

# Resettlement Plan

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January 2014

Socialist Republic of Viet Nam: Greater Mekong  
Subregion Tourism Infrastructure for Inclusive  
Growth Project

Subproject in Kien Giang Province:  
Phu Tu Environmental Improvement

## CURRENCY EQUIVALENTS

(as of 17 January 2014)

Currency Unit	–	Dong (D)
D 1.00	=	\$0.00004
\$1.00	=	D 21,074

## ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	affected household
AP	-	affected person
CARB	-	Compensation and Resettlement Board
CPC	-	Commune Peoples' Committee
DBST	-	double bituminous surface treatment
DRC	-	District Resettlement Committee
DMS	-	detailed measurement survey
DOF	-	Department of Finance
DCST	-	Department of Culture, Sports and Tourism
DPC	-	District Peoples' Committee
EA	-	Executing Agency
EMDP	-	Ethnic Minorities Development Plan
EMA	-	External Monitoring Agency
FS	-	Feasibility Study
IOL	-	Inventory of Losses
LFDC	-	Land Fund Development Centre
LURC	-	Land Use Rights Certificate
MCST	-	Ministry of Culture, Sports and Tourism
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
NTP	-	notice to proceed
PCU	-	project coordination unit
PPC	-	Provincial Peoples' Committee
RCS	-	Replacement Cost Study
RP	-	Resettlement Plan
SES	-	socioeconomic survey
VWU	-	Viet Nam Women's Union

## WEIGHTS AND MEASURES

km	kilometer
kg	kilogram
ha	hectare
m	meter
m <sup>2</sup>	square-meters

## DEFINITION OF TERMS

- Affected person (AP) - Means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or subprojects, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement.
- Cut-off date - This refers to the date prior to which the occupation or use of land in the project area makes residents/users of the same eligible to be categorized as AP.
- Detailed Measurement Survey (DMS) - With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during Resettlement Plan (RP) preparation. The final cost of resettlement can be determined following completion of the DMS.
- Entitlement - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
- Host community - Means the community already in residence at a proposed resettlement or relocation site.
- Income restoration - This is the re-establishment of sources of income and livelihood of the affected households.
- Income restoration program - A program designed with various activities that aims to support severely affected and vulnerable persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations and subject to opportunities and resources available to the AHs where they are located.
- Inventory of Losses - This is the listing of assets as a preliminary record of affected or lost assets during the preparation of the RP where all fixed

(IOL)	assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the project right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.
Involuntary resettlement	- It is the displacement of people, not of their own volition but involuntarily, from their homes, assets, sources of income and livelihood in the ROW in connection with the Project.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life
Relocation	- This is the physical displacement of an AP from her/his pre-project place of residence and/or business.
Replacement cost	- The amount needed to replace an affected asset at prevailing market rates net of transaction costs such as administrative charges, taxes, registration and titling costs. In the case of structures, replacement cost refers to current cost of materials (no depreciation) and labor cost without deduction for salvaged materials.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and

evaluation.

- Severely affected households - This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.
  
- Vulnerable groups - These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and elderly-headed households with no other means of support, (v) landless households, and (vi) indigenous people or ethnic minorities.

## **NOTES**

- (i) The fiscal year (FY) of the Government of Viet Nam ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

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## EXECUTIVE SUMMARY

### 1. Project Description

The expected outcome of the Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is that increased international tourism receipts will benefit women and men living in targeted segments of the GMS corridors. The project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centres; (iii) strengthened institutional capacity to promote inclusive tourism growth; and (iv) effective project implementation and knowledge management. In Viet Nam the project will improve tourism sites in Dien Bien, Ha Tinh, Kien Giang, Lao Cai and Tay Ninh provinces.

This Resettlement Plan (RP) concerns the subproject Phu Tu Environmental Improvements to be implemented in Kien Giang province. The Phu Tu National Tourist Site is situated in Binh An Commune, Kien Luong District, approximately 60 kms from the Viet Nam–Cambodia border. The main subproject activities are to: (i) upgrade the main (700m) and secondary (3.5 km) access roads to double bituminous surface treatment (DBST) standard with 6.0 m wide carriageway, lighting, and drainage; (ii) construct/upgrade public toilets; (iii) construct septic tanks capable of treating 1,000m<sup>3</sup> of wastewater per day; (iv) improve the ferry pier, walking paths and other public amenities; and (iv) construct 60 vendor kiosks, a visitor information center with parking, and expand the existing market area at the site.

### 2. Scope of Resettlement

The Inventory of Losses (IOL) and resettlement consultations were conducted from 11 August 2013 to 15 August 2013 by the PPTA consultants in collaboration with province and district officials. The survey identified the following resettlement impacts:

- (i) **Pending claims from past land acquisition (corrective action):** In 1998, when the Kien Giang Tourist Joint Stock Company (JSC) was granted a concession to develop the Phu Tu tourist site, there were 18 households that did not reach agreement with the JSC over the terms of land acquisition. These households continue to retain their titles for land on the site where the subproject activities will take place. These claims must be settled as a corrective action in order to bring the subproject into compliance with ADB's Safeguard Policies concerning involuntary resettlement. The JSC site management concession will expire in 2014 and the Kien Giang Department of Culture, Sports and Tourism (DCST) and Kien Luong District Office will take on direct management of the site. The total losses for the 18 households that have not yet received full compensation for land acquired from them includes 2,912 m<sup>2</sup> of residential land; 7,255.94 m<sup>2</sup> of land used for planting perennial trees; and 6,361m<sup>2</sup> of land for rice production. Kien Giang DCST, with the support of the Provincial People's Committee (PPC), has committed to resolving the outstanding claims according to ADB and Government of Viet Nam / Kien Giang PPC resettlement policies.
- (ii) **Economic disruption to existing businesses:** Phu Tu has a total of 51 registered businesses (with 255 family members) that lease space/structures on the beachfront for selling souvenirs and food and beverages. In addition there are an additional 100 to 150 mobile vendors that regularly come to the site to sell various local products to tourists. For the 51 business leasing space, in most cases the business operators reside full-time

or part-time in their shop as many have moved from other districts or provinces. The planned infrastructure improvements will temporarily affect these 51 businesses during the construction phase, when they will be temporarily relocated (approximately 100 m) from the beachfront to the expanded market's parking area while a new kiosk is built for each business. The mobile vendors will not be affected by the subproject.

### **3. Profile of Affected Persons**

All persons affected by temporary economic disruption earn their livelihood primarily as retail operators at Phu Tu. The majority (43 businesses) of these affected persons also reside all or most of their time at the site, either alone or with one or two other family members. Two of the households are classified as poor according to the national poverty line,<sup>1</sup> 8 are ethnic minority families; and six households are headed by a woman. The affected persons consider that they earn good income from the tourists but they are concerned about poor sanitary conditions, overcrowding, and road congestion that occur during the peak season and on weekends. All are in favour of project activities to improve sanitary conditions, the access road and market, and tourist amenities at the site.

### **4. Consultations**

Consultations during the preparation of the RP consisted of public meetings, social surveys, and interviews with retail shop operators and residents that have pending claims for compensation for past land acquisition. Provincial, District and Commune Officials, together with the Phu Tu National Tourism Site Management Board, were consulted on subproject design, including resettlement issues. Specific activities have been incorporated into the RP and project design to respond to stakeholder concerns. These include programs to: (i) combat child exploitation and human trafficking in the tourism industry, (ii) build the capacity of destination management organizations to develop and implement sustainable tourism policies, (iii) conduct public awareness programs on the benefits and potential negative impacts of tourism, (iv) disseminate information on public health and worker safety targeting local residents and tourists, and (v) improve heritage protection and management. The detailed description and budget for these activities is in the Project Administration Manual. Consultations with affected persons identified and other stakeholders met during public consultations will continue throughout the detail design stage and project implementation cycle. The findings of consultations undertaken during the project's preliminary feasibility studies were confirmed during ADB's loan fact finding mission held in January 2014.

### **5. Legal Framework**

The legal and policy framework for compensation, resettlement and corrective action under the project is defined by the relevant laws and regulations of the Government of Viet Nam, Kien Giang Province, and the ADB Safeguards Policy Statement (2009). Some differences still remain between Government regulations and ADB's SPS. Measures to address these gaps in a manner acceptable to both the Government and ADB are discussed further in this RP, and will be adopted as the project's resettlement policy framework.

### **6. Entitlements**

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<sup>1</sup> The national poverty line (2012) is based on average income required for basic needs; i.e. less than D400,000 per person/month in rural areas and less than D500,000 per person/month in urban areas.



The main entitlements are for land acquisition and economic disruption that affected persons in the market area will experience during the period of construction. The allowances for businesses losses will apply in the case of temporary interruption of business in keeping with ADB's safeguards policies. The rates for the allowances will be according to provincial resettlement policies so long as these policies remain up to date at the time of compensation. The resettlement plan outlines entitlements for residential and commercial land, affected structures and other forms of compensation that will apply to any additional resettlement impacts identified during the detailed design. All persons owning or occupying land, operating businesses, or having pending claims for compensation from previous land acquisition at the site, prior to the cut-off date of 15 August 2013 are eligible for assistance.

## **7. Institutional Arrangements**

The Ministry of Culture, Sports and Tourism (MCST) is the project's executing agency (EA). The MCST-based Project Coordination Unit (PCU) and Kien Giang Project Implementation Unit (PIU) embedded in the provincial Department of Culture, Sports and Tourism (DCST) will supervise implementation of this RP. The PCU will coordinate with the Kien Giang Provincial People's Committee (PPC) and PIU to ensure timely approval of the RP and its update, and that the compensation and assistances are administered according to the provisions set forth herein. Kien Giang PPC will authorize the Kien Luong district to establish a District Resettlement Committee that will ensure resettlement activities are administered according to the provisions of this plan. Kien Giang's Land Fund Development Center will assist the PIU in conducting the Detailed Measurement Survey during RP updating.

## **8. Grievance Redress & Information Disclosure**

The grievance mechanism has been designed to ensure that APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. APs will be made fully aware of their entitlements and project-related information verbally and in writing during consultations, during resettlement surveys, and at the time of compensation. Key information in the draft RP will be disclosed to APs prior to ADB's appraisal of the project and the grievance redress procedure will be well-defined in the project's Public Information Booklet. Commune and District People's Committees are primarily responsible for resolving any grievances received from the APs. An aggrieved AP or AH will be free from any fees in connection with the lodging and resolution of complaints, as these will be borne by the PIU.

## **9. Budget**

The resettlement budget is presented in Annex 1. The total estimated cost is \$635,244 with \$549,373 for direct costs of compensation, \$35,680 for implementation, and \$28,999 for contingency. Of this amount, \$603,102 is for the corrective action and \$32,143 is compensation for temporary economic disruption during the construction period and relocation of shops. The Government of Viet Nam will cover the costs of land acquisition and resettlement within the agreed implementation period, including the above estimated costs for the pending claims for land acquisition of 18 households. The Kien Giang Department of Finance will be responsible for the disbursement of funds.

## **10. Monitoring**

The PCU, with support from the project implementation consultants and PIU-based Safeguards Officers, will carry out internal monitoring of resettlement planning and implementation. The scope of internal monitoring will cover an assessment of: (i) compliance with the agreed

resettlement policies and procedures; (ii) timely availability and efficient use of personnel, material and financial resources; and (iii) identification of the need for remedial actions to correct any problems that arise. The PCU will also engage an external monitor to verify that compensation payments for the corrective action are made in accordance with the provisions of the RP. The PCU will coordinate submission of internal (quarterly) and external (semi-annual) resettlement monitoring reports to ADB. A process, timeline and indicators for monitoring are provided in this resettlement plan. All data in the monitoring reports will be disaggregated by sex and ethnicity.

## 11. Indicative Implementation Schedule

The subproject will be implemented from 2015 to 2019. The indicative resettlement implementation schedule is summarized below:

<b>Resettlement Plan Updating/Implementation Activities</b>	<b>Schedule</b>
Consultations, carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plan by Kien Giang PPC and ADB	Quarter 4, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
External Monitoring	End of Quarter 2 and Quarter 4, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations	Continuous

## 1. PROJECT DESCRIPTION

1. The Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is a multi-sector, multi-country investment project financed by separate sovereign loans to Cambodia, the Lao Peoples Democratic Republic, and Viet Nam. The project will invest in transport and environmental infrastructure and capacity building in 12 provinces across the three participating countries.

2. The expected outcome of the project in Viet Nam is that increased international tourism receipts benefit men and women living in targeted segments of the GMS corridors. Project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centers; (iii) strengthened institutional capacity to promote inclusive tourism growth; and (iv) effective project implementation and knowledge management. In Viet Nam the project includes the provinces of Dien Bien, Ha Tinh, Kien Giang, Lao Cai and Tay Ninh.

3. This Resettlement Plan (RP) is for the Phu Tu Environmental Improvement subproject that will be implemented in Kien Giang Province.

4. **Subproject description:** Phu Tu National Tourist site is situated in Binh An Commune (population 11,000), Kien Luong District, approximately 60 kms from the Viet Nam–Cambodia border. Phu Tu is set in a pleasant seaside location and received approximately 320,000 visitors in 2012. Official forecasts suggest that this number will continue to grow rapidly over the coming years. Lacking adequate waste management systems and sanitation, together with poor traffic management and increasing encroachment of shops onto the beachfront, uncontrolled tourism growth is creating a public health hazard for visitors and the surrounding community.

5. To address these issues the subproject will (i) upgrade the main (700m) and secondary (3.5 km) access roads to DBST standard with 6.0 m wide carriageway with lighting and drainage; (ii) construct/upgrade public toilets; (iii) construct a 1,000m<sup>3</sup>/day wastewater treatment facility (anaerobic baffled reactor septic tanks); (iv) improve the ferry pier, walking paths and other public amenities; and (v) improve and expand the existing market area, including the construction of 60 vendor kiosks and a visitor information center with parking. Existing shops on the beachfront area will be reorganized to improve sanitation and open up access to the public beach. The wastewater treatment facilities will be constructed on public land.

