,810,352
4.1	Support for changing jobs and finding job (equal to 3 times of acquired agricultural land price)	9,975,013,450
4.2	Support for changing jobs and finding job (equal to 4 times of acquired agricultural land price)	1,800,456,800
4.3	Support for changing jobs and finding job (equal to 5 times of acquired agricultural land price)	158,627,000
4.4	Relocation support < 10 km	93,500,000
4.5	Support for ceremony of moving from old house to new house place	30,000,000
4.6	Support for water pipe installing	62,000,000
4.7	Support for electricity connection for lighting	31,000,000
4.8	Support to rent house during construction of new house	342,500,000

No.	Items	Amount (VND)
4.9	Support for television connection	31,000,000
4.1	Support for livelihood stabilization	1,098,900,000
4.11	Support for poor HHs	96,000,000
4.12	Support for ceremony of ethnic minority HHs to remove the graves	124,500,000
4.13	Support for affected businesses/shops	86,000,000
4.14	Bonus for hand over land on time	640,313,102
II	Implementation cost	3,550,550,278
1	Compensation implementation	1,176,259,124
5	Cost for appraisal of compensation plans	314,275,346
3	Cost for measurement and prepare cadastral maps	1,475,592,518
4	Replacement cost survey for properties	463,474,614
5	Replacement cost survey for land	120,948,676
III	Total cost for 2 resettlement site	18,300,000,000
	Ban Hon Resettlement site	10,500,000,000
	Dong Pao 2 Resettlement site	7,800,000,000
IV	Livelihood Development Program	2,249,390,000
A	Sum: (I+II+III+IV)	74,378,068,780
B	Management cost (2% A)	1,487,561,376
C	Total cost (A+B)	75,865,630,156
D	Contingency cost (10%)	7,586,563,016
	Total cost (C+D)	83,452,193,172
	Total cost in USD	3,664,202

K. INSTITUTIONAL ARRANGEMENTS

12.1 Ministry of Transport

152. The Ministry of Transport (MOT) is the Project Executing Agency for the Project, through the Project Management Unit 2 (PMU2). As such MOT and PMU2 are generally responsible for the implementation of the project. They will be responsible for the approval of the detailed design, disbursement of funds, monitoring of the project implementation and coordination with ADB, and the People's Committees of the respective provinces and districts of the project areas. MOT is also specifically responsible for the following tasks: working with ministerial or provincial level authority on resettlement policies; approving the land marker drawings; ensuring funds; providing guidance on resettlement policy in cases which require clarification on application of policy on specific issues; facilitating the land acquisition and resettlement process in case of delays (follow Clause 1, Article 33 Decree Government 47/2014/ND-CP dated 05/15/2014).

12.2 Provincial Peoples Committee

153. The People's Committee of the respective provinces will take the overall responsibility for the resettlement activities within their management authorities. Their main responsibilities are:

- Implement information dissemination to raise the awareness of the project development to the relevant agencies and administrative levels;
- Direct relevant agencies such as the Finance Department, the Transportation Department, DONRE and related agencies to check and supervise the organization and implementation of the RP and EMDP; and report to the PPC;
- Approve the detailed unit prices in the replacement cost survey report proposed by the Replacement Cost Survey Consultant to provide a basis for the preparation of compensation plans; and
- Resolve complaints and problems as well as enforcement of resettlement when necessary. Convene the Grievance Redress Committee to assess and adjudicate complaints and oversee implementation of action plans to resolve complaints.

12.3 Project Management Unit

154. PMU2 is responsible for overall coordination in land acquisition and resettlement matters as well as technical matters regarding demarcation in the field as well as disbursement.

155. The PMU2 will have specialist staff (or sign contract with a qualified and experienced agency/unit), which will be responsible for updating the RP and EMDP. PMU2 will engage a social safeguards specialist appropriately qualified in involuntary resettlement and ethnic minority safeguards. Their tasks include the following:

- Updating the RP and EMDP with support from the Construction Supervision Consultant;
- Coordinate with the People's Committee in the formulation and implementation of the RP/EMDP and updated RP and EMDP. Recommend to MOT for submitting the RP and EMDP and updated RP and EMDP to ADB for the review and approval;
- Carry out the development and implementation of training programs for the People's Committees of districts, communes on the RP and EMDP implementation and grievance redress with support from DD consultants;

- Monitor the recruitment of a qualified price survey/ appraisal company by the PPC to perform the replacement cost survey. Monitor the development and approval of the unit prices by the People's Committees of the Province.
- Reporting the status of funding matter to MOT to ensure that the budget for the RP and EMDP formulation and implementation, and the funding for compensation, support and resettlement, is available and adequate;
- Provide information to, and work closely with the relevant departments and local governments in the implementation of the project and the RP and EMDP;
- Monitor and report the settlement of complaints relating to the project and that the grievance redress mechanism operates effectively. Record and assistance to facilitate to the finding of complaint solution;
- Implement the internal monitoring of the RP and EMDP implementation and ensure that the resettlement activities comply with the agreed RP and EMDP. Submit quarterly social safeguards internal monitoring reports to ADB and report of RP and EMDP implementation progress in the project monitoring reports;
- Coordinate with PPC and other relevant agencies in the project areas to ensure the dissemination of resettlement information and consultation with affected people. The consultant will support these activities;
- Recruit an independent monitoring consultant (including resettlement, ethnic minorities, livelihood restoration and gender experts) to conduct external monitoring. Coordinate with the independent monitoring consultants for the conduct of external monitoring of the implementation of the RP and EMDP; and
- Engage a qualified appraiser to conduct the replacement cost study.

12.4 Organization in charge of Compensation implementation, District People's Committee (DPC); District Compensation and Resettlement Board (DCARB) and Centre for Land Development Fund (CLDF)

156. The DCARB led by the Vice President of the District People's Committees will include the Directors of Centre for Land Development Fund (vice-chair), Financial and Planning Office, Natural Resources and Environment Office, Agricultural Office, Economy and Infrastructure Office, Chairperson of the affected communes and PMU 2 staff, in addition to representatives of the Fatherland Front, Farmers Associations, Committee for Ethnic Minority Affairs, the Women's Unions and representatives of affected households. The specific tasks of the DCARB are as follows:

- Disseminate information about the RP;
- Implement the DMS, prepare individual compensation plans, approve RP compensation plans and budget;
- Implement land acquisition, compensation, support and other resettlement activities in the district according to the agreed RP;
- Conduct the consultations, livelihood development program and coordinate with the concerned agencies in the implementation of the RP;
- Pay the compensation and support after the updated RP is agreed. Ensure prompt payment of compensation, support and other benefits of households;

- DCARB to support the DPC in resolving complaints at the district level;
- Coordinate with other agencies in the design and implementation of livelihood development measures and resettlement;
- Carry out clearance of the land that will be handed over after the affected households have received full compensation and benefits and moved to resettlement areas;
- Report periodically on the implementation of land acquisition and resettlement to PMU2 per commune.

157. The DCARB will set up the following groups: (i) mapping and DMS, (ii) compensation calculation, (iii) resettlement, (iv) baseline data management (land acquisition, DMS, payment, resettlement arrangement, complaint settlement, etc.), (v) livelihood restoration (vi) grievance redress mechanism.

158. In provinces where a dedicated Centre for Land Development Fund is established in lieu of a District Resettlement and Assistance Board, the functions of DCARB described above will be undertaken by the Centre.

12.5 Provincial Department of Labour, War Invalids and Social Affairs (DOLISA)

159. DOLISA will play a lead role in the design and implementation of the project's Livelihood Development Program (LDP) together with PMU2. Specifically, DOLISA will undertake the following tasks and responsibilities:

- Collaborate with PMU, DD Consultants, and relevant local agencies such as DARB (especially Extension Centre) and other relevant stakeholders at the provincial and local levels in the detailed design of the project's LDP Program during updating of RP.
- Together with DARD and PMU2, determine and establish an effective management structure for the LDP that includes key stakeholders.
- In undertaking detailed design DOLISA will collaborate closely with the DARD Extension Centre as well as consult with DCARB and other relevant organizations in the project areas. The design of the LDP should be based on a needs assessment of eligible affected persons and local conditions to ensure effectiveness of the LDP in restoring income levels.
- Take the lead in the implementation of the LDP in close collaboration with DARD Extension Centre. Consult and guide affected persons on training options, options to access credit, market outlets for products and other forms of material support (such as inputs for farming). Together with DARD Extension Centre deliver LDP activities and training programs in the local areas.
- Monitor and report on implementation of the LDP, including implementation of specific LDP activities, participation of affected persons, and outcomes of LDP activities.