## 2. SCOPE OF RESETTLEMENT

6. The following activities will have resettlement impacts:

7. Upgrading of the main 700 m access road and reorganization of 51 shops that are operating in the beachfront area. All vendors will be provided with newly constructed concrete-frame kiosks of variable sizes with improved sanitation and drainage.

8. The subproject will require the existing shops (made primarily of metal poles and tarpaulin) that are spread out across the beach area to temporarily relocate about 100 m from their present location to the expanded market's parking area while their new kiosks are being built. (Figure 1). The new kiosks to be assigned to the 51 vendors will be of an equal size or greater than the structures they previously occupied. This will open up access to the public beach and improve sanitary conditions along the beachfront. Road improvements will follow the

existing alignment. Any widening will occur on the beachside shoulder in the space where the existing stalls will be reorganized. The stalls/kiosks occupying the shoulder opposite the beachfront will not be affected. The project has incorporated the following measures into the design to minimize resettlement impacts.

- Kiosks in the reorganized market area will be of the same number and equivalent (or larger) size as the space currently leased to retail operators on the beachfront;
- Road upgrades will follow the existing alignment;
- Upgrade to the parking area in the expanded market will be done before the beachfront reorganization so that the new parking area can be used as a temporary market (relocating existing tarpaulin shops as a temporary measure) during construction of the new kiosks; and
- The move to the temporary parking area will be organized so that it is completed in one day, to avoid any extended disruption of business. The same plan will be applied during the return to reorganized beach area.

**Figure 1: Phu Tu Environmental Improvements**



9. The Inventory of Losses (IOL) and resettlement consultations were conducted on 11 August to 15 August 2013 by the PPTA consultants in collaboration with provincial and district officials. The survey identified (i) the need to take corrective action for past involuntary land acquisition and provide compensation for (ii) temporary economic disruption that will arise from construction activities and the reorganization of retail shops into a new sanitary market area.

## 2.1 Corrective Action

10. In 1998, when the Kieng Giant Tourist Joint Stock Company (JSC) was granted a concession to develop the Phu Tu tourist site, there were 18 households (94 APs) that did not reach agreement with the JSC over the terms of land acquisition. The reason that they did not reach agreement was that the 18 households did not think that the method used for calculating compensation reflected the fair market value of their land and assets. The reason these people/claimants did not agree with the value assigned was that some people in the group purchased their land and were being offered less than they had paid for it. Others were aware of this and determined that they were being offered less than market value for the land.

11. These 18 households continue to retain their land titles for the contested plots where subproject activities will take place. The households currently do not have access to their land, and their crops and structures have already been affected by past developments. The households with pending land claims that were consulted by the PPTA consultants have expressed interest to settle their claims if compensation is at fair market value. These claims must be settled as a corrective action in order for ADB' Safeguard Policies concerning involuntary resettlement to be met. Losses and pending claims are summarized in Table 1. Seven cases represented a loss of 100% of their productive land, while six cases required physical relocation and five cases represented partial loss of land.

**Table 1: Losses and Pending Claims**

Type of Land	Area (m <sup>2</sup> )	No. AH
Rural residential land	2,912	12
Orchards	7,255.94	14
Rice field	6,361.00	5

12. The JSC management concession will expire in 2014 and the Kien Giang Department of Culture, Sports and Tourism (DCST) and Kien Luong District Office will then take on direct management of the site. As such, the DCST, with the support of the Provincial People's Committee (PPC) has committed to resolving the outstanding claims according to ADB and the Government of Viet Nam / Kien Giang PPC's resettlement policies, as described in this RP.

## 2.2 Temporary Economic disruption to Existing Businesses

13. The affected beachfront area has a total of 51 registered businesses (with 255 family members) that lease space/structures to set up shops for selling souvenirs and food and beverages. In addition there are an additional 100 to 150 mobile vendors that regularly come to the site to sell various local products to tourists. For the 51 business leasing space, in most cases the business operators reside full-time or part-time in their shop as many have moved from other districts or provinces. The planned infrastructure improvements will temporarily affect these 51 businesses during the construction phase, when they will be temporarily relocated (approximately 100 m) from the beachfront to the expanded market's parking area while a new kiosk is built for each business in the reorganized beachfront area. The new space will be of

equivalent size and will not affect the vendors' present use of their space as sleeping quarters at night. The mobile vendors will not be affected by the subproject. The dismantling and setting-up of the 51 shops is estimated to take one day. The impacts are summarized in Table 2 and the list of AHs is in Annex 2.

**Table 2: Scale of Temporary Economic Disruption**

Subproject Impact	No. of AHs	Affected Area
Retail shop/residence - temporary economic disruption during construction	51	Range 5 – 60 m <sup>2</sup> /AP

14. The businesses are leasing the land/structures are and will be provided with free space in the temporary market area (the parking lot of the expanded market) during construction and a new kiosk in the reorganized beachfront area after construction. In some cases the affected households have added extensions to their leased structure that will need to be dismantled. These structures are made of poles and tarpaulins that are intended to be moved, and so will not require compensation.

15. As the shops and restaurants also serve as residences for 43 of the 51 affected households, they will require equivalent space in the newly constructed kiosks, which has been accounted for in the preliminary design.

### 3. PROFILE OF AFFECTED PERSONS

#### 3.1 Business Owners at the Beachfront

16. The IOL was undertaken from 11 to 15 August 2013 and involved the 51 households affected by temporary relocation of their shops at the beachfront. The IOL assessed education level, civil status, and income of affected households. All affected households earn their livelihood from retail sales at the Phu Tu Tourist site. Of those leasing shops, 36 identified themselves as Kinh, 8 as Khmer and 7 as Chinese (Hoa) ethnicity. There are 43 married heads of household and 8 single heads of household – including 4 single women and 2 widowed women.

17. Table 3 shows the education level of the head of households to be affected by temporary economic disruption.

**Table 3: Education Level of AHs Head of Household**

Education	Men		Women		Total	%
	No.	%	No.	%		
No education or primary not completed	2	8.3	-	-	2	3.9
Primary completed	8	33.3	6	22.2	14	27.5
Lower secondary completed	11	45.8	12	44.4	23	45.1
Upper secondary completed	3	12.5	8	29.6	11	21.6
Post-secondary completed	-	-	1	3.7	1	2.0
<b>Total</b>	<b>24</b>	<b>47.1</b>	<b>27</b>	<b>52.9</b>	<b>51</b>	<b>100.0</b>

18. The average income of AHs is D 4.4 million per month (about \$240) with women earning less than men (Table 4). Two male heads of household were classified as poor.<sup>2</sup> An additional two are classified as invalids/war veterans and considered as vulnerable households according to national policies.

19. The affected households all rent their retail premise with the average rent being about D 1 million per year. They consider that their family earns good income from tourists but they are concerned about poor sanitary conditions, overcrowding, and road congestion that occur during the peak season and on weekends. All interviewed were in favor of project activities to improve sanitary conditions, the access road and market, and tourist amenities at the site.

**Table 4: Average Income of Affected Households**

<b>Average Income (D)</b>	<b>Men</b>	<b>Women</b>	<b>Average</b>
Average Income (HHs/year)	64,565,000	44,493,000	53,726,000
Average Income (HHs/month)	5,380,000	3,708,000	4,477,000

20. As shown in Table 5, the majority of affected household heads were between 46 and 60 years of age.

**Table 5: Age of Affected Households**

	<b>Men</b>		<b>Women</b>		<b>Total</b>	<b>%</b>
	<b>No</b>	<b>%</b>	<b>No.</b>	<b>%</b>		
From 20 - 30	-	-	5	18.5	5	9.8
From 31 - 45	10	41.7	8	29.6	18	35.3
From 46 - 60	11	45.8	14	51.9	25	49.0
Over 61	3	12.5	-	-	3	5.9
<b>Total</b>	<b>24</b>	<b>47.1</b>	<b>27</b>	<b>52.9</b>	<b>51</b>	<b>100.0</b>

21. In addition to the IOL a social survey involving a sample of 30 affected households at Phu Tu was carried out. Table 6 shows that half of the affected family members use the shop as their residence.

**Table 6: Family Members Living in their Shop**

	<b>Men</b>		<b>Women</b>		<b>Total</b>	<b>%</b>
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>		
Yes	7	70.0	8	40.0	15	50.0
No	3	30.0	12	60.0	15	50.0
<b>Total</b>	<b>10</b>	<b>33.3</b>	<b>20</b>	<b>66.7</b>	<b>30</b>	<b>100.0</b>

22. Similarly, most respondents had family members working at their shop (Table 7). There were 18 families with young children living shops, with school age children attending primary school in the village. While 22 of the 30 respondents owned a house off the site only 3 owned

<sup>2</sup> According to the national poverty line (2012) of less than D 400,000 per person/month in rural areas and less than D 500,000 00 per person/month in urban areas.

farmland. Only 13% (4) reported that they had another source of income besides the shop. The majority have been operating their shop for over 10 years (Table 8).

**Table 7: Number of Family Members Employed by their Shop**

	Men		Women		Total	%
	N	%	N	%		
1 person	2	22.2	5	25.0	7	24.1
2 people	2	22.2	11	55.0	13	44.8
3 people	3	33.3	3	15.0	6	20.7
4 people	1	11.1	1	5.0	2	6.9
5 people	1	11.1	-	-	1	3.4
<b>Total</b>	<b>9</b>	<b>31.0</b>	<b>20</b>	<b>69.0</b>	<b>29</b>	<b>100.0</b>

**Table 8: Years Operating the Shop**

	Men		Women		Total	%
	N	%	N	%		
1 - 2 years	-	-	1	5.0	1	3.3
2 - 5 years	3	30.0	4	20.0	7	23.3
6 - 10 years	3	30.0	3	15.0	6	20.0
More than 10 years	4	40.0	10	50.0	14	46.7
More than 20 years	-	-	2	10.0	2	6.7
<b>Total</b>	<b>10</b>	<b>33.3</b>	<b>20</b>	<b>66.7</b>	<b>30</b>	<b>100.0</b>

23. Most respondents indicated that their community's economic status was average for the area, with most people earning just enough to live on. When asked to compare their family's economic status in comparison to their neighbors, respondents typically answered "average". Access to public water supply and sanitation is presented in Tables 8 and 9. All respondents indicated that they disposed of their garbage in designated collection areas. 92% owned/could use a family member's motorbike for transportation. Approximately 50% expressed interest in receiving training related to business development so they could sell more to tourists.

**Table 9: Type of Water Supply**

	Men		Women		Total	%
	N	%	N	%		
Public tap	-	-	2	10.0	2	6.7
Purchased	5	50.0	3	15.0	8	26.7
Piped water	5	50.0	15	75.0	20	66.7
<b>Total</b>	<b>10</b>	<b>33.3</b>	<b>20</b>	<b>66.7</b>	<b>30</b>	<b>100.0</b>

**Table 10: Type of Sanitation**

	Men		Women		Total	%
	N	%	N	%		
Pit latrine	-	-	1	5.0	1	3.3
Septic tank	4	40.0	3	15.0	7	23.3
None	6	60.0	16	80.0	22	73.3
<b>Total</b>	<b>10</b>	<b>33.3</b>	<b>20</b>	<b>66.7</b>	<b>30</b>	<b>100.0</b>



24. **Vulnerable households.** Of the affected households and businesses 8 households are considered vulnerable, according to the following criteria: two households are classified as poor according to the national poverty line,<sup>3</sup> 8 are ethnic minority (Khmer) households; two households are headed by invalids/war veterans; and six households are headed by a woman, inclusive of the two households headed by a widow.

### 3.2 Households Requiring Corrective Actions

25. Of the 18 households with pending claims for compensation for land that was acquired from them in 1998, 12 are Kinh and 6 are of Khmer ethnicity. Half of this group's heads of household have at least some secondary education and the other half have attended primary school only. The average household income is approximately D 5 million per month (about \$250). Households requiring corrective actions have indicated that they support the subproject and would like to see the long-standing issue of fair compensation for their land resolved.

## 4. LEGAL AND POLICY FRAMEWORK

26. This Resettlement Plan follows laws, regulations and policies of the Government of Viet Nam and Asian Development Bank's Safeguards Policy Statement (2009) policies and guidelines.

### 4.1 Laws Regarding Land Acquisition and Resettlement in Viet Nam

25. The Constitution of the Socialist Republic of Viet Nam (1992) confirms the right of citizens to own and protect the ownership of a house. In addition, the government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement.

26. The principal documents include the Land Law No.13/2003/QH11 providing comprehensive land administration regulations. The 2003 Land Law supersedes earlier versions of 1987 and 1993. Article 39 of the 2003 Land Law requires disclosure of information to the APs prior to recovery of agricultural and non-agricultural lands for a minimum of 90 and 180 days respectively. The Ministry of Natural Resources and Environment (MONRE) issued Circular No. 14/2009/TT-BTNMT on the allocation of new residential land, or a resettlement house or monetary compensation for APs that need to relocate. The circular grants authority to People's Committees to determine whether certain structures built after 1 July 2004 violated approved land use.

27. For reference, the Laws, Decrees and Decisions on Land Acquisition and Resettlement in Viet Nam are set below:

- Land Law No. 13/2003/QH11 promulgated on 26/11/2013;
- Decree No. 181/2004/ND-CP of the Government, guiding the implementation of the Land Law in 2003
- Decree No. 197/2004/ND-CP dated 03/12/2004 of Government on compensation, rehabilitation and resettlement in the event of land recovery by the State.
- Decree 69/2009/ND-CP, dated 13 August 2009, regulating additional planning of land use, land prices, land acquisition, compensation, assistance and resettlement

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<sup>3</sup> The national poverty line (2012) is based on average income required for basic needs; i.e. less than D400,000 per person/month in rural areas and less than D500,000 per person/month in urban areas.

- Decree No. 17/2006/ND-CP, amending Decree No. 181/2004/ND-CP, Decree No. 197/2004/ND-CP and other decrees.
- Decree No. 188/2004/ND-CP, specifying methods for land pricing and land price frameworks in the event of land recovery by the State.
- Ordinance No: 34 /2007/PL-UBTVQH dated 20 April 2007 of Central Committee Parliament on democracy exercitation at communes, wards, towns.
- Decree No. 38/2013/NĐ-CP on management and utilization of the official development assistance (ODA) and concessional loans from donors.
- Decree 84/2007/ND-CP, on 25<sup>th</sup> May 2007 on supplementary regulations on granting land use certificate, orders and procedures for compensation, assistance and resettlement when the State acquires land and settling complaints on land.
- Circular 06/2007/TT-BTNMT, dated 15 June 2007, of the Ministry of Natural Resources and Environment providing guidelines for executing Decree 84 of the Government.
- Decree 123/2007/ND-CP, dated 27 July 2007, relating to amendments and additions to Decree 188/2004/ND-CP above.
- Circular 145/2007/TT-BTC, dated 6 December 2007, of the Ministry of Finance providing guidelines for executing Decree 123 of the Government and replacing Circular 144 of MOF on guidance of executing Decree 188/2004/ND-CP.
- Circular 14/2009/TT-BTNMT issued by the Ministry of Natural Resources and Environment dated on October 1st 2009 guiding implementation Decree 197/2004 and decree 69/2009 on detailed regulations on compensation, support and resettlement and the order and procedures for land acquisition, land allocation, land lease.
- Decree No: 11/2010/NĐ-CP dated 24 February 2010 of the Government on traffic infrastructure management and protection;
- Decree No: 42/2012/NĐ-CP dated 11 May 2012 of the Government on management of paddy land use.
- Complaint Law No. 02/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Vietnam.
- Denunciation Law No. 03/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Vietnam.
- Decree No. 75/2012/ND-CP dated 03 October 2012 of Government on detailed regulations of Complaint Law.
- Decree No. 76/2012/ND-CP dated 03 October 2012 on detailed regulations for executing some articles of the Denunciation Law.

28. At the local level, provinces issue Provincial Decisions, consolidating Decree 69/2009/ND-CP and other legal documents relevant to planning and implementation of resettlement at the provincial level. The Provincial Decisions stipulate that compensation for land shall be at the market rate following the provincially regulated price-frame that is issued each January, and provides for assistance/allowances for relocation, livelihood and production stabilisation, as well as occupational training and other assistance. The relevant decrees setting provincial compensation rates for land and structures in Kieng Giang province are:

- (i) Decision 31/2013/QD\_UBND on provincial compensation rates for land.
- (ii) Decision 35/2012/QD-UBND on provincial compensation rates for structures.

## 4.2 ADB Policies

29. The applicable ADB Policy on Involuntary Resettlement is the Safeguard Policy Statement 2009 (the SPS 2009), as detailed in ADB's OM Section F1/OP (issued on 4 March 2010).

30. The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize impacts on people, property and businesses affected by the acquisition of land, or other impacts of the project, including impacts on livelihood and income, that arise from the implementation of the project. Where involuntary resettlement is not avoidable, it must be minimized either by exploring project alternatives, or by providing specific mitigation to enhance or at least restore the living standards of the affected people to their pre-project levels. The SPS 2009 stresses that the living standards affected people should be improved.

31. ADB's Policy on Gender and Development (2006) also has a bearing on resettlement. This policy adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate, and that their needs are explicitly addressed in the decision-making process. For projects that have the potential to cause substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

32. ADB's Policy on Indigenous Peoples (SPS 2009) states that the borrower/client will ensure (i) that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and (ii) that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan will outline measures to minimize, mitigate, and compensate for the adverse impacts<sup>4</sup>.

33. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (2011); and (ii) Accountability Mechanism (2012). According to these policies, central Project Coordination Units (PCUs) and Project Implementation Units (PIUS) are required to proactively share and disclose the project information with stakeholders and the public at large. Affected people should have easy access to the project information. A grievance redress mechanism, therefore, must be included in the resettlement plans and disclosed to the affected people.

34. Together, the ADB Safeguard Policy Statement 2009, Laws of the Government of Viet Nam, and Provincial People's Committee Decrees/Decisions on resettlement provide an adequate legal basis to identify past, present, and future involuntary resettlement impacts and risks, outlining procedures to 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.

## 5. RESOLVING INCONSISTENCIES ON INVOLUNTARY RESETTLEMENT

35. With the promulgation of Decree 197/2004/ND/CP (3/12/2004) and Decree 69/2009/ND/CP, the policies and practices of the Government have become more consistent with ADB's social safeguards policies.

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<sup>4</sup> An Ethnic Minorities Development Plan has been prepared for this project that sets out actions to addressing how ethnic minority groups will benefit from this project and negative impacts will be avoided/mitigated.

35. Viet Nam's laws and ADB's Resettlement Policy are congruent concerning the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation and assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance for livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

36. Viet Nam's policies do not apply to those without legal title or to non-registered businesses, while ADB's policy requires compensation for assets and for rehabilitation assistance for those without legal title. Non-registration of an AP's business also does not bar them from being assisted in restoring their business and income under ADB's guidelines. Provisions and principles adopted in this RP will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Decree 38/2013 ND-CP (April 2013), which regulates the management and use of official development assistance. The differences between the Government's Laws and Decrees and ADB Policy with regard to resettlement and compensation, and how these gaps will be addressed, are shown in Table 11.

**Table 11: Gaps between National Resettlement Laws and ADB Policy**

Key Issues	National Laws	ADB Policy	Project Policy
Non-titled users	Decree 69: Article 23: Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Decree 197/2004, Articles 6 and 121, the Peoples' Committees of the provinces or centrally-run cities shall consider providing such support on case-by-case basis	Non-titled APs, including displaced tenants, sharecroppers and squatters, are not entitled to compensation for land but are entitled to payment for non-land assets and assistance to restore their pre-project living standards. If they are poor and vulnerable, appropriate assistance must be provided to help them improve their socio-economic status.	Land users who have no formal legal rights or recognized or recognizable claims to such land will be compensated at full replacement cost for non-land assets and investment on land. Apart from this compensation, any poor and vulnerable non-titled users will be provided additional assistance to help them improve their socio-economic status as described in this RP.
Compensation of land at replacement cost	Article 9, Decree 197/2004: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition.  Decree 69, Art 11, Art 16: Compensation is land for same-use land. If not available the AP can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land	All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of a functioning market, a compensation structure is required that enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.	Payment for land will be based on the principle of replacement cost.

<b>Key Issues</b>	<b>National Laws</b>	<b>ADB Policy</b>	<b>Project Policy</b>
	use plan approved by the authorities. If not, compensation only for improvements on that land.		
Houses and structures	Decree 69 Art 24, Compensation for House, Structures on Acquired Land. Clause (1) – Compensation for APs residential structures based on value of newly constructed house/structure equal to technical standard issued by DOC and based on house area and unit prices issued by PPC. Clause(2) other structures compensation equal to total present value using unit costs for newly constructed house/structure using DOC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure.	For non-land assets, all eligible affected people, whether titled, legitimate, or non-titled; need to be compensated at replacement cost, through cash or replacement assets.	Structures, regardless of tenure status, will be compensated at full replacement cost without deduction of salvageable materials. Additional cash or in-kind assistance will be provided on a case-by-case basis, depending on type and severity of impact and whether or not the AH is vulnerable
Non-registered business	Decree 197/2004, Articles 26-28: Only registered businesses are eligible for assistance.	For non-land assets, all eligible affected people, whether titled, legitimate, or non-titled; need to be compensated at replacement cost, through cash or replacement assets. Included among these APs are renters of buildings, tenants and employees of affected businesses.	Non-registered businesses will be eligible for cash or in-kind assistance
Provision of rehabilitation assistance	Decree 197/2004, Articles 28-29 and Decree 69/2009 Art 20: APs losing more than 30% of productive land will be entitled to living stabilization and training/job creation assistance; provides for the long term assistance to poor households.	Rehabilitation assistance is required for those who lose 10% or more of their productive income generating assets and/or being physically displaced. Focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people.	Rehabilitation assistance will be provided to those who lose 10% or more of their productive income generating assets and/or being physically displaced. The project will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people. Affected persons will be given priority for inclusion in output 3 training/capacity building activities.

DOC = Department of Construction; LRUC = land rights use certificate

## 6. PROJECT PRINCIPLES, ELIGIBILITY AND ENTITLEMENTS

### 6.1 Project Resettlement Principles

37. The basic principles of this project relating to involuntary resettlement are the following:
- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options;
  - (ii) APs residing, working, doing business and cultivating land within the required project area as of the completion date of the census and Inventory of Loss (the cut-off-date) will be entitled to compensation and rehabilitation assistance to assist them in improving, or at least maintaining, their pre-project living standards and productive capacities;
  - (iii) Lack of formal legal title or rights will not be a bar to eligibility for compensation and assistance under the project. AHs without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost
  - (iv) APs will not be displaced until they have been compensated as per the provisions of this RP and rehabilitation measures are in place;
  - (v) All compensation will be based on the principle of replacement cost at the time of compensation. For houses and other structures, this will involve the costs for materials and labour at the time of acquisition, with no deduction for depreciation or for salvageable materials. Compensation for land will be replacement land or, in cases where replacement land is not available or the household opts for cash compensation, cash adequate to purchase land locally of equivalent size and quality, and where required to improve land to achieve suitable quality;
  - (vi) The process and timing of land and other asset acquisition will be determined in consultation with APs to minimize disturbance;
  - (vii) Where houses and structures are partially affected to the degree that the remaining portion is not viable for its intended use, the project will acquire the entire asset, and APs will be entitled to compensation at replacement cost for the entire asset;
  - (viii) APs will be systematically informed and consulted about the project, the rights and options available to them and proposed mitigating measures. The comments and suggestions of APs and communities will be taken into account;
  - (ix) The key information in the RP such as measurement of losses, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in an understandable format including through the distribution of public information booklets (PIBs) prior to submission to ADB for review and approval;
  - (x) Resettlement planning and implementation will 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 to ensure the restoration of their income and living standards;
  - (xi) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved;
  - (xii) Special measures will be incorporated in the RP to protect socially and economically vulnerable groups such as ethnic minorities, women-headed households, children, households headed by the disabled, the elderly, landless and people living below the generally accepted poverty line. Vulnerable APs will be provided with appropriate assistance to help them improve their standard of living through asset building

- strategies such as provision of land, replacement housing of minimum standards and increased security of tenure;
- (xiii) There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the RP.
  - (xiv) Institutional arrangements will be in place to timely and effectively implement the land acquisition, compensation, resettlement, and rehabilitation programs with full participation and meaningful consultation with AHs;
  - (xv) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period;
  - (xvi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.
  - (xvii) Voluntary donation will not be applied for any assets;
  - (xviii) Civil works contracts will not be awarded for a specific subproject or geographic area until (i) compensation payment and relocation (as required) have been satisfactorily completed for that subproject or geographic area; (ii) agreed rehabilitation program is in place; and (iii) the area is free from all encumbrances as per approved RP;
  - (xix) Cash compensation or replacement land for affected households losing entire residential land will be made available well ahead of civil works to allow the affected households sufficient lead time to reconstruct their houses; and
  - (xx) No demolition of assets will be done until the affected household is fully compensated and relocated.

## 6.2 Eligibility and Entitlements

38. **Eligibility.** All APs who own or occupy land or operate businesses in the project-impacted areas before the cut-off date, will be entitled to compensation for their affected assets and to rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date is 15 August 2013. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

39. **Entitlements.** The entitlement matrix in Table 12 includes the main types of losses and the corresponding nature and scope of entitlements. The detailed design of the civil works together with the DMS and socioeconomic surveys will be the basis for determining actual impacts. A replacement cost study (RCS) will be carried out to determine actual replacement costs and rates. Entitlements described in this RP will not be lowered during RP updating but can be enhanced as required.

40. Voluntary donation will not be applied for any assets.

**Table 12: Project Entitlement Matrix**

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Productive land (agriculture, garden, forest)	Legal owner AH = 18	Cash compensation at replacement cost which is equivalent to the prevailing market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, certification costs, administration fees). If the impacts on the total productive land is 10 % or more, as a priority, replacement land of similar type, category and	Records of past land acquisition to be provided by local officials and ascertained with APs as part of the DMS; APs compensation for land to be at prevailing market value, losses and allowances to be paid according to present

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		productive capacity of land within the village or at the request of AP, cash compensation at replacement cost and assistance to purchase and register land, with additional assistance such as transition allowance described further below and eligible to participate in income restoration program.	monetary value.
Residential/Commercial Land	Legal owner AH = 18	Cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type and category, free from transaction costs (taxes, certification costs, administration fees).	Records of past land acquisition to be provided by local officials and ascertained with APs as part of the DMS; APs compensation for land to be at fair market value, losses and allowances to be paid according to present monetary value.
Business leasing retail stalls to be dismantled and reinstated after upgrades.	Lease holders of affected structures AH = 51	Guarantee of stall of equivalent size to lease after construction; (ii) rent waived during construction; (iii) Management Board will charge same rent as prior to construction for a period of two years; and (iv) temporary replacement location to set up (old) kiosks (in parking area) during construction phase. Cash compensation for any secondary structures owned by APS that must be dismantled and cannot be reassembled in the same state. Transportation assistance. Waiver of rent for construction periods and reduced rent for first year of operation after construction to recover livelihoods. 30 kg of rice at current market value for 3 months per household member. Priority as unskilled labour for civil works (all vulnerable APs). Participation in Income restoration program that consists of priority place in business development training to be conducted under project output 3.	All APs to be provided relocation space in new site design; consultation with APs on arrangement of stalls and retail locations as part of detail design.  When the AHs re-construct the structure, the building permit will be at no cost for the AHs.
Loss of business income during relocation	Retail shop operators (Lease holders/renters) Retail shop operators AH = 51	Cash compensation equivalent to the average monthly income pro-rated to the number of days of business disruption.	Amount for period of disruption to be determined at DMS; amount to be extended if construction is substantially longer/delayed
Moving allowance	Households having to relocate existing stall to another one (whether same size or lesser size) AH = 51	Moving allowance to move supplies and household affects and set up at new location.	For lesser size is in addition to life stabilisation.
Impacts on vulnerable AHs	Poor households; households headed by	Allowance of 3 months supply of 30 kg of rice per household. An additional allowance equivalent to 3	Poor households as set by Ministry of Labour, Invalids and Social Affairs poverty



Type of Losses	Entitled Persons	Entitlements	Implementation Issues
	women, the elderly or having disabled family members; and ethnic minority households. AH = 16	months supply of 30 kg of rice per person in poor households. The contractors will make all reasonable efforts to recruit members of severely affected and vulnerable HHs as labourers for civil works. Participation in income restoration program that consists of priority place in business development training to be conducted under project output 3.	rate of average income of less than D 400,000 per person/ month in rural areas and less than D 500,000 per person/ month in urban areas.
Temporary Use of Land	Leaseholder	Retail leaseholders will not pay any rent on land that is being used for construction. Retail leaseholders that temporarily lose access to their shop due to by-pass route or other construction works will be entitled to Loss of Business Income entitlements.	The Management Board will ensure that no rent is charged for retail space being used by contractors for construction. If such costs must be recouped from contractors, the MB will be responsible to pay such costs.
Corrective Action: Compensation for crops / allowances/ structures acquired in the past and not yet compensated	Legal owners of land in Phu Tu Tourist site with pending claims. AH = 18	Compensation for losses of crops and structures recorded at time of development of tourist site but not yet compensated with conversion to current monetary value Allowances for subsistence and livelihood restoration for loss of agriculture land based on current provincial regulations.	Records of past land acquisition to be provided by local officials and ascertained with APs as part of the DMS; APs compensation for land to be at prevailing market value, losses and allowances to be paid according to present monetary value.