12.6 Commune People's Committee

160. The responsibilities of the CPC relative to resettlement include the following:

- Assign commune officials to assist the DCARB/CLDF to conduct surveys, consultations, mobilize mass organizations and affected people as required in the updating of the RP and its implementation;
- Identify replacement land for the AHs;

- Sign the Agreement Compensation Forms along with the AHs;
- Assist in the resolution of grievances; and
- Actively participate in all resettlement activities and concerns.
- Participate in the GRM as assigned by the DPC. Provide information and assessments on issues related to assessment of AP eligibility and needs to support grievance resolution.

12.7 Detailed Design and Documentation (DDD) Consultant and Construction Supervision Consultant

161. The DDD Consultant or CSC will have a social safeguards team that will provide technical assistance to PMU 2 and the major stakeholders in the updating and implementation of the RP

162. The social safeguards tasks of the DD Consultant/ CSC include:

- Prepare the updated RP and EMDP under the direction of the PMU;
- Assess the capacity of the concerned institutions involved in project implementation at the central and project levels, including the training and capacity building activities provided during the Loan, and continue to implement necessary capacity-building interventions. Provide training on safeguard policy and GRM implementation for PMU staff, DPC/Centre for Land Development Fund staff and contractor (on GRM and safeguard requirement during civil works). Provide support to PMU in providing oversight and input to the GRM process;
- Review and assess the consultation and disclosure activities that have been carried earlier, and revise the approach as necessary to ensure the transparent, continuous and active involvement of the AHs and all stakeholders. Assist local authorities to disclose the updated RP and EMDP;
- Support the detailed design of the project's livelihood development program (LDP) under the RP. Monitor and review LDP implementation and provide advice, as needed, to ensure the effectiveness of the LDP in restoring income earning capacity of eligible affected persons;
- Assist the DCARB in the implementation of the ethnic minority and gender strategies as described in the updated RP;
- Coordinate with the external monitoring consultant, ensuring that its findings and recommendations are discussed with PMU 2 and the DCARB for appropriate action

12.8 Capacity of Local Agencies

163. PPC and the project districts have experience in working for the WB-financed projects, but not with ADB projects. The consultation results with the districts show that they are aware of the gaps between the policies of the Government, provinces and donors in compensation, assistance, and resettlement upon land recovery by the state. However, they have informed that if the resettlement framework or resettlement plan has been approved, they will comply with the RPF/RP.

164. Capacity building training mentoring and on the job, support will be provided to PMU and local government agencies during RP and EMDP updating and implementation by the Construction Supervision Consultant.

L. IMPLEMENTATION SCHEDULE

165. ADB will not approve bidding and award of any civil works of the funded component unless its final uRP is based on DMS results.

166. PMU2 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.

167. The implementation schedule for resettlement activities for the subproject is presented in the table below including (i) activities that have been completed to prepare the uRP; (ii) resettlement implementation activities; and (iii) internal monitoring activities.

Table 30. Implementation schedule of resettlement and compensation activities

Activities	Time
Final uRP to be approved by ADB	Nov - Dec, 2021
Public uRP on ADB website and at SP's locality	Dec, 2021
Approval the compensation plans and payment	Dec, 2021
Land acquisition and site clearance	Dec, 2021
Bidding and award of civil works	December, 2021
Commencement of civil works	Beginning of December, 2021
Internal and external monitoring of PMU	From having DMS results until completion of all social safeguards activities

M. MONITORING AND EVALUATION

168. The implementation of the RP will be monitored regularly to help ensure that it is implemented as planned and that mitigating measures designed to address adverse social impacts are adequate and effective. The monitoring will be done at two levels, internal monitoring to be done by the PMU, and external monitoring to be undertaken by an external monitoring consultant (EMC).

13.1 Internal Monitoring

169. Internal monitoring of the implementation of the RP will be the responsibility of the PMU2 and a monthly report will be prepared as part of the Monthly Progress Report (MPR). Internal monitoring and evaluation will assess the implementation of the RP according to the following criteria:

- a. Assessing if mitigation measures and compensation are enough.
- b. Identifying methods of responding expeditiously to mitigate problems through remedial actions.
- c. Smooth transition between RP activities and civil works.
- d. The grievance redress mechanism is functioning.
- e. Safeguard contractual obligations of the civil works contractor are adhered to.
- f. Provisions of the loan covenant are met.

170. Moreover, internal monitoring and supervision will have the following objectives:

- Compensation and other entitlements are computed at rates and procedures as provided in the agreed RP.
- Affected households are paid their compensation and other entitlements as per agreed updated RP, ensuring that all entitlements are delivered as planned and agreed, including compensation in cash or in kind, allowances, and resettlement assistance.
- Livelihood development program designed and implemented, including details of any modifications in the programs; additional assistance by cash and in-kind for AHs, if necessary.
- Public information, public consultation and grievance redress procedures are followed as described in the approved updated RP.
- Affected public facilities and infrastructure are restored promptly.
- The transition between resettlement and commencement of civil works is smooth and that sites are not handed over for civil works until affected households have been satisfactorily compensated, resettled and livelihood development programs in place. [L]
[SEP]
- Identify and address any unanticipated impacts and impacts caused by the contractor during construction.
- Grievance cases logged in each level of project GRM and appropriate redress actions applied,
- Progress on LDP implementation

13.2 External Monitoring

171. External monitoring will be carried out by an independent External Monitor Agency (EMA) to be engaged by the project. The EMA will submit quarterly reports to ADB. Its tasks include the verification, evaluation, and review of the following:

- To verify internal monitoring information
- To verify whether the overall project and resettlement objectives are being met in accordance with the RP, and if not to suggest corrective measures;
- To assess the extent to which implementation of the RP complies with ADB's
- Safeguards Policy Statement (SPS):
- To identify problems or potential problems; and
- To identify methods of emergency responding to mitigate problems and appropriate consult the MOT.
- To verify if the livelihoods and the standard of living of affected persons (APs), including those of the non-titled displaced persons, are restored or improved;

The external experts will address specific issues such as the following:

- Verify the DMS database generated by the PMU, identify differences based on IOL and DMS
- DMS recorded in the RP, and document changes to the database;
- Confirm that all APs are eligible for compensation, resettlement and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the project objectives; Payment of compensation, allowances and other assistance are as per approved RP;
- Confirm timing of disbursement of payment; and assess that the level of compensation is sufficient to replace their losses.
- Public consultation and awareness of key information in the resettlement plan;
- Coordination of resettlement activities with construction schedule;
- Land acquisition and transfer procedures;
- Construction of replacement houses and structures on remaining land, relocation sites (outside the remaining land), and self-selected land;
- Implementation of gender and/or indigenous peoples measures as indicated in the RP and EMDP;
- Level of satisfaction of APs/ethnic minority people with the provisions and implementation of the RP and EMDP;
- Effectiveness of grievance redress mechanism (accessibility, documentation, process, resolution);
- Effectiveness, sufficiency, impact and sustainability of entitlements, assistance and income restoration programs and the need for further improvement and corrective measures for both RP and EMDP, if any;

- Resettlement site development (civic infrastructure and community services as required), identification and selection of sites in consultation with APs and host communities, equivalent or enhanced access to livelihood opportunities; process and timeliness of providing land titles/certificates;
- Capacity of APs to restore/re-establish livelihoods and living standards. Special attention will be given to severely affected APs and vulnerable APs;
- Involuntary resettlement impacts caused during construction activities;
- Participation of APs in RP and EMDP implementation; and,
- Adequacy of budget and human resources¹⁶ at executing agency/implementing agency level for resettlement activities, including internal monitoring.

The methods for external monitoring activities include:

- Review of detailed measurement survey (DMS) process to establish a baseline for monitoring and evaluating project benefits. The EMC to check on a random basis the DMS process with APs, from identification to agreement on DMS results. The EMC will also evaluate the DMS process to determine and assess whether DMS activities was carried out in a participatory and transparent manner.
- Resettlement audit is conducted during monitoring. The EMC will carry out random checks of payments disbursed to APs during monitoring. The EMC will submit a resettlement audit report upon completion of compensation payment to APs.
- Review of socioeconomic data¹⁷ prepared during the Technical Assistance Loan. With this review, the DMS data, and additional data compiled, the EMC will provide the baseline data to be used in comparison to the post-resettlement survey. A post resettlement survey will be carried out one year following completion of all resettlement activities, including livelihood restoration activities. Sampling will include at least 20% of severely affected and vulnerable households, as well as at least 10% of all other APs. Special attention will be paid to the inclusion of women, the poor, the landless and other vulnerable groups, with set questions for women and other target groups. The database will disaggregate information by gender, vulnerability and ethnicity.
- Participatory Rapid Appraisal (PRA), which will involve obtaining information, identifying existing or potential problems, and finding specific time-bound solutions through participatory means including: a) key informant interviews including representatives of civil society, community groups, and non-governmental organizations; b) focus group discussions (FGDs) on specific topics such as ethnic minority specific actions, compensation payment, income restoration and relocation¹⁸; c) community public meetings to discuss community losses, integration of resettled households in host communities; d) direct field observations, for example, of resettlement site development; e) formal and informal interviews with affected

¹⁶ Assessment of human resources is in terms of both number of staff assigned, as well as capacity

¹⁷ Possible data sources include: census, inventory of loss-socioeconomic survey (IOL-SES), village records/documents

¹⁸ Groups that may be targeted for involvement in FGDs include AHs in general, and vulnerable AHs such as women-headed households, the poor, and ethnic minorities

households, women, and vulnerable groups to monitor and assess the progress the APs are making to restore their living standards, APs' perceived need for additional assistance (and type of assistance), and their individual satisfaction with current economic activities; and, f) in-depth case studies of problems identified by internal or external monitoring that required special efforts to resolve. The PRA will also focus on good practices in land acquisition and involuntary resettlement objectives, approaches, and implementation strategies.

- Review the results of internal monitoring.

Post-completion Evaluation

172. A post-completion evaluation will be carried out one year following completion of all resettlement activities, including livelihood restoration activities. For the post resettlement evaluation, the EMA will:

- Carry-out a survey of affected households to compare with the baseline survey data to assess if income of affected households and other living conditions have been restored as pre-project. The survey will cover at least 20% of severely affected households, 100% of affected poor, landless and female headed households, as well as at least 10% of all other affected households. The database will disaggregate information by gender, vulnerability, and ethnicity.
- Conduct Participatory Rapid Appraisal (PRA), which will involve obtaining information identifying remaining/outstanding problems and finding specific time-bound solutions through participatory means including: a) key informant interviews including representatives of civil society, community groups, NGOs and Committee for Ethnic Minority Affairs; b) focus group discussions (FGDs) on specific topics such as outstanding issues related to compensation payment, income restoration and relocation; c) direct field observations, for example, completion of resettlement site development; d) formal and informal interviews with affected households, women, ethnic minorities, and other vulnerable groups to conclude on the remaining and outstanding issues.
- Discuss with the EA and IA on the completion of land acquisition and resettlement as well as the remaining/outstanding issues and commitments on actions, timeframe, resources and reporting of EA and IA to completely resolve the remaining/outstanding issues (if any).
- Review the results of the mid-term and final evaluation of the HIV and Human Trafficking Awareness and Prevention Program and Community-based Road Safety Awareness Program

Schedule & Team Composition

173. Independent monitoring and evaluation should be conducted by a consultant agency (research institute, consultancy firm or NGO), with sufficient capacity and experience in monitoring, evaluating socio-economic survey and implementation of RP and EMDP. PMU 2 will hire (select) consultant to perform this task. Fees paid to EMC are to be deducted from the counterpart fund of the project. The EMC will be responsible for preparing periodic reports on progress and recommending solutions to issues arising during the monitoring process.

174. External monitoring activities will be carried out for a period of at least 2 years on a semi-annual basis starting from the conduct of DMS until the completion of livelihood/income restoration activities. For project components where payment of compensation/allowances has been substantially completed, the external expert will also conduct a resettlement audit to verify completion of payment of compensation/allowances and hand-over of plots and recommend issuance of no objection letter for commencement of civil works. The post-completion evaluation will be carried out one year following completion of all resettlement activities.

175. Information presented in the reports should be disaggregated by sex and ethnicity.

176. All reports will be prepared in English and Vietnamese and submitted to MOT and ADB simultaneously on a quarterly basis.

Table 31. Sample Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
PROCESS INDICATOR	Consultation, Participation	Number of consultation and participation programs held with various stakeholders
	Procedures in Operation	<ul style="list-style-type: none"> - Census and asset verification/quantification procedures in place - Effectiveness of compensation delivery system - Number of land transfers effected - Coordination between implementing agencies and other agencies
OUTPUT INDICATOR	Buildings	Number, type and size of private houses/structures acquired Number, type and size of community buildings acquired
	Trees and Crops	Number and type of private trees acquired Number and type of government/community trees acquired Number and type of crops acquired Crops destroyed by area, type and number of owners
	Compensation and Rehabilitation	Number of households affected (land, buildings, trees, crops) Number of owners compensated by type of loss Amount compensated by type and owner Number and amount of payment paid
	Livelihood Development	<ul style="list-style-type: none"> - Livelihood Development Program established and operating in a timely manner; - Needs assessment undertaken and model establishment incorporates APs needs and preferences - Models are effective in conveying new skills;

		<ul style="list-style-type: none"> - Training in support of models and new skills are provided; - New skills are successfully applied. - Eligible APs are able to avail of non-farm vocational training if preferred. <p>Beneficiary entitlement regime applied as per RP description.</p>
IMPACT INDICATOR	Changes to Status of Women	<p>Participation in community-based programs</p> <p>Participation in project construction</p> <p>Participation in commercial enterprises</p> <p>Participation in livelihood development program</p>
	Changes to Status of Children	<p>School attendance rates (male/female)</p> <p>Participation in project construction</p>
	Settlement and Population	<p>Growth in number and size of settlements</p> <p>Growth in market areas</p>
	Compensation and Rehabilitation	<p>Number of households affected (for land, buildings, trees, crops);</p> <p>Number of owners compensated by type of loss;^[1]_{SEP}</p> <p>Amount compensated by type and owner;^[1]_{SEP}</p> <p>Number and number of allowances paid;</p> <p>Number of replacement houses constructed by concerned owners;</p> <p>Number of replacement businesses constructed by concerned owners;</p> <p>Number of owners requesting assistance to purchase replacement land, and number of purchases effected;</p> <p>Number of individual sites and levels of development of sites; Number of entitlements delivered;</p> <p>Number of entitlements used by APs;</p> <p>Suitability of entitlements to affected households as per RP objectives;</p> <p>Number of EM and Female Headed Households that are relocated in the same village and communes;</p> <p>Houses in the relocation sites that are built by the affected EM households and Female Headed Households according to their choices;</p>

		<p>Number of non-titled affected households receiving replacement land; and</p> <p>Number of severely affected, very poor or other vulnerable households receiving special assistance and participating in livelihood development programs.</p>
	Household Earning Capacity	<p>Employment status of economically active members; Landholding size, area cultivated and production volume, by crop;</p> <p>Selling of cultivation land;</p> <p>Changes to livestock ownership – pre- and post-disturbance;</p> <p>Changes to income-earning activities (farm and off-farm) – pre- and post-disturbance; and</p> <p>Amount and balance of income and expenditures. Change in poverty rates.</p>
	EMDP	<p>% affected ethnic minority women participate in public consultation;</p> <p>% affected ethnic minority households participating in the ethnic minority development plan activities;</p> <p>% affected ethnic minority households participating in the livelihood restoration program;</p> <p>Participation of provincial/district ethnic minority agency in project activities;</p> <p>Budget for EMDP is provided sufficient; Communication modes are accessible, effective and understandable.</p>