### 6.3 Relocation and Income Restoration Strategy

41. The compensation for affected persons will ensure that they do not experience losses as a result of the subproject. The key strategy for restoration of livelihoods for Phu Tu tourist site is to ensure that all affected persons that have to temporarily relocate during construction are able to return to the same or equivalent size space after construction. In addition, affected persons will receive allowances to compensate for business losses during construction. Affected businesses will also pay no rent during construction, when they will be temporarily operating their shops from the improved parking area. All shops will be (i) provided with temporary stations from which to operate if their own shop must close during the construction phase; (ii) receive a moving allowance; (iii) receive compensation for business disruption, and (iv) receive a life stabilization allowance.

42. During consultations to update the RP, affected persons will be given guidance on business planning to encourage them to save their compensation to re-invest in their business following the subproject improvements. In addition, affected persons will be included in the lists of participants taking part in micro- and small-enterprise development training and tourism service training supported by output 3 of the project. The project will result more tourist visits in the market area and improved beachfront, which will create more income generating opportunities for the affected persons. Affected persons will also benefit from a cleaner environment in which to operate their business.

43. In the case that where businesses must relocate permanently within the site, they will be provided with a new upgraded location that will be equal size or larger and provide similar

exposure to foot/visitor traffic. Rents will be maintained at the rate as prior to construction for a period of two years to allow affected businesses to recoup any losses experienced during the construction phase. If during the detailed measurement survey, it is found that any AHs are severely affected (AHs who will lose 10% or more of their total productive (income-generating) assets and/or will be physically displaced) they will receive additional life stabilization allowances. If needed, appropriate livelihood restoration programs will be designed and implemented during project implementation in consultation with APs.

44. **Gender and Vulnerable Groups:** The RP recognizes that women, the poor, ethnic minority groups and other vulnerable groups may be less able to restore their living conditions, livelihoods and income levels; and therefore, are at greater risk of impoverishment when their land and other assets are affected. The entitlement matrix provides for an allowance of 3 months supply of 30 kg of rice for vulnerable households, and an extended period (3 months) of cash compensation equivalent to 30 kgs of rice per family member for poor households. The civil works contracts will have a provision to hire local labor comprising 40% women, poor household members, and ethnic minorities for unskilled labor during construction. The DRC, resettlement specialists, and gender specialists will be involved in updating and implementation of the RP to ensure that these measures are adequately implemented.

45. Similarly, DRCs and the resettlement specialists will make concerted efforts to consult with women APs (household heads and women in AP households). This will be done through individual and women focus group discussions. The involvement of local VWU representatives will be crucial in facilitating these consultations and ensuring women's specific needs are met. Women will also be consulted specifically to determine the business support services and skills training activities to be provided under output 3. Compensation payments will be signed off by both spouses, or in the case of female headed households, by the affected women.

## **7. UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN**

### **7.1 Updating**

46. This Resettlement Plan will be updated once the subproject's detailed design is complete. The updating will consider any change in design that alters the resettlement impacts, including the identification of acquired land and affected persons, as well as measure the extent of land acquisition and required compensation and livelihood restoration in more detail. The updating will involve the following steps:

- (i) Undertake the Detailed Measurement Survey (DMS)<sup>5</sup> of all losses of all APs. At the same time, inform potential APs (without discrimination) of the subproject, it's likely impacts, and principles and entitlements as per the RP;
- (ii) Update the socioeconomic information gathered during project preparation to establish the baseline of APs as required;
- (iii) Identify and document the process for compensation to settle pending claims for land acquisition by the 18 families requiring corrective actions;
- (iv) Identify and document the process for how the Phu Tu Management Board will provide replacement space for affected persons; waive/reduce rent for affected

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<sup>5</sup> Data will be gender and indigenous peoples disaggregated.

- persons, and that APs will receive proposed allowances/training for restoration of their livelihoods as set out in the entitlement matrix;
- (v) Determine the losses in accordance with the entitlement matrix and update the compensation rates for allowances, and verify rates in accordance with ADB guidelines;
  - (vi) Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including relocation sites (if necessary) and economic rehabilitation;
  - (vii) Prepare the final RP with time-bound implementation schedule, procedures for grievance mechanism and monitoring and evaluation; ,
  - (viii) Translate it into Vietnamese; and,
  - (ix) Disclose the final RP to the affected communities and on the ADB website, in accordance with ADB's Public Communications Policy (2011). The draft RP will be disclosed to APs prior to ADB's staff review meeting. The final RP will be disclosed during implementation. An updated public information brochure based on updated resettlement plan will be provided to APs. Surveys to be used for updating the RP are shown in Table 13.

**Table 13: Surveys for RP Updating**

<p><b>Detailed Measurement Survey (DMS)</b></p>	<p>The DMS of lost assets will cover 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the data will include:</p> <ul style="list-style-type: none"> <li>(i) Total and affected areas of land, by type of land assets;</li> <li>(ii) Total and affected areas of structures, by type of structure (main or secondary) and construction grade;</li> <li>(iii) Legal status of affected land and structure assets, and duration of tenure and ownership;</li> <li>(iv) Quantity and types of affected crops and trees;</li> <li>(v) Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;</li> <li>(vi) Quantity/area of affected common property, community or public assets, by type;</li> <li>(vii) Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, and whether household is headed by the elderly, disabled, poor or indigenous peoples;</li> <li>(viii) Identify whether affected land or source of income is primary source of income; and</li> <li>(ix) AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.</li> </ul>
<p><b>Socioeconomic Survey</b></p>	<p>The SES will collect information from 100% of affected households/APs, disaggregated by gender and ethnicity. The purpose of the SES is to provide baseline data on APs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> <li>(i) Household head: name, sex, age, livelihood or occupation, income, education and ethnicity;</li> <li>(ii) Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;</li> <li>(iii) Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and</li> <li>(iv) Access to basic services and facilities.</li> </ul>
<p><b>Replacement Cost Survey (RCS)</b></p>	<p>The PCU/PIU will engage a specialist to conduct the RCS in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

## 7.2 Implementation

47. Land acquisition, compensation and relocation of APs cannot commence until the RP has been reviewed and agreed on by the Government of Viet Nam and ADB. All resettlement activities will be coordinated with the civil works schedule. The Notice to Proceed for civil works contractors will not be issued for subprojects with resettlement impacts until (i) compensation payment has been fully disbursed to AHs, including corrective actions; (ii) agreed rehabilitation assistance is in place; and (iii) the site is free of all encumbrances.

## 8. INSTITUTIONAL ARRANGEMENTS

48. The role and functions of each organization responsible for resettlement implementation is outlined below:

49. **Executing Agency.** The Ministry of Culture, Sports and Tourism (MCST) is the project's executing agency (EA). The MCST-based Project Coordination Unit (PCU) and Project Implementation Unit (PIU) embedded in the Kien Giang Provincial Department of Culture, Sports and Tourism (DCST) will be responsible for updating and implementation of this RP. The PCU will coordinate with the Provincial People's Committee and the PIU to ensure that the compensation is administered according to the provisions of this RP.

50. **Provincial People's Committee (PPC).** Kien Giang PPC is responsible for resettlement activities within its administrative jurisdiction. The main responsibilities of the PPC include:

- i. Review and approve the updated Resettlement Plan to be developed following the subproject detail design;
- ii. Providing guidance in the updating and implementation of the RP;
- iii. Issuing decisions on approving land valuations applied for compensation, allowances and other supports to APs, especially vulnerable groups, based on principles of RP;
- iv. Approve and allocate budget for compensation, support and resettlement;
- v. Directing and supervising relevant departments of the province to effectively implement the RP;
- vi. Authorizing the district-level People's Committee to approve compensation, assistance and resettlement plans;
- vii. Settling APs' complaints and grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
- viii. Instruct the Land Fund Development Centre to conduct the Detailed Measurement Survey in coordination with the District Resettlement Committee.

51. **District People's Committee (DPC):** The DPC is responsible for following primary tasks:

- i. Establishing DRC and directing DRC and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
- ii. Approving the compensation plans in line with the resettlement plan if authorized by the PPC and monitoring the progress of land acquisition and resettlement implementation in compliance with updated RP;
- iii. Issuing LURC, certificate on land owning right of the households and individuals who have land/house entirely-recovered; adjusting LURC for households and

individuals who have land, house partially recovered, in accordance with provincial Decisions;

- iv. Directing Commune People's Committees and relevant organizations on various resettlement activities; and
- v. Resolving complaints and grievances of APs.

52. **District Resettlement Committee:** The composition of the DRC includes Vice-Chairman of the DPC (playing role as the head of DRC), the representatives of Department of Natural Resources and Environment, Department of Finance, Department of Agriculture, CPC Chairmen, members of District Farmers' Associations and Women's Unions. The main responsibilities of the DRC are the following:

- i. Organize, plan and carry out compensation, assistance and resettlement activities;
- ii. Conduct the DMS (with support of provincial LFDC), consultation and disclosure activities; design and implementation of income restoration programs in coordination with various stakeholders;
- iii. Prepare the compensation plan in line with the resettlement plan and submit it to the DPC for approval. Implement compensation, assistance and resettlement; Take responsibility for legal basis applied in compensation, assistance and resettlement policy following approved RP;
- iv. Assist in the identification and allocation of space for relocation of shops during the reorganization/construction at beachfront area;
- v. Lead and coordinate with the CPCs in the timely delivery of compensation payment and other entitlements to affected households; and
- vi. Assist in the resolution of APs' grievances.

53. The **Land Fund Development Centre (LFDC)** will support the District Resettlement Committee to execute its responsibilities under the resettlement plan. The LFDC will undertake tasks such as conducting the DMS and updating the census of affected persons based on the detailed design, preparing the compensation plan, and coordinating with CPCs to ensure the timely delivery of compensation and other entitlements and issue notice of land acquisition when the project will be formally approved.

54. **Commune People's Committee (CPC):** The CPC will assist the DRC in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- i. Assign Commune officials to assist the DRC in the updating of the RP and implementation of resettlement activities;
- ii. Sign the Compensation Agreement Forms along with the affected households;
- iii. Assist in the resolution of grievances; and
- iv. Actively participate in all resettlement activities and concerns.

55. **Project Implementation Consultants.** The project will engage an international social safeguards specialist (4 months) and a national social safeguards specialist (12 months) to support the PCU and PIUs in handling resettlement issues. The resettlement consultants will have experience in both planning and implementation of resettlement plans in Viet Nam.

56. The specific tasks of the international social safeguards specialist include:

- (i) Ensuring that due diligence is carried out in implementing the Resettlement Plans and the Ethnic Minorities Development Plan (EMDP) for all subprojects;
- (ii) According to the provisions in the social safeguard plans, assist in preparing the materials and strategy for information campaigns, public consultation and community participation;
- (iii) Review the survey materials and method to complete the detailed measurement survey during detailed design, and recommend improvements as required;
- (iv) Update the Resettlement Plans, and follow-up to ensure their approval by the PPC;
- (v) Update and support implementation of the EMDP; in coordination with the Gender Specialist, prepare training modules on inclusion of ethnic minority groups in tourism activities as part of the training and capacity development programs under the project's institutional strengthening components (output 3 & 4);
- (vi) Brief officials at all levels on the content and procedures for implementing the social safeguard plans and improve, if necessary, procedures for the coordination of resettlement, compensation and implementation of EMDP activities;
- (vii) Ensure that mechanisms to address grievances promptly and properly are in place and functioning well;
- (viii) Establish and implement procedures for ongoing internal monitoring;
- (ix) Design and deliver capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement and indigenous peoples policies, participation and communication, and grievance procedures; and
- (x) Train PCU and PIU assigned social safeguard focal persons to carry out internal monitoring and reporting of social safeguards plans.