APPENDICES

Appendix 1. Sample of MOMs with AHs during RP updating

Lai Chau, 6th November 2020

MINUTE OF THE PUBLIC CONSULTATION MEETING

Commune: **Ban Giang**, Disitric: Tam Duong, Provine: Lai Chau

I. PARTICIPANTS

1. Representative of PMU2
 - Mr. Le Thanh Tuan Position: PMU staff
2. Representative of SMEC
 - Mrs. Ngo Thuy Quynh
 - Mrs. Tran Thi Le Tam
 - Mrs. Dolores.Viloria
3. Representative of Dong Dong ward
 - Mr. Lo Van La Position: PPC chairman
 - Mrs Nguyen Thi Hanh – Statistic staff
 - Mr. Tao Van Bur- Land administrative staff
 - Mrs. TaThi Di – Cultural and social staff
4. Representative of mass organizations
 - Mrs. Le Thi Hoa – Chair man of Father Land Front
 - Mr. Lo Van Kham – Chairman of Veterans Asociasion
 - Mr. Le Van Guot – Chair man of Farmer Union
 - Mrs. Tao Thi Keo Chairman of Women Union -
5. Representative for the Ahs and communities in the project area

Chief of the villages: Mr. Lo Van Seng, head of Ban Hon village, head of Na Khum village, Head of Ban Tham village, Head of Dong Pao 1 and Dong Pao 2 villages, head of Chan Nuoi village and the affected HHs and non- affected HHs

II. CONTENT OF PUBLIC CONSUTLATION MEETINGS

Representative of PMU2 and the consultant to introduce the general information of the project, the the scope of project, project design and the potential impact on social issues and environment, proposed minimize solutions ; the policies on land acquisition, compensation and support from the government; grievance mechanism of the project and the progress of project formulation.

Discuss with local authorities, mass organizations and local people on the above metioned issues, representative of PMU2 and consultants work with local authorities in term of land acquisition, compensation , support, evaluate the implementation steps, collect the feedback and recomendation of Ahs , communities and local authorities to the implementation of the project: Environment, compensation, support and resettlement, land acquisition and other ethnic minorities related issues, gender, community, other social impact during project implementation

III. DISCUSSION

III.1 Land acquisition and assest lost and compensation – suport , relocation policies and livelihood development program.

- The local people support to the project construction
- People invested in the land: filling, leveling, concretizing the foundation. Some HHs borrowed bank to invest
- Some AHs do not have LURC but living in the area for long time, land was reclaimed by their family

- Currently the local people are growing rice, tea, raising chicken, duck, pig, buffalo
- They want to have support for training on raising chicken, duck and materials and extension services
- Local people wish to have job with contractors when the civil work starts

III.2 Gender issues and concerns – Ethnic minority and social development

- Income/capita/year = 22 million VND. Most of the income is from hired job and agricultural activities.
- Na Bo village and Doan Ket village are Giay EM villages.
- In the commune, 60% people is EM, Giay, Dao, H'mong, Kinh, Thai

III.3 Environmental issues

- Sewage, sludge may enter into the field if the construction is not pay attention to
- The calculation of crops should separate compensation of land for tea differ from land of corn
- AHs invested in improving the reclaimed land and wish to have satisfied compensation

VI. FEED BACK AND CONCLUSION

- The investment will only be compensated when there are evidences: bank records, construction minutes, receipts etc.
- LFDC will verify the original of land use and decide the compensation or assistance to be provided to the AHs for the affected land based on regulations of government (Land Law 2013 and relevant decrees) and of Lai Chau province and ADB regulation

Representative of PMU2

Signed

SMEC consultant

Signed

Local Authority

Signed

Mass organization

Signed

Community

Signed

Ahs

Signed



DỰ ÁN KẾT NỐI GIAO THÔNG CÁC TỈNH MIỀN NÚI PHÍA BẮC
TƯ VẤN THIẾT KẾ VÀ LẬP HỒ SƠ MỜI THẦU (SMEC)

Ban Giang, Ngày... 6... tháng... 11... năm 2020

BIÊN BẢN

HỢP PHỎ BIÊN THÔNG TIN VÀ THAM VẤN CỘNG ĐỒNG

Xã: Ban Giang, huyện Tam Đường, tỉnh Lai Châu

I. Thành phần tham gia:

1. Đại diện Ban Quản lý dự án 2 (Ban QLDA2):

Ông/bà..... Chức vụ.....

Ông/bà..... Chức vụ.....

2. Đại diện đơn vị Tư vấn SMEC:

Ông/bà Dolly Vitoria, Chức vụ Int'l Social Devt Specialist

Ông/bà..... Chức vụ.....

Ông/bà..... Chức vụ.....

3. Đại diện UBND xã: Ban Giang

Ông/bà Nguyễn Bá Kiên, Chức vụ CT UBND xã

Ông/bà Giang Văn Quang, Chức vụ PCT Hội đồng Nhân dân

Ông/bà..... Chức vụ.....

4. Đại diện các tổ chức đoàn thể:

Ông/bà Giang Văn Bình, Chức vụ CT MTTQ

Ông/bà Lê Văn Hương, Chức vụ CT Hội Cựu Chiến Binh

Ông/bà Văn Văn Linh, Chức vụ CT Hội Nông Dân

Ông/bà Lê Văn Hải, Chức vụ Bí thư đoàn Thanh niên

5. Đại diện cho các hộ bị ảnh hưởng và cộng đồng dân cư địa bàn thôn, bản nơi dự án đi qua:

Trưởng các thôn/bản: Nà Bả, Ban Giang, Đoàn Kết

và người dân có khả năng bị ảnh hưởng bởi dự án 67 (người) và người dân không bị ảnh hưởng 10 (người).



II. Nội dung phổ biến thông tin và tham vấn:

Đại diện Ban QLDA2 và Tư vấn giới thiệu chung về dự án, phạm vi nâng cấp tuyến đường, thiết kế và các tác động tiềm ẩn về môi trường và xã hội, các biện pháp giảm thiểu đề xuất, các chính sách của chính phủ và của UBND tỉnh, chính sách của dự án trong vấn đề bồi thường thiệt hại khi Nhà nước thu hồi đất đai và các tài sản trên đất, cơ chế giải quyết khiếu nại của dự án, tiến độ triển khai thực hiện dự kiến của dự án.

Thảo luận với chính quyền địa phương, đoàn thể và người dân về những vấn đề được trình bày của dự án, đại diện Ban QLDA2 và Tư vấn tìm hiểu tình hình thực hiện công tác bồi thường, hỗ trợ tái định cư, tại địa phương, đánh giá các bước thực hiện, thu thập các ý kiến, nguyện vọng và đề xuất của người bị ảnh hưởng, cộng đồng và của chính quyền địa phương liên quan đến việc thực hiện dự án: môi trường, bồi thường, hỗ trợ và tái định cư, thu hồi đất, và các vấn đề khác về dân tộc thiểu số, giới, cộng đồng, các tác động xã hội khác trong quá trình thực hiện dự án.