57. The national social safeguards specialist will:

- (i) Support the PCU and provincial PIUs in implementing the Resettlement Plans and EMDP for all subprojects;
- (ii) Assist in the conduct of the information campaigns, public consultation and community participation on social safeguards;
- (iii) Coordinate the detailed measurement survey with district officials at the time of the detailed design and update the list of affected persons;
- (iv) Assist the international social safeguards specialist to update the Resettlement Plans and EMDP;
- (v) Advise PCU and international social safeguards specialist on how to improve procedures for the coordination of resettlement, compensation and implementation of actions in the Indigenous Peoples Plan;
- (vi) Verify the calculations of compensation made by the Provincial and District Resettlement Committee in relation to the provisions of the RP entitlement matrix, and advise the PCU/PIU on any required measures to take to ensure compensation levels are made according with the RP provisions;
- (vii) Monitor compensation payment and advise the PCU/PIU of an actions to take to ensure compensation is paid in full and in a timely manner;
- (viii) Ensure that grievances are addressed promptly and properly and that the grievance redress mechanism is functioning well;
- (ix) Provide periodic training on grievance redress if needed;

- (x) Establish and implement liaison mechanisms to ensure proper technical and logistical support to the PCU local administrative authorities, resettlement committees and concerned government departments;
- (xi) Establish and implement procedures for ongoing internal monitoring;
- (xii) Design and deliver capacity development activities on ADB social safeguard policies for all relevant agencies, as needed, including requirements for participation, communication and gender mainstreaming;
- (xiii) Train PCU and PIU assigned social safeguards focal persons to carry out internal monitoring and reporting on the RPs and EMDPs; and
- (xiv) Monitor grievance process from all the affected households.

## 9. CONSULTATION AND DISCLOSURE

### 9.1 Consultation during Design

58. The PPTA consultants with support from district and commune officials held consultations with affected persons during August 2013. Affected persons (30) participated in the socio-economic survey. Focus group discussions were held on 11 August 2013, involving 10 women and 4 men operating stalls in the beachfront area; and 3 women and 2 men that have pending land claims requiring corrective action. During the focus group meeting and informal discussions that took place at the time socio-economic surveys were administered, the PPTA consultants and local authorities sought APs views on the proposed infrastructure improvements and the temporary economic losses that could be expected based on the project's preliminary design. Policies on entitlement and compensation, the objectives of the census and IOL, and socio-economic surveys, and eligibility for compensation including the cut-off date we also discussed.

59. The participants discussed their perspectives on the benefits of the project, issues of concern and their main recommendations for project implementation to enhance benefits and avoid negative impacts. The main points raised are documented below.

27. **Corrective action:** As detailed in section 2, the reason 18 households did not reach agreement on compensation rates for their land in 1998 was that they did not think that the method used for calculating compensation reflected the fair market value of their land and assets. Despite their pending claims, the households all agreed that the subproject would be beneficial to the community. Some of these households operate stalls at the site or earn income from working as mobile vendors therefore they consider the proposed environmental improvements to be necessary. People with pending claims are eager to resolve this issue, provided the compensation is at fair market price and reflects the value of land and assets in 2013. The Resettlement Plan addresses these concerns by basing the compensation rates for the corrective action on fair market prices in 2013.

60. **Retail shop operators:** The business operators at the beachfront recognized the need for the environmental improvements to the site. They considered the lack of cleanliness, poor sanitation, and traffic congestion to be a deterrent to attracting more/higher spending tourists to the site. Some felt the number of tourists has been decreasing over the past few years due to environmental degradation at the site. They were prepared to temporarily relocate in order to allow the reorganization of the beachfront area to proceed. All welcomed the opportunity to receive a new and improved kiosk, provided that they would be allocated at least the same amount space as before, and the new kiosk had space to accommodate a hammock/bed for

sleeping there at night. The project is addressing these concerns by ensuring the design of the new kiosks accommodates all AHs currently operating on the beachfront, and that the new kiosks will be of equal or greater size to what people are using now.

61. Other concerns and suggestions raised by the affected people have been incorporated into the RP and project design, including the need to ensure that tourism development is socially and economically beneficial for local stakeholders, and the potential negative impacts of tourism growth are avoided and mitigated. Specific activities include programs to: (i) combat child exploitation and human trafficking in the tourism industry, (ii) build the capacity of destination management organizations to develop and implement sustainable tourism policies, (iii) conduct public awareness programs on the benefits and potential negative impacts of tourism, (iv) disseminate information on public health and worker safety targeting local residents and tourists, and (v) improve heritage protection and management. The detailed description and budget for these activities is in the Project Administration Manual.

## **9.2 Consultation during Implementation**

62. The MCST and DCSTs will ensure that consultations with APs will be carried out throughout the project cycle, starting with when the PIUs are mobilized, so that APs needs and preferences can be incorporated into the detailed design arrangements where practicable. They will also participate in the various RP processes such as the: (i) DMS, (ii) RCS, (iii) identification of sites, (iv) hand-over of entitlements, (v) monitoring of impacts and benefits, and (vi) discussion and settlement of grievances. The scope of information to be provided to APs includes: (i) descriptions of the project/subprojects and overall schedule, (ii) DMS and RCS results, (iii) policy principles and entitlements and special provisions, (iv) grievance procedures, (v) timing for payments and temporary displacement schedule, and (vi) institutional responsibilities.

63. This RP will be translated and distributed to the provincial and district authorities and will be posted on ADB's website prior to project appraisal. With support from the PIU, the DRC will be responsible for the disclosure of the RP to affected persons. After the detail design and prior to the DMS, the Public Information Booklet (PIB) will be updated and disclosed to the affected people. The updated RP will be posted on the ADB website following the DMS at the detail design stage. Monitoring reports on resettlement will also be uploaded on ADB's website.

64. Updating and dissemination of the resettlement plan is integral to the project's Stakeholder Communication Strategy, detailed on the Project Administration Manual. Key activities in the strategy that are designed to support review, updating and dissemination of the RP include: (i) establishment, and regular consultation with, local focal points in all subproject areas; (ii) community meetings in parallel with detailed infrastructure design; (iii) individual consultations with potential/affected persons; and (iv) joint meetings between officials, potential/affected persons, project staff, and civil society/mass organizations on matters of resettlement planning, implementation, and monitoring.

## **10. GRIEVANCE REDRESS MECHANISM**

65. It is the responsibilities of Commune and District authorities and the PPC to help to resolve confusion, misunderstandings or problems about land acquisition, compensation rates, rehabilitation and relocation. To ensure that all grievances of those affected by any aspect of land acquisition, compensation, relocation, and determination and payment of entitlements are



resolved in a timely and satisfactory manner, and that all avenues for airing grievances are available, detailed procedures for hearing and redressing grievances, including appeal processes, will be made public through an effective public information campaign. The grievance redress procedure shall also be made available in the project's Public Information Booklet.

66. Grievances related to any aspect of the project/subprojects will be handled through negotiation aimed at achieving consensus. An aggrieved AP or AH will be free from any fees in connection with the lodging and resolution of complaints, as these will be borne by the EA.

67. Grievance redress mechanisms of the project will follow Article 138 Land Law 2003; Law on complaint No. 02/2011/QH13; Article 63 and Article 64 of Government Decree 84/2007/NĐ-CP; Clause 2, Article 40 of Decree 69/2009, and the regulation on grievance in Government Decree 75/2012/NĐ-CP dated 20/11/2012.

68. Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by the People's Committees of rural districts, urban districts, provincial capitals or provincial towns, but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at People's courts or continue to complain with the provincial/municipal People's Committees.

69. The statute of limitation for complaining about administrative decisions or administrative acts regarding land management will be ninety days (90) as from the date of receiving such administrative decisions or knowing about such administrative acts. In case the complainant is not able to appeal in accordance with the statute of limitations because of illness, natural disasters, sabotage, travel, distant learning or other objective obstacles, that time not included in the time limit for lodging.

70. According to Decree No. 75/2012/ND-CP dated 3 October 2012:

- (i) Within 15 days from the decision to settle the complaint, those who are competent to settle the complaint are responsible for publication of decision on complaint settlement in one of the forms prescribed in Clause 2 of Article 41 of the Law on Complaints;
- (ii) In case of publication of the decision at the meeting, the meeting participants must include the person who makes the decision to resolve the complaint; the complainant or his/her representatives; and concerned agencies, organizations and individuals. Before conducting the public meetings the person that is competent to settle complaints must send notice to the concerned agencies, organizations and individuals. The advance notice period should be three days in advance;
- (iii) The notice of the decision on announcing settlement of complaints on the mass media is radio, television, print and electronic press. Persons who are competent to settle complaints are responsible for choosing the type of media to make the announcement. In case the agency or person who is competent to settle complaints has established an e-portal or electronic information page, it must be publicized on that e-portal or electronic information page. The number of times the decision is to be publicized on the radio is at least 2 times; on television at least 2 times; by print at least 2 times. If posting on the internet or on an electronic information page, it should be posted for at least 15 days from the date of notification; and
- (iv) When the decision is posted in offices of organizations that have resolved the complaints, decisions shall be posted for at least 15 days from the date of notification.

71. Grievance redress can be summarized in the steps set out below:
72. **First Stage: Commune People's Committee.** An aggrieved affected household may bring his/her complaint to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days (or 45 days for complicated case) following the lodging of the complaint to resolve it (in remote and mountainous areas or complicated case, the complaint should be resolved within 45 or 60 days, respectively). The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
73. Upon issuance of the decision of the CPC, the affected household can make an appeal within 30 days (45 days for mountainous area). If the second decision has been issued and the household is still not satisfied with the decision, the affected household can elevate his/her complaint to the DPC.
74. **Second Stage: District People's Committee.** Upon receipt of the complaint from the household, the DPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles.
75. Upon issuance of the decision of the DPC, the affected household can make an appeal within 30 days. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the PPC.
76. **Third Stage: Provincial People's Committee.** Upon receipt of the complaint from the affected household, the PPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping file of all complaints
77. Upon issuance of the decision of the PPC, the affected household can make an appeal within 30 days if they disagree. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the court within 45 days.
78. **Final Stage, the Court of Law Arbitrates.** Should the complainant file his/her case to the court and the court rules in favor of the complainant, then the PIU will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, then the complainant will receive compensation approved by PPC.
79. The affected people will be provided with support and assistance by locally based organizations, in case they have limited capacity or in case they have questions or complaints.
80. If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Southeast Asia Department (SERD) or through ADB Viet Nam Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator as outlined in the *Information Guide to the Consultation Phase of the ADB Accountability Mechanism*.

81. The grievance redress mechanism will be continuously disseminated to people during project implementation. The project grievance procedure does not impede access to the court at any time.

## 11. MONITORING AND EVALUATION

82. Monitoring and evaluation of the RP allows project owners to ensure smooth progress of the implementation of RP activities. Importantly, monitoring must also address the degree to which the resettlement activities have achieved their desired objectives, particularly where this involves the rehabilitation of AP's housing, livelihoods and lifestyles.

### 11.1 Internal Monitoring

83. These monitoring objectives will be addressed through internal monitoring by the PCU and PIU with support from the national and international resettlement specialists. The role of internal monitoring and evaluation is to ensure that resettlement institutions are well functioning during the course of project implementation, and that the resettlement activities are undertaken in accordance with the entitlements and implementation schedule described in the RP. In this way, the protection of APs' interests and the schedule for civil works can be assured.

84. The primary responsibility for internal monitoring lies with the MCST-based PCU safeguards officers and the PIU safeguards officer that will be appointed in the Kien Giang PIU. MCST will be responsible for overseeing the formation, function, and activities of the PIU, and through quarterly monitoring reports to ADB, summarize progress and issues in implementing the RP. All monitoring data will be disaggregated by gender and ethnicity. The quarterly progress reports will also include financial statements to verify disbursement of counterpart funds for resettlement. Examples of internal monitoring and evaluation indicators are shown in Table 14.

**Table 14: Internal Monitoring and Evaluation Indicators**

Type	Indicator	Examples of Variables
Input Indicators	Staffing and Equipment	<ul style="list-style-type: none"> <li>Number of project-dedicated staff in PCU and PIUs</li> <li>Confirmation of establishment of each DRC</li> <li>Number of DRC members and job function</li> <li>Adequate equipment for performing functions (including grievance recording)</li> <li>Trainings undertaken</li> <li>Construction contractor meeting local employment targets for unskilled labour</li> </ul>
	Finance	<ul style="list-style-type: none"> <li>Funds disbursed to APs in a timely manner (compensation for non-land assets and economic losses, and allowances)</li> </ul>
Process Indicators	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>Distribution of PIB to all APs</li> <li>Summary RP available in all districts</li> <li>Translation of materials in ethnic minority villages and for individual minority APs in villages of other ethnicity</li> <li>Number of focal points established</li> <li>Number of consultations (meetings/individual) undertaken as scheduled in the RP and stakeholder communication plan</li> <li>Grievances by type and resolution</li> <li>Number of local-based organizations participating in project</li> </ul>
Output Indicators	Acquisition of Land	<ul style="list-style-type: none"> <li>Area of residential land acquired</li> </ul>
	Buildings	<ul style="list-style-type: none"> <li>Number, type and size of private houses/structures acquired</li> </ul>
	Trees and Crops	<ul style="list-style-type: none"> <li>Number and type of private trees acquired</li> <li>Number and type of government/community trees acquired</li> </ul>

Type	Indicator	Examples of Variables
	Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>• Number of households affected (land, buildings, trees, crops)</li> <li>• Number of owners compensated by type of loss</li> <li>• Amount compensated by type and owner</li> <li>• Number and amount of payment paid</li> <li>• Compensation payments made on time</li> <li>• Compensation payments according to agreed rates</li> <li>• Number of replacement businesses constructed by APs</li> <li>• Number of vulnerable groups provided additional assistance</li> </ul>
	Reestablishment of Community Resources	<ul style="list-style-type: none"> <li>• Number of community buildings repaired or replaced</li> <li>• Number of seedlings supplied by type</li> </ul>

## 11.2 External Monitoring

85. While internal monitoring focuses on the implementation of scheduled tasks, external monitoring provides an independent avenue to verify these results, and also to take a more qualitative assessment of the success of these measures to meet their intended objectives. As such, the external monitor will ascertain whether APs have been able to restore their living standards and their livelihoods, have not become worse off due to the project, and corrective actions have been fully implemented in accordance with the provisions of the RP. The collection and reporting of external monitoring data will be disaggregated by gender and ethnicity.

86. The external monitor will be an independent consultant, with experience in resettlement monitoring and social assessment. He/she will be contracted by MCST and commence in advance of resettlement implementation, so as to assess the process of the DMS and RP updating, and develop the formats for semi-annual monitoring missions. He/she will further conduct a monitoring mission towards the end of the project. The final report will be a post-resettlement evaluation report to be prepared 6 months after the completion of resettlement activities. These reports will be provided to the MCST and ADB for uploading to the ADB website.

87. The external monitor's reports will identify key issues and provide recommendations to the PCU/PIU for rectifying outstanding matters. The monitor will also highlight any significant successes and commendable approaches or methods used in the project, which may provide a learning opportunity for MCST/DCSTs, and other projects encountering involuntary resettlement impacts. The project's indicative external monitoring and evaluation indicators are shown in Table 15.

**Table 15: External Monitoring and Evaluation Indicators**

	Indicator	Mechanism for Assessment	Timing of Assessment
RP Implementation	<ul style="list-style-type: none"> <li>• Resettlement staffing</li> <li>• Compensation disbursements</li> <li>• Land and assets acquired</li> <li>• Preparation of replacement land</li> <li>• Loan funds disbursement</li> <li>• Counterpart funds disbursement</li> <li>• Public information and consultation</li> <li>• AP asset replacement</li> </ul>	<ul style="list-style-type: none"> <li>• Review of internal monitoring reports</li> <li>• Review civil works contracts and contractor actions</li> <li>• Interviews with and observation of implementing agencies</li> <li>• Random sample of interviews with APs</li> </ul>	<ul style="list-style-type: none"> <li>• Every monitoring mission</li> </ul>

	<b>Indicator</b>	<b>Mechanism for Assessment</b>	<b>Timing of Assessment</b>
Restoration of Living Standards and Livelihoods	<ul style="list-style-type: none"> <li>• Compensation paid at replacement cost</li> <li>• Compensation paid with no depreciation or fees/taxes</li> <li>• Adequacy and suitability of business relocation sites</li> <li>• Adequacy of moving costs</li> <li>• Adequate timing for asset acquisition/replacement</li> <li>• Tenure security of APs</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with APs – stratified sample for those relocating, and ethnic minorities and women</li> <li>• Review of internal monitoring reports</li> <li>• Review of revised compensation costs and materials costs</li> <li>• Interviews with Provincial Land Fund Development Center (land records/compensation)</li> </ul>	<ul style="list-style-type: none"> <li>• Every monitoring mission</li> </ul>
	<ul style="list-style-type: none"> <li>• Changes in AP income and sources of income</li> <li>• Changes in AP access to services and utilities</li> <li>• AP participation in community organizations</li> <li>• AP participation in associated social action programs related to the project</li> <li>• Vulnerable groups rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>• Village level focus group discussions, including women and ethnic minorities</li> <li>• Interviews with vulnerable APs</li> </ul>	<ul style="list-style-type: none"> <li>• At the commencement of resettlement implementation, midterm, and 6-months after resettlement completion</li> </ul>
AP Satisfaction	<ul style="list-style-type: none"> <li>• AP awareness of resettlement procedures and entitlements</li> <li>• AP awareness and use of grievance redress system</li> <li>• AP satisfaction with the resettlement process</li> </ul>	<ul style="list-style-type: none"> <li>• Review records of grievance lodging and redress</li> <li>• Random sample of interviews with APs</li> <li>• Community meetings</li> <li>• Focus groups discussions with various categories of APs</li> </ul>	<ul style="list-style-type: none"> <li>• Every monitoring mission</li> </ul>
Effectiveness of Resettlement Planning	<ul style="list-style-type: none"> <li>• Accuracy of DMS for AP and asset loss recoding and planning</li> <li>• Adequacy of budget for implementation</li> <li>• Adequacy of implementation schedule to undertake required tasks</li> <li>• Occurrence of unforeseen problems</li> </ul>	<ul style="list-style-type: none"> <li>• Review records of grievances and redress</li> <li>• Random sample of interviews with APs</li> <li>• Interviews with implementing agencies at each level</li> </ul>	<ul style="list-style-type: none"> <li>• Every monitoring mission</li> </ul>
Resettlement Impacts	<ul style="list-style-type: none"> <li>• Re-occupation of reorganized beachfront land</li> <li>• Migration to the project area</li> </ul>	<ul style="list-style-type: none"> <li>• Village chief meetings</li> <li>• Random AP interviews</li> <li>• Observation</li> </ul>	<ul style="list-style-type: none"> <li>• Every monitoring mission</li> </ul>

## 12. BUDGET

88. The resettlement budget with supporting calculations is presented in Annex 1. The total cost is \$635,244 with \$549,373 for direct costs of compensation, \$35,680 for implementation and \$28,999. Of this amount, \$603,102 is for the corrective action and \$32,143 to compensate for temporary economic disruption during civil works upgrades.

89. The Government of Viet Nam will cover the costs of land acquisition and resettlement within the agreed implementation period. The budget will cover compensation costs, allowances and rehabilitation measures, administration costs, and contingency and will be part of the Government's counterpart funding. The Kien Giang Department of Finance will be responsible for the disbursement of funds. The Government will ensure timely provision of counterpart funds

for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

### 13. IMPLEMENTATION SCHEDULE

90. The subproject will be implemented from 2015 to 2019. The indicative resettlement implementation schedule is in Table 16.

**Table 16: Resettlement Plan Indicative Implementation Schedule**

<b>Resettlement Plan Updating/Implementation Activities</b>	<b>Schedule</b>
Consultations, carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plan by Kien Giang PPC and ADB	Quarter 4, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and Quarter 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
External Monitoring	End of Quarter 2 and Quarter 4, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations	Continuous

## Annex 1 – Budget & List of Families Requiring Corrected Actions

### Table A1.1 Resettlement Budget – Phu Tu Environmental Improvements

No.		Phu Tu- Corrective Action					Phu Tu - Project impacts on Stalls				Total	
		Unit	Rate/unit	Quantity	Amount (D)	Amount (USD)	Rate/unit	Quantity	Amount (D)	Amount (USD)	Total D	Total USD
<b>1</b>	<b>Compensation pending claims</b>											
1.1	See detail A1.2	m <sup>2</sup>	0	0	11,536,824,286	549,373	0	0	0	0	11,536,824,286	549,373
<b>2</b>	<b><i>Income Restoration for losing productive land</i></b>											
2.1	Transition/income restoration	APs	0	0		0	0	0	0	0	0	0
2.2	Moving Allowance	no.	0	0	0		6,000,000	51	306,000,000	14,571	306,000,000	14,571
<b>2.3</b>	Support for Vocational Training 1.5 x Productive Land	m <sup>2</sup>	0	0	0	0	0	0	0	0	0	0
<b>2.4</b>	Temporary disruption; (estimate 15 days of disruption)	AH					2,250,000	51	114,750,000	5,464	114,750,000	5,464
<b>3</b>	<b>Special Assistance</b>											
3.1	Poor HH 30 kg x person x 3 months	APs	0				1,350,000	10	13,500,000	643	13,500,000	643
3.2	Families on social assistance	no.	0	0	0	0	0	0	0	0	0	0
3.3	Martyr	no.	0	0	0	0	0	0	0	0	0	0
3.4	Wounded Soldiers	no.	0	0	0	0	1,350,000	2	2,700,000	129	2,700,000	129
3.5	Ethnic Minority (Allowance / HH)		0	0	0	0	1,350,000	8	10,800,000	514	10,800,000	514
											0	0
	<b>SUB-TOTAL ASSISTANCE II</b>				<b>11,536,824,286</b>	<b>549,373</b>			<b>445,050,000</b>	<b>21,322</b>	<b>11,981,874,286</b>	<b>570,565</b>
	<b>SUB-TOTAL DIRECT COSTS (I +II)</b>				<b>11,536,824,286</b>	<b>549,373</b>			<b>445,050,000</b>	<b>21,322</b>	<b>11,981,874,286</b>	<b>570,565</b>
<b>4</b>	<b>Implementation</b>											
4.1	Conduct DMS Survey	<i>Lumpsum</i>	0	0	50,000,000	2,381	50,000,000	0	100,000,000	4,762	150,000,000	7,143
4.2	Community		5,000,000	5	25,000,000	1,190	5,000,000	10	50,000,000	2,381	75,000,000	3,571

No.	Phu Tu- Corrective Action					Phu Tu - Project impacts on Stalls					Total	
	Unit	Rate/unit	Quantity	Amount (D)	Amount (USD)	Rate/unit	Quantity	Amount (D)	Amount (USD)	Total D	Total USD	
	consultations											
4.3	Capacity building for implementation RP	Lump-sum		15,000,000	714	15,000,000		30,000,000	1,429	45,000,000	2,143	
4.4	Monitoring	2.00%		230,736,486	10,987	8,901,000		8,901,000	424	239,637,486	11,411	
4.5	Administrative Costs	2%		230,736,486	10,987	8,901,000		8,901,000	424	239,637,486	11,411	
	<b>SUB-TOTAL IMPELEMENTATION</b>			<b>551,472,971</b>	<b>26,261</b>			<b>197,802,000</b>	<b>9,419</b>	<b>749,274,971</b>	<b>35,680</b>	
	Contingency	5%		576,841,214	27,469			32,142,600	1,531	608,983,814	28,999	
				<b>12,665,138,472</b>	<b>\$603,102</b>			<b>674,994,600</b>	<b>\$32,143</b>	<b>13,340,133,072</b>	<b>\$635,244</b>	



**Table A1.2 Budget Calculations for Affected Persons (Pending Claims)**

No	Name	LAND PLOT				STRUCTURE						TOTAL
		Land plot	Area- m <sup>2</sup>	Land price	Amount	Type of Structure	Unit	Amount-area	Price	Amount	Support for AHs	
1	House and Structure				11,340,887,300					183,936,986	12,000,000	11,536,824,286
<b>1</b>	<b>Nguyen Duy Thuan (M)</b>		<b>2,185.20</b>		<b>1,003,359,600</b>						<b>-</b>	<b>1,003,359,600</b>
	Ba Trai Village	Rural residential land	300	2,000,000	600,000,000			-				
	Binh An commune	Land for perennial tree location 3	1,200	323,000	387,600,000							
		perennial Tree	685.20	23,000	15,759,600							
<b>2</b>	<b>Le Thi Thanh (F)</b>		<b>547</b>		<b>454,067,900</b>						<b>-</b>	<b>454,067,900</b>
	Ba Trai Village	Rural residential land	300	1,000,000	300,000,000							
	Binh An commune	Land for perennial tree location 2	247.30	623,000	154,067,900							
<b>3</b>	<b>Nguyen Thi Ngoc</b>		<b>2,885</b>		<b>1,016,685,000</b>							<b>1,016,685,000</b>
	Ba Trai Village	Rural residential land	300	2,000,000	600,000,000							
	Binh An commune	Land for perennial tree location 3	1,200	323,000	387,600,000							
		Rice	1,385	21,000	29,085,000							
<b>4</b>	<b>Danh Thi</b>									<b>28,907,885</b>	<b>3,000,000</b>	<b>31,907,885</b>
	Ba Trai Village	-				House T03	m <sup>2</sup>	23.80	1,214,617	28,907,885	3,000,000	
	Binh An commune										Displacement allowance	
<b>5</b>	<b>Lam Thi A</b>				<b>2,082,418,000</b>							<b>2,082,418,000</b>
	Ba Trai Village	Rural residential land	300	2,000,000	600,000,000							
	Binh An commune	Land for perennial tree location 1	1,200	1,220,000	1,464,000,000							
		perennial tree	920.90	20,000	18,418,000							
<b>6</b>	<b>Thi Khuong</b>									<b>22,348,953</b>	<b>3,000,000</b>	<b>25,348,953</b>
	Ba Trai Village					House T03	m <sup>2</sup>	18.40	1,214,617	22,348,953	3,000,000	
	Binh An commune											

No	Name	LAND PLOT				STRUCTURE						TOTAL
		Land plot	Area- m <sup>2</sup>	Land price	Amount	Type of Structure	Unit	Amount-area	Price	Amount	Support for AHs Displacement allowance	
<b>7</b>	<b>Nguyen Van Ba</b>		<b>770</b>		<b>852,800,000</b>					<b>1,200,000</b>		<b>854,000,000</b>
	Ba Trai Village	Rural residential land location 1	284	2,000,000	568,000,000							
	Binh An commune	Rural residential land location 2	116	1,000,000	116,000,000							
		Land for perennial tree location 2	168	620,000	104,160,000							
		Land for perennial tree location 3	202	320,000	64,640,000							
						Stone pillar	Pillar	20	60,000	1,200,000		
<b>8</b>	<b>Mr, Quảng</b>		<b>502</b>		<b>393,085,800</b>					<b>240,000</b>		<b>393,325,800</b>
	Ba Trai Village	Land for perennial tree location 1	194.39	1,220,000	237,155,800							
	Binh An commune	Land for perennial tree location 2	191.18	620,000	118,531,600							
		Land for perennial tree location 3	116.87	320,000	37,398,400							
						Stone pillar	Pillar	4	60,000	240,000		
<b>9</b>	<b>Thị Phi</b>		<b>260</b>		<b>317,200,000</b>							<b>317,200,000</b>
		Land for perennial tree location 1	260	1,220,000	317,200,000							
<b>10</b>	<b>Mai Thi Xuan</b>		<b>491</b>		<b>832,654,000</b>							<b>832,654,000</b>
	Ba Trai Village	Rural residential land	300	2,000,000	600,000,000							
	Binh An commune	Land for perennial tree location 1	190.70	1,220,000	232,654,000							
<b>11</b>	<b>Tran Van Huynh</b>		<b>4,976</b>		<b>1,325,331,000</b>							<b>1,325,331,000</b>
	Ba Trai Village	Land for rice location 1	566.15	1,221,000	691,269,150						including in prices	