III. Ý kiến thảo luận

III.1 Các vấn đề liên quan đến thu hồi đất và các tài sản trên đất và thực hiện chính sách bồi thường, hỗ trợ, di dời tái định cư, phục hồi sinh kế của người dân

- Người dân trong xã và hai bên tuyến đường dự án rất ủng hộ dự án có 3 bãi bị ảnh hưởng bởi dự án là Nà Bó, Bãi Giang, Đồn Kết.
- Người dân ở đây từ rất nhiều năm rồi và tạo lập tài sản, di sản của gia đình và đời bị hỗ trợ cái bằng mức tiền từ này.
- Một số hộ dân không có GCN & SDĐ, phải đi công khai địa phương từ lâu, chờ cơ hội để khai hoang.
- Việc tính toán mức đền bù, hỗ trợ cần thực hiện chính xác đúng và chi theo các loại hình ảnh hưởng.
- Việc tính chi phí đền bù đất cần phải biết cả ruộng trong ngõ và trong chợ.
- UBND xã sẽ gửi công văn góp ý và đề xuất các hạng mục hỗ trợ của dự án.
- Người dân mong muốn được đền bù tiền và công dân từ cái tạo đất.



III.2 Các vấn đề cần quan tâm về Giới - Dân tộc thiểu số và phát triển xã hội

- Mức thu nhập trung bình trong xã là 22 triệu đồng/người/năm, từ làm thuê và hoạt động nông nghiệp.
- Hai đơn Nà Bì và Đoàn Kết có người DTTS là người Giáy sống tập trung. Tỷ lệ người DTTS trên toàn xã là 60% gồm các nhóm Giáy, Dao, H'mông, Thái.
- Người dân chủ yếu trồng lúa nước, chăn nuôi gà, vịt, lợn, trâu, bò, vật tư nông nghiệp và dịch vụ khuyến nông.
- Người dân địa phương mong muốn làm việc với nhà thầu, được trả tiền công đầy đủ, công bằng giữa nam và nữ.
- Việc triển khai tiến bộ lịch trình xây dựng mới cần chú ý đến công tác loại bỏ, ng. dân, lao, chi.

III.3 Các vấn đề Môi trường

- Đất đai, biến thái có thể bị biến sa mặt ruộng như nhà thầu không chú ý trong khi công.
- Nhà thầu cần chú ý giữ vệ sinh môi trường, giảm bụi trong quá trình thi công.
- Nhà thầu cần báo cáo tình cấp nước điện được liên tục trong suốt thời gian thi công để thông báo kịp thời sự thiếu hụt của người dân địa phương.

VI. Trả lời và Kết luận

- Chính quyền địa phương và người dân rất ủng hộ dự án và mong muốn dự án được thực hiện sớm.
- Bộ phận cần chú ý tình hình tiến bộ thời gian cho các lo ngại ảnh hưởng bởi dự án.
- Nhà thầu cần chú ý báo cáo các yêu cầu môi trường trong khi thi công.



ĐẠI DIỆN BAN QLDA2

Le Mai
Lê Thanh Nhân

ĐẠI DIỆN TƯ VẤN

DT

ĐẠI DIỆN CHÍNH QUYỀN ĐỊA PHƯƠNG

CHỦ TỊCH



Nguyễn Bá Hiện

ĐẠI DIỆN CÁC TỔ CHỨC ĐOÀN THỂ

Van B

ĐẠI DIỆN CỘNG ĐỒNG DÂN CƯ

Phạm Văn 26

ĐẠI DIỆN NGƯỜI BỊ ẢNH HƯỞNG

Hồng
Nguyễn Thị Hồng

Consultation form



LIST OF PARTICIPANTS/DANH SÁCH THAM DỰ

Activity/ Tên hoạt động: NMPTCP-DDD

Implemented by (person and organization)/ Thực hiện bởi (người và tổ chức thực hiện): SMEC

Name of the consultation event/ Tên hoạt động tham vấn: Consultation with local people on resettlement plan, EMDP, GESI, Environment

Village/ Thôn: Commune/ Xã: Ban Giang; District/ Huyện: Tam Đường; Province/ Tỉnh: Lào CaiDate/ Ngày: 6/11/2020

#	Name Họ và tên	Gender Giới tính	Age Tuổi	Ethnicity Dân tộc	Occupation Nghề nghiệp	Inside affected area Nhà nằm trong khu vực bị ảnh hưởng bởi công trình	Amount Số tiền	Signature Chữ ký
1	Võng Văn Linh	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70 000	
2	Leang Văn Hu	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70 000	
3	Lò Văn Minh	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70 000	
4	Lò Văn Phan	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70 000	
5	Thân Văn Dìn	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70 000	
6	Leang Văn Chư	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70 000	
7	Lo Văn Dư	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70 000	
8	Lư Văn Thành	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70 000	

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#	Name Họ và tên	Gender Giới tính	Age Tuổi	Ethnicity Dân tộc	Occupation Nghề nghiệp	Inside affected area Nhà nằm trong khu vực bị ảnh hưởng bởi công trình	Amount Số tiền	Signature Chữ ký
9.	Phan Văn Sinh	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	Sinh
10	Phan Thị Kim	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	Kim
11	Lương Thị Dần	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	Dần
12	Phan Văn Bảy	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	Bảy
13	Lê Thị Leo	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	
14	Lê Thị Hà	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	
15	Võ Thị Lý	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	
16	Lý Thị Nhịp	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	
17	Võ Thị Lan	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	
18	Lý Thị Hương	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	
19	Lý Thị Mây	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Lâm nghiệp	1. Bên trong 2. Bên ngoài	70.000	Mây

Consultation form



#	Name Họ và tên	Gender Giới tính	Age Tuổi	Ethnicity Dân tộc	Occupation Nghề nghiệp	Inside affected area Nhà nằm trong khu vực bị ảnh hưởng bởi công trình	Amount Số tiền	Signature Chữ ký
20	Nguyễn Thị Hải	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
21	Nguyễn Thị Mai	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
22	Nguyễn Thị Bảo Yến	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
23	Lữ Văn Hồng	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
24	Lữ Văn Quyền	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
25	Tào Thị Tân	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
26	Vũ Văn Tuấn	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
27	Đặng Thị Hải	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
28	Vũ Thị Lan	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
29	Lương Thị Dân	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	
30	Vũ Văn Cảnh	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70.000	

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#	Name Họ và tên	Gender Giới tính	Age Tuổi	Ethnicity Dân tộc	Occupation Nghề nghiệp	Inside affected area Nhà nằm trong khu vực bị ảnh hưởng bởi công trình	Amount Số tiền	Signature Chữ ký
31	Vương Văn Hương	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Hương
32	Vũ A Nhi	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Nhi
33	Trần Văn Chính	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Chính
34	Vương Văn Kinh	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Kinh
35	Lê A Lân	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Lân
36	Nguyễn Văn Thìn	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Thìn

Implementer Signature/ Chữ ký của người tham vấn

Nguyễn Văn Thìn
Trần Thị Lê Tâm











Consultation form



#	Name Họ và tên	Gender Giới tính	Age Tuổi	Ethnicity Dân tộc	Occupation Nghề nghiệp	Inside affected area Nhà nằm trong khu vực bị ảnh hưởng bởi công trình	Amount Số tiền	Signature Chữ ký
37	Nguyễn Văn Huyền	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Huyền
38	Grăng Văn Nhung	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Nhung
39	Lương A Chàng	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Chàng
40	Nguyễn Anh Xuân	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Xuân
41	Vương Văn Sĩ	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Sĩ
42	Lê Văn Cầu	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Cầu
43	Lý A Mân	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Mân
44	Vương Văn Dũng	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Dũng
45	Trần Thị Linh	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Linh
46	Vương Văn Tài	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Tài
47	Phạm Thị Huyền	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Huyền

Consultation form



#	Name Họ và tên	Gender Giới tính	Age Tuổi	Ethnicity Dân tộc	Occupation Nghề nghiệp	Inside affected area Nhà nằm trong khu vực bị ảnh hưởng bởi công trình	Amount Số tiền	Signature Chữ ký
48	Lương A Pa	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
49	Lương A Tán	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
50	Lưu A Lữ	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
51	Phạm Văn Lã	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
52	Lô Văn Seo	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
53	Nguyễn Văn Đức	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
54	Vương Văn Tút	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
55	Mâu Văn Phấn	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
56	Lương Văn Vĩ	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
57	Lô Văn Len	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	
58	Vương Văn Tân	1. Nam 2. Nữ 3. Khác	1. ≤ 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	700.000	