No	Name	LAND PLOT				STRUCTURE						TOTAL
		Land plot	Area- m <sup>2</sup>	Land price	Amount	Type of Structure	Unit	Amount-area	Price	Amount	Support for AHs	
	Binh An commune	Land for rice location 2	871.00	621,000	540,891,000							
		Land for rice location 3	62.85	321,000	20,174,850							
		Rice in location 3	3,476	21,000	72,996,000							
<b>12</b>	<b>Duong Thi Binh</b>		<b>5,224</b>		<b>1,058,476,000</b>							<b>1,058,476,000</b>
		Rural residential land location 1	300	2,000,000	600,000,000							
		Land for perennial tree location 3	1,200	320,000	384,000,000						including in prices	
		Perennial Tree	3723.8	20,000	74,476,000							
<b>13</b>	<b>Hua Hien</b>				<b>140,000,000</b>							<b>140,000,000</b>
		Rural residential land location 1	70	2,000,000	140,000,000							
<b>14</b>	<b>Phạm van Thanh</b>				<b>356,000,000</b>							<b>356,000,000</b>
		Rural residential land location 2	300	1,000,000	300,000,000							
		Land for perennial tree location 3	175	320,000	56,000,000							
<b>15</b>	<b>Danh Mang</b>				<b>1,466,810,000</b>							<b>1,466,810,000</b>
		Rural residential land location 1	300	2,000,000	600,000,000							
		Land for perennial tree location 1	710.50	1,220,000	866,810,000							
<b>16</b>	<b>Thị Gam</b>									<b>47,370,063</b>	<b>3,000,000</b>	<b>50,370,063</b>
						House T03	m <sup>2</sup>	39	1,214,617	47,370,063	3,000,000	
											Displacement allowance	
<b>17</b>	<b>Thi Say</b>				<b>42,000,000</b>							<b>42,000,000</b>
		Rural residential land location 2	42	1,000,000	42,000,000							
<b>18</b>	<b>Tran Van Ten</b>							<b>49.11</b>		<b>83,870,086</b>	<b>3,000,000</b>	<b>86,870,086</b>
						House T02	m <sup>2</sup>	32	1,251,876	40,060,032	Displacement	

No	Name	LAND PLOT				STRUCTURE						TOTAL
		Land plot	Area- m <sup>2</sup>	Land price	Amount	Type of Structure	Unit	Amount-area	Price	Amount	Support for AHs ent allowance	
						Bathroom WC	m <sup>2</sup>	6.86	4,571,462	31,360,229		
						Kitchen T03	m <sup>2</sup>	10.25	1,214,617	12,449,824		
	TOTAL 1											<b>11,536,824,286</b>
	<b>TOTAL COST</b>											<b>11,536,824,286</b>

1. Price of Land compensation according to the Decision N 31/2013/QD\_UBND dated 20/10/2013
2. Compensation for structure based on the Decision 35/2012/QD-UBND date 30/11/2012
3. Surveying and Inventory of Land according to the Decision N 1720/QD-UBND, dated 12/09/2007
4. Expenses for DRC council is 2% of total compensation cost, according to the Decree N0 69/2009/ND-CP dated 13/8/2009

**Annex 2: List of Affected Renters/Lessors of Shops at Beachfront**

No	Name	Sex	Age
1	Nguyễn Văn Mười	M	47
2	Phạm Thị Khánh	F	37
3	Nguyễn Thị Như	F	59
4	Bùi Văn Chung	M	34
5	Trần Thị Kim Định	F	50
6	Đặng Ngọc Huệ	F	41
7	Nguyễn Hồ Phong	M	40
8	Phạm Tuyết Bình	M	35
9	Trần Thị Kim Phụng	F	45
10	Dương Văn Khả	M	38
11	Dương Chất	M	47
12	Trần Mỹ Loan	F	56
13	Nguyễn Thị Mịn	F	32
14	Danh Thị Huệ	F	49
15	Đình Văn Tám	M	39
16	Nguyễn Minh Tuấn	M	39
17	Danh Sơn	M	49
18	Trần Văn Tên	M	49
19	Trương Quang Phong	M	38
20	Lý Thanh Hương	F	50
21	Trần Văn Lâm	M	45
22	Lê Thị Hằng	F	48
23	Hứa Hên	M	62
24	Thị Kim Đol	F	36
25	Vũ Thị Yên	F	55
26	Trương Văn Hơn	M	57
27	Nguyễn Thị Hồng Huệ	F	58
28	Lê Thị Sang	F	58
29	Bùi Văn Trung	M	32
30	Nguyễn Duy Thuấn	M	50
31	Huỳnh Thị Tú Uyên	F	29
32	Thị Thi	F	24
33	Phạm Thanh Tuyền	F	42
34	Hồng Trân Nhi	F	31
35	Thị Thu	F	26
36	Nguyễn Văn Quán	M	65
37	Lê Thị Uyên	F	20
38	Nguyễn Thị Nhận	F	55
39	Nguyễn Anh Đào	F	48
40	Nguyễn Thị Ngọc	F	53
41	Nguyễn Thị Thanh Lan	F	53

42	Thái Minh Quang	M	48
43	Phạm Thị Thùy Trang	F	26
44	Nguyễn Văn Tây	M	43
45	Nguyễn Văn Trọng	M	68
46	Nguyễn Văn Ung	M	20
47	Trương Văn Tám	M	48
48	Bùi Trọng Thủy	M	52
49	Trần Hoàng Minh	M	36
50	Ngô Thị Dung	F	47
51	Lê Thị Mộng Tuyền	F	44

## **Annex 3: Sample Public Information Booklet**

### **Resettlement Plan Sample Public Information Booklet GMS Tourism Infrastructure for Inclusive Growth Project Viet Nam Ministry of Culture, Sports and Tourism**

#### ***What is the GMS Tourism Infrastructure for Inclusive Growth Project?***

The proposed Tourism Infrastructure for Inclusive Growth Project will improve last mile tourism access and environmental infrastructure and provide capacity building support to promote inclusive tourism growth in the GMS corridors. The Ministry of Culture, Sports and Tourism and Kieng Giang Department of Culture, Sports and Tourism are implementing the project, with financial assistance from the Asian Development Bank (ADB).

#### ***How extensive is the need to acquire land and other assets for the Project?***

The subproject is to improve the environmental conditions and facilities of the Phu Tu National Tourist site. The Project will dismantle, temporarily relocate and then reinstate 51 retail operators to upgraded stalls at the Phu Tu National Tourism Site.

#### ***What will happen to the people losing assets and sources of livelihood?***

Compensation will be paid at *replacement cost* in cash or in-kind (for example, land-for-land) for all assets affected, including sources of livelihood. Other forms of assistance will also be provided to households depending on the severity of project impacts.

#### ***What is “replacement cost”?***

This is the amount needed to replace an affected asset without deductions for taxes or costs of transactions. Replacement costs relevant for this project are calculated as follows:

- Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;

#### ***What are the key principles for helping affected households under the Project?***

- Avoid, if not minimize, land acquisition and relocation, and impacts on sources of livelihoods of people;
- Restore the standard of living of affected households;
- Replace and compensate lost assets at replacement cost, on top of providing allowances and income restoration support, as warranted;
- Inform and consult the affected households about the Project, impacts, options for compensation and assistance, and grievance redress mechanism;
- Protect social/cultural institutions;
- Non-titled affected households (those who have no title to the land or customary rights) have rights to receive Project entitlements for affected non-land assets provided that they meet the cut-off date for eligibility;
- Identify and assist vulnerable groups at high risk of impoverishment, such as female-headed households with dependents, disabled household heads, households falling under the generally accepted indicator for poverty, children and the elderly households who are landless and with no other means of support, landless households, and ethnic minorities; and
- No demolition of assets/entry to properties will be done until the affected household is fully compensated and relocated.

#### ***Who are eligible to be compensated and assisted under the Project?***

All affected people, households, and institutions/organizations that satisfy the **cut-off date for eligibility** are eligible to be compensated and assisted under the project. The cut-off date coincides with the last day of the census of affected persons (regardless of tenure status) and the inventory of losses (IOL), 15 August 2013, to be validated and updated later during the detailed measurement survey (DMS). Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have been included among the affected due to changes in project design.

**What are the entitlements of affected households?**

Project entitlements listed in Table1 are based on the impacts identified during the census and IOL. Said entitlements will be adjusted and updated, as needed consistent with the Project resettlement policy, based on the results of the DMS to reflect a more precise inventory and assessment of impacts on assets and on the people.

**Table 1: Entitlement Matrix**

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Productive land (agriculture, garden, forest)	Legal owner AH = 18	Cash compensation at replacement cost which is equivalent to the prevailing market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, certification costs, administration fees). If the impacts on the total productive land is 10 % or more, as a priority, replacement land of similar type, category and productive capacity of land within the village or at the request of AP, cash compensation at replacement cost and assistance to purchase and register land, with additional assistance such as transition allowance described further below and eligible to participate in income restoration program.	Records of past land acquisition to be provided by local officials and ascertained with APs as part of the DMS; APs compensation for land to be at prevailing market value, losses and allowances to be paid according to present monetary value.
Residential/Commercial Land	Legal owner AH = 18	Cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type and category, free from transaction costs (taxes, certification costs, administration fees).	Records of past land acquisition to be provided by local officials and ascertained with APs as part of the DMS; APs compensation for land to be at fair market value, losses and allowances to be paid according to present monetary value.
Business leasing retail stalls to be dismantled and reinstated after upgrades.	Lease holders of affected structures AH = 51	Guarantee of stall of equivalent size to lease after construction; (ii) rent waived during construction; (iii) Management Board will charge same rent as prior to construction for a period of two years; and( iv) temporary replacement location to set up (old) kiosks (in parking area) during construction phase. Cash compensation for any secondary structures owned by APS that must be dismantled and cannot be reassembled in the same state. Transportation assistance. Waiver of rent for construction periods and reduced rent for first year of operation after	All APs to be provided relocation space in new site design; consultation with APs on arrangement of stalls and retail locations as part of detail design.  When the AHs re-construct the structure, the building permit will be at no cost for the AHs.



Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		<p>construction to recover livelihoods.</p> <p>30 kg of rice at current market value for 3 months per household member.</p> <p>Priority as unskilled labour for civil works (all vulnerable APs).</p> <p>Participation in Income restoration program that consists of priority place in business development training to be conducted under project output 3.</p>	
Loss of business income during relocation	<p>Retail shop operators (Lease holders/renters)</p> <p>Retail shop operators – AH = 51</p>	Cash compensation equivalent to the average monthly income pro-rated to the number of days of business disruption.	Amount for period of disruption to be determined at DMS; amount to be extended if construction is substantially longer/delayed
Moving allowance	<p>Households having to relocate existing stall to another one (whether same size or lesser size)</p> <p>AH = 51</p>	Moving allowance to move supplies and household affects and set up at new location.	For lesser size is in addition to life stabilisation.
Impacts on vulnerable AHs	<p>Poor households; households headed by women, the elderly or having disabled family members; and members of ethnic minorities</p> <p>AH = 18</p>	<p>Allowance of 3 months supply of 30 kg of rice per household.</p> <p>An additional allowance equivalent to 3 months supply of 30 kg of rice per person in poor households.</p> <p>The contractors will make all reasonable efforts to recruit severely affected and vulnerable APs as labourers civil works</p> <p>Participation in Income restoration program that consists of priority place in business development training to be conducted under project output 3.</p>	Poor households as set by Ministry of Labour, Invalids and Social Affairs poverty rate of average income of less than D400,000 per person/ month in rural areas and less than D500,000 per person/ month in urban areas.
Temporary Use of Land	Leaseholder	<p>Retail leaseholders will not pay any rent on land that is being used for construction.</p> <p>Retail leaseholders that temporarily lose access to their shop due to by-pass route or other construction works will be entitled to Loss of Business Income entitlements.</p>	The Management Board will ensure that no rent is charged for retail space being used by contractors for construction. If such costs must be recouped from contractors, the MB will be responsible to pay such costs.
Corrective Action: Compensation for crops / allowances/ structures acquired in the past and not yet compensated	<p>Legal owners of land in Phu Tu Tourist site with pending claims.</p> <p>AH = 18</p>	<p>Compensation for losses of crops and structures recorded at time of development of tourist site but not yet compensated with conversion to current monetary value</p> <p>Allowances for subsistence and livelihood restoration for loss of agriculture land based on current provincial regulations.</p>	Records of past land acquisition to be provided by local officials and ascertained with APs as part of the DMS; APs compensation for land to be at prevailing market value, losses and allowances to be paid according to present monetary value.

**What is the tentative schedule for implementing resettlement? (2015 – 2019)**

<b>Resettlement Plan Updating/Implementation Activities</b>	<b>Schedule</b>
Consultations, carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plan by Kien Giang PPC and ADB	Quarter 4, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and Quarter 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
External Monitoring	End of Quarter 2 and Quarter 4, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations	Continuous

**How are the grievances of affected persons (or households) heard and resolved?**

An aggrieved affected household may bring his/her complaint before any member of the Commune People's Committee, either through the Village Chief, a project staff, or directly to the CPC, in writing or verbally. The CPC will meet personally with the aggrieved person (or household) and will have 15 days to resolve the complaint. If the affected person (or household) is not satisfied with the action taken by CPC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the District People's Committee (DPC). The DPC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by DPC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the Provincial People's Committee (PPC). The PPC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by PPC on his/her complaint, the aggrieved person (or household) may bring the case to a court of law for adjudication. All legal and administrative costs incurred by an affected person/household and their representatives are to be covered by the Project.

**How can an affected person or household participate in the Project?**

All affected persons or households are encouraged to participate in all consultation meetings and other project related activities in order to ensure that they are fully informed and consulted. Their active participation during the DMS and implementation of the Resettlement Plan will help MCST determine the appropriate measures to mitigate impacts, identify problems or potentials problems, and identify ways of responding expeditiously to solve any problems.

**Where can affected households get additional information about resettlement related information?**

The full RP, detailed project entitlements and compensation unit rates are available from the CPC, DPC, and PPC, and from the office of the Provincial Implementation Unit.