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#	Name Họ và tên	Gender Giới tính	Age Tuổi	Ethnicity Dân tộc	Occupation Nghề nghiệp	Inside affected area Nhà nằm trong khu vực bị ảnh hưởng bởi công trình	Amount Số tiền	Signature Chữ ký
59	Trần Văn Tường	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	
60	Võ Văn Hải	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Hải
61	Võ Văn Hải	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	
62	Trần Văn Tuấn	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Tấn
63	Võ Văn Tùng	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Tùng
64	Lê Thị Phụng	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	
65	Phạm Thị Phụng	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	
66	Võ Văn Dũng	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	
67	Đào Văn Đức	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Đức
68	Lê Văn Sơn	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	
69	Trần Thị Phấn	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	phấn



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#	Name Họ và tên	Gender Giới tính	Age Tuổi	Ethnicity Dân tộc	Occupation Nghề nghiệp	Inside affected area Nhà nằm trong khu vực bị ảnh hưởng bởi công trình	Amount Số tiền	Signature Chữ ký
70	Nguyễn Thị Huyền	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Huyền
71	Giảng Văn Quang	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Quang
72	Giảng Văn Dĩnh	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Dĩnh
73	Nguyễn Văn Phong	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Phong
74	Nguyễn Thị Hồng	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Hồng
75	Đinh Thị Phái	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Phái
76	Lê Văn Quý	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Quý
77	Nguyễn Văn Kiên	1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài	70000	Kiên
		1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài		
		1. Nam 2. Nữ 3. Khác	1. < 17 2. 18-59 3. ≥ 60	1. Kinh 2. Dân tộc khác	1. Cán bộ nhà nước 2. Làm ngoài	1. Bên trong 2. Bên ngoài		

And this year, an Australian Government initiative is supported by the State of Australia, on behalf of the Australian Government.

Appendix 2. Selected pictures during RP updating



Consultation meeting with AHEADs in San Thang



Consultation meeting with AHEADs in San Thang



Consultation meeting with AHEADs in Ban Hon



Consultation meeting with AHEADs in Dong Phong



Consultation meeting with AHEADs in Ban Giang



Consultation meeting with AHEADs in Dong Phong

Appendix 3. Due diligence report for amount paid to households affected by CW08

A. BACKGROUND

1. Rational of due diligence review

Based on the DMS as of 11/2021, under package CW08, there are 582 affected households, in which (i) 389 households and 07 organizations in Tam Duong district and (ii) 193 households and 02 organizations of Lai Chau city. In the package No. 8, there are 39 severely affected households, including 36 displaced households and 03 households losing 10% or more cultivation area. In addition, this package consists of 347 vulnerable households, including (i) 32 poor households (EM); 1 female headed household with dependents and 1 disable headed household (ii) 347 ethnic minority households.

However, while the updated Resettlement Plan (uRP) is not approved yet by ADB for the package CW08, a total of 12 compensation plans for 481/582 AHs have been approved by City/district People's Committee with an amount of **VND 41,531,552,293**. In addition, the 454 AHs have been paid the compensation and assistances with an amount of **VND 36,529,903,177**. Therefore, at the end of October 2021, ADB officially issued a document on requesting the PMU to suspend the compensation payment for affected households/organizations until the uRP is adopted (*Please refer this document in the Annex 1*). Besides, for ensuring ADB's involuntary resettlement policy, a due diligence review is needed to examine whether or not the compensation payment complied with requirements on compensation/support entitlements as set forth in the Project's RP/uRP.

This report will consider, review all project's documents regarding social safeguards, compensation plans approved by City/District People's Committee as well as the compliance of compensation/support procedures with ADB's requirements on involuntary resettlement. Also, this report will describe due diligence methods, and then figure out failures at complying with ADB's policies and recommend Corrective Action Plan (CAP) which covers specific implementation time, responsibility for dealing with shortcomings found out in the course of compensation/support and resettlement under the package CW08 in Lai Chau province.

2. Objectives of the due diligence report.

The general objectives of the due diligence report are to assess the:

- Entitlements in the compensation/support and resettlement plans which are provided to affected households/organizations are not lower than those stipulated in RP;
- Proposals of remedy actions in dealing with shortcomings detected during the land acquisition process in order to ensure the compliance with the Project's compensation/support policies.

3. Methodology

This report is prepared with the methods: (i) collection of secondary data on relevant safeguard policies, including RP, uRP, compensation regulations, policies and unit price applied for

establishment of compensation plan; compensation plan approved by City/District People's Committee (ii) working with PMU, Land Fund Development Centre (LFDC) of Lai Chau Province, Tam Duong district and authorities of San Thang, Dong Phong (Lai Chau city), Ban Hon communes (Tam Duong district¹⁹) on compensation/support and resettlement and (iii) interview by questionnaires with 95 affected households in 3 communes/wards.

3.1. Secondary data collection

In order to collect necessary information and documents, Consultant worked with PMU and LFDCs of Lai Chau city and Tam Duong district to gather all documents which mentioned in this following table.

Table 1. Documents collected for report preparation

Source	Type of documents/information to be collected	Expected results
PMU	<ul style="list-style-type: none"> - RP 2018, prepared in the project preparation phase; - uRP of package No. 8 (in preparing process) 	Purposes: <ul style="list-style-type: none"> - Fully understand all entitlements of the project's policies; - Acknowledge stakeholders' responsibility; - Acknowledge grievance redress mechanism;
LFDC of Lai Chau city and Tam Duong district	Project's documents include: Notice of land acquisition; meeting minutes and public consultation minutes; minutes of plan disclosure and plan disclosure ending time.	Disclose consultation/information to affected households/organizations in compliance with regulations set forth in RP.
	Decision and plans on compensation, support and resettlement approved (Compensation documents of each affected households)	Review documents to identify non-compliances with compensation/support entitlements for affected households/organizations.
	Compensation documents for affected households; documents to be examined include: (i) Detail Measurement Survey (DMS); (ii) compensation calculation sheet; (iii) applicable replacement unit price; (iv) decisions on approving	The examination of compensation documents is to identify whether or not the affected households/organizations are supported fully according to replacement unit price and ADB's regulations.

¹⁹ Tam Duong district has communes under 8 packages, including Ban Hon and Ban Giang. At the time of preparing this report, Ban Giang commune is under the social quarantine due to Covid 19. Therefore, the consultants did not work with these communes.

Source	Type of documents/information to be collected	Expected results
	detail compensation method for AHs; (v) compensation payment note; (vi) site handover minutes.	
	Grievance and grievance redress documents	Review outstanding grievance and grievance redress documents to figure out if the grievance process is addressed in accordance with the law and the Project's regulations? If Households/organizations have to pay the grievance fees? If the households/organizations' complaints are satisfactorily addressed?

3.2. Group discussion with PMU, LFDC of Lai Chau city and Tam Duong district and local authorities

The Consultant carried out 06 group discussions with the participation of PMU, of which (i) (02) discussions with LFDC of Lai Chau city and Tam Duong district - the compensation implementation unit; (ii) 03 group discussions with People's Committee of Dong Phong ward, San Thang commune (Lai Chau city) and Ban Hon commune (Tam Duong district) and (iii) 01 discussion with affected households of residential group 24, Dong Phong ward/Lai Chau city (See some pictures during due diligence review in **Annex 2**).

The discussion with stakeholders is to find out advantages/disadvantages as well as shortcomings in the implementation of compensation/support and resettlement under the package No.8. Details are presented in Table 2 below.