**Who might be contacted for any inquiries about the Project?**

Mr. Tran Van Ngoi, Ministry of Culture, Sports and Tourism. Phone number:

Provincial/District/Village :

**Asian Development Bank (Manila, Philippines)**

Social Sector Division, Southeast Asia Department, Tel. +63-2-632-4444

**Asian Development Bank, Viet Nam Resident Mission**

Unit 701 - 706, Sun Red River Building, 23 Phan Chu Trinh Street  
Hanoi, Viet Nam, Tel: 84 4 933 1374

## **Annex 4: Record of Consultations with Affected Persons**

### **Report of National Resettlement Specialist on Consultation with Affected Persons (5 of 18 households with pending land claims)**

- **August 11, 2013**
- The PPTA consultants presented the following information
  - i. Proposed infrastructure improvements;
  - ii. Temporary and permanent resettlement impacts;
  - iii. Entitlement and compensation;
  - iv. Objectives of the census and Inventory of Losses and socio-economic surveys, and eligibility for compensation including the cut-off date,
  - v. Need for active participation of the community
  - vi. Affected persons views on the subproject, its benefits, how to avoid impacts on structures and businesses and minimize environmental and resettlement impacts.
- Occupation of HHs: Before (approximate 1998), HHs mostly worked in agricultural sector, some HHs participated in business and services (about 4/18 HHs). However, at the time of inventory, all HHs are doing business of beverage and foods services.
- Income is mentioned based on estimate of the participating HHs and their average income.
- Some HHs built stalls on their land to sell and keep land, some built stalls in other places such as along access road, on the beach or rent stalls on State's land
- Approximate 115 HHs were inventoried and prepared the compensation and resettlement support options since 1998 and implemented 1999-2000, of which about 18 HHs have not received enough compensation amount.
- The affected area is entire existing land area and assets on land. Therefore, the HHs on this area are identified that to be seriously affected.
- The affected land area which has not paid compensation amount accounts about 400 – 3000m<sup>2</sup> for each HHs on average, including: housing land, garden and agricultural land.
- Affected structural objects, trees, etc of AHs are almost finished compensating. Exception 4 HHs of Mr. Phong, Kha, Thuan and Ms. Trang have not received any compensation amount for these affected assets.
- The HHs previously paid land tax, but after enforcement and acquisition they don't pay any more.
- The compensation rate is presented specifically in attached file on provinces' compensation rate.

#### **KEY ISSUES, CONSTRAINTS**

The key issues recorded after the discussions on resettlement with some representative HHs on status of applying and implementing resettlement policy at Hon Phu Tu site are as follows:

- 18/115 HHs have not received compensation for land.
- Almost compensated HHs is HHs coming from other places, building temporary tents or being granted a slot by abbot of the Hang pagoda. As inventory, they are received a resettlement land lot located nearby. Some others, due to enforcement on demolition of housing, architectural work and crops - they are forced to receive compensation amount and resettlement land lot.
- Some HHs have not received compensation due to disputes (about 2 HHs). The district PC still has not handled these cases up to time of inventory.
- The reason that people don't settle is (i) the price rate applicable is considered too out-of-date (issued since 1998-1999) and implemented since 2000 until now (16 years ago).
- The compensation amount was calculated as follows: a distance of 15m measured from road central line towards two sides is compensated D100,000/m<sup>2</sup>, the next 20m is compensated D 60,000/m<sup>2</sup> and the remaining area is compensated D5,000/m<sup>2</sup>. This compensation measurement method and rate is considered unreasonable. (i) Actually, many HHs have to spend an much higher amount for that area, for example HH of Mr. Thuan had to spend 40 Vietnamese gold

bullion bars (The Vietnamese gold weighing unit equal to 37.5 gram of gold) which is equal to D 220 million at that time; (ii) the provincial compensation policies were not transparently publicized; (iii) it was not accepted that the people changed agricultural land to residential land.

- To the case that more than 1 HH shares a commune land area, this area is compensated as for only one HH. This are considered unsuitable by HHs;
- The land of people has been not compensated but assigned to Kien Giang Tourist JSC for management and use for business. The HHs cannot live on their-own land, have to build tent to keep and have to rent kiosk of the company for business. The total amount of monthly rents of kiosks is ten times higher than annual land tax. Moreover, kiosks constructed approximately for 10 years become downgraded and partially damaged without any repair/maintenance but still regularly collect rent
- HHs are forced to receive compensation rate for buildings only then almost assets on land are dismantled for ground levelling.
- Resettlement site: 9 out of 29 HHs that were relocated in the past use resettlement house only for sleeping at night, almost daytime spent in kiosks, evenly HHs also live in kiosks. Resettlement site needs improvements to reach basic conditions such as electricity, water, roads.

#### **EXPLANATION OF HOW AP IS AFFECTED BY SUBPROJECT,**

- There are two types of APs affected the subproject in Phu Tu site are: (i) Past land acquisition (ii) current business in the site.
- The land acquisition and compensation of APs from creation of the site should be completely resolved to help people access livelihoods which have not been effectively done by the previous compensation and resettlement committee.
- The affected persons are ready to settle with the state and receive their compensation but only if the amounts received are based on current prices (2013) because for many years they have not had the use of the land, interest or way to invest money while the compensation was pending.
- They want to settle now to put this matter behind them and have money to improve their conditions –but only if the rates for compensation are fair.
- Some HHs are currently doing business in Hon Phu Tu site are poor HHs and come from other localities. Due to difficulty, they cannot return back hometown and even have to send money back to support their families in provinces of Tien Giang, An Giang, Long Xuyen, etc.

# Attendance Record: Consultations with Households Requiring Corrective Action



**CÔNG TY CỔ PHẦN XÂY DỰNG VÀ MÔI TRƯỜNG VIỆT NAM**  
**VIETNAM CONSTRUCTION AND ENVIRONMENT JOINT STOCK COMPANY**  
 Add: # A1501 - No. 124 Minh Khai - Hai Bà Trưng Dist. - Hà Nội City  
 Tel: (+84) 4 3624 8598 / Fax: (+84) 4 3624 8599 / Email: vican@vnn.vn / Website: www.vican.vn

## DANH SÁCH THAM DỰ

Nội dung: Thảo luận nhóm về 'Tải định cư tại khu T1' .....  
 DA cải thiện hạ tầng cơ sở du lịch cho từng từng mảnh đất trên vùng sông  
 Thời gian: 15h 30 ..... Địa điểm: Trung tâm Ấp Ba Trại, xã Bình An, Mễ Lang mô  
 ngày 11/8/2013 ..... iang

STT	Họ và Tên	Chức vụ	Đơn vị công tác	Số tiền	Ký tên
1	Nguyễn Văn Trọng	Hộ dân	ấp ba trại	20.000đ	Trọng
2	Phạm Tiến Việt	Hộ dân	"	20.000đ	Việt
3	Nguyễn Thị Thanh Hương	Hộ dân	"	20.000đ	Hương
4	Đặng Thị Ánh	Hộ dân	"	20.000đ	Ánh
5	Lương Bùi Long	Hộ dân	Ấp Ba Trại	20.000đ	Long
				100.000đ	

← Một trăm ngàn đồng chẵn. →  
 Người lập biểu

Ng. P. Mai Hoa

## Focus group with retail stall operators, and commune's leaders on the proposed subprojects at Phu Tu National Tourism Site

August 11, 2013

### 7 women and 7 men participants

The PPTA consultants presented the following information:

- The topics of the meeting included:
- Proposed infrastructure improvements;
- Temporary and permanent resettlement impacts;
- Entitlement and compensation;
- Objectives of the census and Inventory of Losses and socio-economic surveys, and eligibility for compensation including the cut-off date,
- Need for active participation of the community
- Affected persons views on the subproject, its benefits, how to avoid impacts on structures and businesses and minimize environmental and resettlement impacts.

### On information disclosure

- Whilst leaders of both communes are clearly and sufficiently informed about subproject (by the meetings hold by provincial DSCT and PC of Kien Luong district), just a few of HHs know about subproject as seeing consultant team survey and work at locality. Most residents don't have any information about subproject.

### On benefits and negative impacts in regard to gender approach

- **Benefits:** People and leaders of Binh An commune think that the Phu Tu tourist site upgrading will benefit local socio-economic and tourism development, thanks to:
  - + Exploiting tourism potential of localities attracting more visitors;
  - + Creating employee opportunities to the local labours, promoting economic development;
  - + Creating the provincial/district/commune tourism branch thanks to lots of visitors;
  - + Linking with other provincial tourist site in a tour of various destinations (the visitors can visit many destinations conveniently).
- Different from northern women, they are still not familiar with community activity.
- Khmer HHs in FDGs at two localities also said that the residential community, especially women may benefit from the increased demand on tourism services. Almost all Khmer women are street vendors selling Palmyra palm cake, sugar, fruit and others beverage, etc. in the tourist site, so the investment in this area will bring the positive impacts on their livelihoods.
- Some jobs disappearing may have chance for development because women are willing to make the products for tourists, such as making cake from palm sugar, bamboo products, products from sea clams and snails.
- If the trading in tourist site becomes convenient, the men leaving home can come back to support their women and stay at local.
- President of WU of Binh An commune said that the subproject together with community activities will help people have higher awareness on sea environmental protection. The women in general and Khmer women in particular will have opportunity to strengthen their understandings on gender issue and women's rights. Because this presently seems to be the strange issue to local women because they don't pay any attention to.

- **Negative impacts:** However, the Khmer women (in Phu Tu site) complaint about that they cannot have a kiosks in the tourist site although they are the local residents, because they are too poor to have enough money for buying/renting a kiosk there. They are selling as the mobile vendors and often bothered by the security team in tourist site. They wish to have a place in the tourist site at an affordable rate. They said that if this issue won't be taken into consideration, the investment becomes meaningless to them.
- Some negative impacts mentioned by the people that are likely to happen during construction of Phu Tu site include: public security impacted due to crowded visitors and criminals. Trading activities of HHs may temporarily stop due to construction.

**While the representatives of Binh An commune authority thinks that Hon Phu Tu site locates far from residential area and therefore won't cause any impacts, the people has their own opinions as following:**

- + Impacts on environment during construction such as dust, noise affecting trading activity of HHs in tourist site;
- + Women sellers in the tourist site also concern about environmental condition of "Hon Phu Tu" because in their view the environmental management of the agency in charge doesn't work well. Waste is left on beach too much. Waste from seafood restaurants has not been absolutely treated causing smell in some places.
- + Concern about have no place/kiosk in the tourist site because of lack of money while may HHs no more have agricultural land.
- + The people at risk of wrong use or waste of compensation amount and no longer build house.
- Leaders of authority and WU of Binh An commune and My Duc commune mention the following advantages of tourist development as infrastructure upgraded:
  - + Waste and wastewater increased;
  - + Volume of tourist coaches increased leads to air pollution due to emission;
  - + Conflicts among selling persons due to competition;
  - + Prostitution problem.
- The HHs in Thach Dong does not take care on environmental issues of Da Dung site. The answers often were "I don't know". In their view, construction and upgrading of some tourist site's items are advantageous for both local people and visitors. Women will benefit more because they are the direct sellers in tourist site.

**Desire of community – Solutions proposed from public consultation and interviews with key persons.**

- The tourist site should be improved as soon as possible to soon come into operation.
- Should pay attention to check of work quality, O&M and management so that the work won't downgrade like other works.
- Pay attention to working safety and minimize impacts from dust, waste to the working environment of people.
- Design entertainment areas to keep visitors stay longer. The existing services of the tourist site are quite poor and simple.
- Should pay much attention to designing and construction of public toilet and waste treatment system to bring the best quality not like the management work of the current unit in charge in Phu Tu site.
- Facilitate the poor, especially Khmer HHs, own the selling place/kiosk in the tourist site. If not, the poor won't benefit from upgrading and improvement of Phu Tu and Da Dung tourist site.
- Construct a community-based tourism development fund and lend HHs with low interest rate (or even no interest) to help women start involved in trading after being trained.

- Training to Khmer people, especially women, on the experiences/behaviours/attitudes they should have with the visitors.
- Training/guiding production of community-based tourism products, new souvenirs.
- Training on rising awareness on protecting environment and landscape to people and visitors.
- Training on Gender and role of women in community-based tourism development.
- Provide affected HHs with appropriate compensation amount for the assets or land impacted (group of impacted HHs)
- Training and guiding employee skills/livelihoods to people/women at request of the impacted persons.
- Connect tap water for the poor.
- Information disclosure to people about plant of construction and improvement for monitoring.



## Attendance Record: Public Consultation at Phu Tu National Tourism Site



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### DANH SÁCH THAM DỰ

**Nội dung:** Hiệp. s.b. v.v. D. v.v. b.v. v.v. K. B. v.v. C. p. b. v. v. v. b. v. v. A. v. v. K. L. K. G.

**Thời gian:** 11/8/2013 ..... **Địa điểm:** ấp Bo Trại, xã Bình An, KL-KG

STT	Họ và Tên	Số tiền	Đơn vị công tác	Ký tên
1	Thị Diệu	20.000	ấp Bo Trại	Diệu
2	Danh Văn	20.000	-	Văn
3	Danh Mút	20.000	-	Mút
4	Danh Hiên	20.000	-	Hiên
5	Thị Thuột	20.000	-	Thuột
6	Thị Cốp	20.000	-	Cốp
7	Thị Seo	20.000	-	Seo
8	Thị Ri	20.000	-	Ri
9	Thị Khuôn	20.000	-	Khuôn
10	giảm thị Kha	20.000	-	Kha
11	Danh Doal	20.000	-	Doal
12	Danh up En v.v. v.v.	20.000	-	En v.v. v.v.
13	Hồ v.v. v.v. v.v.	20.000	-	v.v. v.v. v.v.
14	Dương Danh	20.000	-	Danh
		20.000		
	Tổng	280.000		

( Hai trăm tám mươi ngàn đồng )

Người lập biểu KT


  
 Nguyễn Thị Mai Hoa

Photo: Consultation at Phu Tu National Tourism Site (11 August 2013)