Table 2. Discussion Contents with stakeholders

No.	Agencies	Discussed issues	Expected results
1	PMU; LFDC and People's Committee of wards/communes under the package No.08	<ul style="list-style-type: none"> Contents of information disclosure documents, participants; number of participants and storage of information disclosure minutes. Opinions of affected households/organizations and feedback of the authorities; Form of Detail Measurement Survey, procedures and participation of affected households in DMS process; DMS implementation process 	<ul style="list-style-type: none"> Assess the compliance of the compensation, support and resettlement procedure/process; Assess the compliance of entitlements for affected households/organizations with approved RP. Assess the compliance of grievance redress mechanism;

No.	Agencies	Discussed issues	Expected results
		<p>for the lands whose owner is not identified;</p> <ul style="list-style-type: none"> ○ Classification of AHs based on RP, including severely affected households, displaced households, vulnerable households of each commune/ward, etc.; ○ Minutes on disclosure/end of the draft compensation/support and settlement plan; ○ Compensation payment documents; ○ Number of complaint households and nature of the complaints; and ○ Income restoration program established for the package. 	
2	Affected households	<ul style="list-style-type: none"> ○ Disclosure and dissemination of information regarding RP, and the project's resettlement locations; ○ Participation of DMS activities, and; ○ Compensation activities of Land Fund Development Centres ○ Affected households/organizations' satisfaction with the compensation; ○ Grievance and grievance redress mechanism 	<ul style="list-style-type: none"> ○ Assess changes and restorability of affected households/organizations' life quality at least equal or better than before project; ○ Assess the compliance of the compensation, support and resettlement procedure/process with approved RP; ○ Identify the grievance and shortcomings voiced by communes/wards in the process of compensation, support and site clearance.

3.3. Interview/questionnaires with affected households:

A total of 95 interviews/questionnaires with AHs were conducted directly in 3 wards/communes: Dong Phong ward (17 households); San Thang (22 households) and Ban Hon (56 households) communes and indirectly interviews with CPC's officers and some AHs in Ban Giang commune²⁰ to collect households' opinions regarding the compensation/support and resettlement of the package CW08.

²⁰ Ban Giang commune is under quarantine during the DDR exercise.

The interview contents focus on information disclosure, DMS implementation procedures, compensation/support payment, time of land acquisition and compensation/support reception, displaced households' demand on resettlement, income restoration program; grievance redress mechanism and households' satisfaction with compensation, support and resettlement of the package CW08.

B. PROGRESS OF LAND ACQUISITION IMPLEMENTATION

As of November 2021, 02 compensation implementation units under the package CW08 submitted 12 compensation plans for 481 out of 582 affected households to City/district People's Committee for approval. Total approved compensation cost is **VND 41,531,552,293**. The number of households received compensation payment is 454 with paid amount of **VND 36,529,903,177**. The remaining households will be compensated/supported after the uRP is approved by ADB.

Table 3. Compensation progress of the package CW08 - Lai Chau province

No.	Decision No.	Commune/ward	Number of approved households	Total approved compensation cost	Total paid amount
A	LAI CHAU CITY		182	21,338,374,407	21,185,357,106
1	Decision No.1023 dated 07 July 2021	Dong Phong		2,371,807,288	2,274,281,005
2	Decision No.1633 dated 23 September 2021	Dong Phong		727,654,841	709,212,723
3	Decision No.1633 dated 29 September 2021	Dong Phong & San Thang		184,298,926	184,298,926
4	Decision No.1382 dated 30 August 2021	San Thang		283,825,095	282,781,695
5	Decision No.1548 dated 01 September 2021	San Thang		17,770,788,257	17,734,782,757
B	TAM DUONG DISTRICT		388	20,193,177,886	15,344,546,071
1	Decision No. 1398/QD-UBND dated 14 July 2021	Ban Giang		7,001,823,017	5,352,580,534
2	Decision No. 2771/QD-UBND dated 21 October 2021	Ban Giang		168,213,102	168,213,102
3	Decision No. 2070/QD-UBND dated 21 September 2021	Ban Hon		3,776,659,582	3,528,900,673
4	Decision No. 2246/QD-UBND dated 23 September 2021	Ban Hon		3,994,560,908	3,539,696,963

No.	Decision No.	Commune/ward	Number of approved households	Total approved compensation cost	Total paid amount
5	Decision No. 2348/QD-UBND dated 27 September 2021	Ban Hon		3,990,184,079	2,591,324,046
6	Decision No. 2837/QD-UBND dated 29 October 2021	Ban Giang		1,089,637,198	40,889,253
7	Decision No. 2843/QD-UBND dated 02 November 2021	Ban Hon		172,100,000	122,941,500

Source: LFDCs of Lai Chau city and Tam Duong district in Nov 2021

C. ASSESSMENT OF THE IMPLEMENTED COMPENSATION AND SITE CLEARANCE

1. Consultation and information disclosure.

Consultation and disclosure the draft compensation plans as well as public consultation to gather the community's opinions on the package CW08's compensation which is conducted in wards/communes. The interview with 95 households to collect their opinions/assessment on compensation/support and resettlement show that people strongly support the road upgrading. However, the affected households have not been provided fully the regulations or entitlements for compensation and land acquisition.

2. Detail measurement survey (DMS).

The local people were fully informed and participated in related activities along with LFDC and local representatives. A copy of measurement results was sent to each household to review all assets/area acquired. After working with local authorities and people, no complaint about this activity has been found.

3. Preparation the compensation plans and applicable policies.

Compensation unit price for land, trees and assets associated with the land was updated in 2021 to ensure the compliance with the Project's compensation policies. The compensation rate was updated by independent consultants who are capable of implementing compensation unit price for both land and assets associated with the land. Then, the Consultant's proposed unit price was approved by Lai Chau PPC. The following are legal bases for the LFDC to apply the compensation unit price:

- Decision No. 598/QD-UBND dated 26 May 2021 issuing the compensation unit price for assets, trees and animals on the land which is acquired by the State in Tam Duong district and Lai Chau city under the Northern Mountain Provinces Transport Connectivity Project funded by ADB and the Australian Government;
- Decision No. 534/QD-UBND dated 17/5/2021 on approval of the land price for calculating the compensation unit price when the State acquires land for implementation of the Northern Mountain Provinces Transport Connectivity Project funded by ADB and the Australian

Government;

In general, the unit price applied in 12 compensation plans was updated in 2021. Basically, local people agreed with the applied unit price. As of the time preparing this report, there has been no complaint recorded regarding this activity. However, the compensation plans did not mention to some additional assistance to AHs including:

- **The life stabilization supports for affected households losing productive land:** As mentioned in the entitlement matrix and item 10 of Article 21 of Decision 16/2020 of Lai Chau province, if households lose less than 30%, cash assistance equivalent to the value of 30% of the value of compensation for the land acquired". Besides, the AHs losing from 10% up to 30% of their affected land will receive the higher of the two forms of stabilization assistance: either (a) stabilization assistance equivalent to 30kg of rice per household member for the specified periods; OR (b) cash assistance equivalent to 30% of the value of the acquired land (*This entitlement will be applied If the land acquisition impacts significant on the AH's livelihood and life production and be confirmed by local authority*).
- **The addition support for affected business:** As mentioned in the entitlement matrix of approved RP, (i) For Permanent loss of income from existing business/shops, the assistance equivalent to 30% of average annual net income after tax, based on income level of 3 consecutive years that is confirmed by the local tax office, If absence of the tax document, the income loss will be based on the minimum wage in the project area for 4 months; (ii) For Temporary loss of income from existing business/shops, the support level is decided by the PPC which will determine a reasonable period of support for period of disruption and time required for rebuilding and reorganizing. The total income loss will be determined on the basis of the average annual income after tax, based on the three-year consecutive income level confirmed by the local tax office. If absence of the tax document, the income loss will be based on the minimum wage in the project area.

4. Approval of compensation plan.

Within the package CW8, 12 compensation plans were approved by city/district PCs (the list is in Table 4). Before approval, the compensation plans were posted in the communal/ward People's Committee in line with the Province's regulations. However, according to the Project's compensation, site clearance procedures, the compensation plans must be approved after the uRP is adopted by ADB. Therefore, after the uRP is approved by ADB, LFDC is required to review compensation plans to ensure the compliance with the approved uRP. Differences (if any) would be adjusted through decisions on approval of the adjusted/supplemented compensation plan.

5. Compensation payment for affected land and assets.

The compensation/support is paid in compliance with the legal procedure/process. LFDCs sent an invitation to each AH to inform the payment time and place. The compensation/support payment is implemented by communal/ward PC with participation of PMU/LFDC and local authorities. As of this time (November 2021) 454/481 under the approved plan received compensation/support (accounting for 94.4%). Total amount paid was **VND 36,529,903,177**. After the package No.8's uRP is approved by ADB, LFDC of Lai Chau city and Tam Duong district will make compensation/support payment for remaining 27 households with an amount of **VND 4,934,302,333**.

6. Grievance redress mechanism.

In the course of preparation and implementation, the information about grievance process was fully disclosed for AHs so that they could follow complaint steps when needed. As of the survey time, no complaint is recorded.

7. Findings.

As results of assessment, some shortcomings in terms of compensation, site clearance of the package CW08, namely as:

- The affected households have not been fully informed about policies and entitlements according to the policy framework of the project as well as regulations on compensation and support of Lai Chau province.
- The affected households with productive land (households with less than 10% loss) have not been provided with adequate support to stabilize their lives as mentioned in the entitlement matrix of the approved RP for the project as well as regulations of Lai Chau province as indicated at item 10, Article 21 of Decision 16/2020 dated May 4th, 2020, if the land acquisition impacts significant on the AH's livelihood and life production and shall be confirmed by local authority.
- The affected households with business/shops have not been provided the support according to the project's regulations as well as the regulations of Lai Chau province as mentioned in Article 17 of Decision 16/2020 dated May 4th, 2020.
- Households affected with affected 10% or more of agricultural land; the vulnerable households in Tam Duong district have not been provide allowance yet.
- 05 displaced households have received the compensation and assistance (4 in Lai Chau city, 1 in Tam Duong). But, these 5 households have not been provided the land plots in resettlement sites.

D. CONCLUSION AND RECOMMENDATIONS

1. Conclusion

The compensation approval, payment is publicly, transparently implemented. The compensation/support amount was paid fully according to decisions, received and signed by households.

During the working period, site survey, no complaint relating to the compensation, site clearance is recorded.

However, the compensation documents for affected households are not fully prepared in line with the Project's regulations. The compensation approval and payment before the uRP is approved by ADB fails to comply with regulations.

2. Recommendations

As of this time, based on the approved compensation and site clearance plan and the actual payment, some shortcomings were found out and a CAP was proposed to ensure households' entitlements as approved RP.

The PMU.2 should work with LFDCs and local authorities to complete additional compensation plans and payment for households.

Results and proposals in this CAP were discussed and agreed with PMU.2, the CAP and time frame are recommended according to the Table 5 below.

E. CORRECTIVE ACTION PLAN

1. Required activities

The PMU.2 should work with LFDC to finalize the additional compensation/support plan so as to ensure households' entitlements and the compliance with the Project's policies.

Responsible entities: After the package's uRP (including this DDR) is approved by ADB and PMU.2/PPC agrees to implement, this document must be disclosed by posting in the package ward/commune PC and the bulletin board in the project residential areas. LFDCs will take charge of preparing additional compensation/support plans for affected households identified in CAP.

The CAP/DDR implementation will be monitored and reported in the PMU's internal monitoring report which is submitted to ADB in accordance with regulated procedures.

2. Budget for the corrective action plan

Based on CAP/DDR results, the implementation of additional compensation/support plan for households determined will be carried out by City/district LFDC in Quarter IV, 2021. The compensation, support and resettlement cost will be from the Project's site clearance cost.

Table 5. Recommended Corrective Action Plan

No.	Issues	Action	Responsible entities	Time frame
1	- Project information disclosure	- Provide all entitlements of the project to AHs through the public consultation meetings or prepare project information booklet (PIB) to AHs with full entitlements as regulations of project	- PMU.2 - LFDC of Lai Chau city/Tam Duong district - Communes/wards of package 8	Quarter IV 2021
2	- Provide life stabilization support for households who lose less than 10% of	- Review the DMS data and coordinate with local authority to assess the impact level of land acquisition to	- PMU.2 - LFDC of Lai Chau city/Tam Duong district	Quarter IV 2021

No.	Issues	Action	Responsible entities	Time frame
	their productive land	AHs, if the land acquisition impacts significant on the AH's livelihood and life production and confirm by local authority, the additional support should be calculated for AHs as regulations. - Prepare additional compensation plan in line with uRP for un-approved plans	- Communes/wards of package 8	
3	- Provide supports for affected business/shop	- Review the DMS data to provide the support for affected business as mentioned in the entitlement matrix of approved RP.	- PMU.2 - LFDC of Lai Chau city/Tam Duong district -	Quarter IV 2021
4	- At the present, the life stability allowance has not been provided for 03 affected households in Ban Giang commune who lose 10% or more of cultivation area	- Provide additional support in accordance with the Project's regulation V.2 uRP)	- PMU.2; - LFDC of Lai Chau city/ Tam Duong district - Communes/wards of package 8	Quarter IV 2021
5	- Failure to support the vulnerable group as set forth in the approved compensation plan	- Provide additional support under the Project's regulation (V.7 of uRP)	- PMU.2 - LFDC of Lai Chau city/ Tam Duong district - Communes/wards of package 8	Quarter IV 2021
6	- Failure to allocate resettlement land plot for 5 displaced households (4 in Lai Chau city, 1 in Ban Giang - Tam Duong commune)	- 5 displaced households want to receive resettlement land. Households received compensation amount and want to be allocated resettlement land soon.	- PMU.2 - LFDC of Lai Chau city/ Tam Duong district - Communes/wards of package 8	Quarter I, 2022

No.	Issues	Action	Responsible entities	Time frame
		- PMU.2, LFDC should consider the land handover schedule properly so as to reduce impacts on the households.		

ANNEX

1. ADB letter for conducting the DDR



Asian Development Bank

Viet Nam Resident Mission

21 October 2021

To:	Mr. Le Minh Nam Deputy Director Project Management Unit 2 Email: nampmu2@gmail.com	Originator:	Nguyen Dinh Khoa Senior Project Officer (Transport) Email: knguyen@adb.org
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**Subject: Loan 3762-VIE: Northern Mountain Provinces Transport Connectivity Project
—Status of Land Acquisition and Resettlement for Contract Package CW-08¹**

Dear Mr. Nam,

1. As informed by PMU2 during a recent meeting, the land acquisition has been implemented in the section for the contract package CW-08. This does not comply with the ADB Safeguards Policy Statement (SPS 2009) as the compensation and payments to the affected households (AHs) were made before ADB reviews and clears the updated resettlement plan (uRP). Please request Lai Chau Provincial People's Committee to instruct its concerned agencies to immediately suspend the ongoing compensation and payments until ADB clears the uRP.

2. To remedy the noncompliance, please submit promptly the uRP to us for our review and clearance. In this uRP, PMU2 needs to include a due diligence report (DDR) of the implemented resettlement activities, i.e., analysis of payment made versus the project resettlement policy, and identification of required corrective actions. A detailed outline of the DDR is attached for your reference. As a reminder, please ensure the AHs will be paid differences (if any) between the payments made and the compensation rates in the uRP.

3. We iterate the requirement that civil works contracts can only be awarded after the relating uRP and updated Ethnic Minority Development Plan are submitted to and cleared by ADB.

Sincerely,

Keiju Mitsuhashi
Deputy Country Director

cc: Mr. Le Thang, Director, PMU2
Mr. Duong An Hai, Head, Project Implementation Division 5, PMU2
Mr. Le Nhat Cuong, Head, Project Implementation Division 1, PMU2

Country Director, T.X. Tho, D. K. Oanh, L.H. Loan, BA. Thu, VRM
T. Fukayama, R. Omana, SETC
Project chrono (N. D. Khoa)

¹ Provincial Road 136 San Thang - Dong Pao (127+415-146+400).

2. Selected pictures during due diligence review



Public consultation in San Thang commune



Working group in Ban Hon commune



Public consultation in Dong Phong ward commune

Cha



Working group in Dong Phong ward commune



Suite 10-03, 10th floor, HCO Building
44B Ly Thuong Kiet, Hanoi – Vietnam

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