

**BINH THUAN PROVINCIAL PEOPLE COMMITTEE  
DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT**

**DAM REHABILITATION AND SAFETY IMPROVEMENT PROJECT**

## **RESETTLEMENT ACTION PLAN**

**SUB-PROJECT: SONG QUAO DAM REHABILITATION AND SAFETY  
IMPROVEMENT, BINH THUAN PROVINCE**

**CONSULTING FIRM**

**BINH THUAN – MAY, 2015**

## ABBREVIATIONS

AP	Affected person
CPC	Communal People's Committee
CPO	Central Project Office
DARD	Department of Agriculture and Rural Development
DMS	Detailed Measurement Survey
DPC	District People's Committee
DRC	District Resettlement Committee
EMPF	Ethnic Minorities Policy Framework
EMDP	Ethnic Minorities Development Plan
ESMF	Environmental and Social Management Framework
GOV	Government of Vietnam
HH	Household
IOL	Inventory of Losses
IMA	Independent Monitoring Agency
LAR	Land Acquisition and Resettlement
LURC	Land Use Right Certificate
MOF	Ministry of Finance
MOLISA	Ministry of Labors – Invalids and Social Affairs
NGO	Non-government Organization
OP	Operating Policy
PAD	Project Appraisal Documents
PPC	Provincial People's Committee
PPMU	Provincial Project Management Unit
PRA	Participatory Rapid Assessment
REA	Rapid Environment Assessment
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
TOR	Terms of Reference
USD	United States Dollar
VND	Vietnamese Dong
WB	World Bank

## Notices

- (i) The fiscal year of the Government of Vietnam ended on December 31 of each year. Fiscal year before the calendar year denotes the year in which the fiscal year ends, eg fiscal year 2015 ended on December 31, 2015.
- (ii) In this report, "\$" means the US dollar.

## **Glossary**

Project impacts	Any impacts relating directly to land acquisition or limit using legal areas or protected areas
Affected persons	Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.
Cut-off date	Is the date when the PPC issues the Notification of Land acquisition for the relevant project (Article 67.1 of Land Law 2013) before implementation of detailed measurement survey. A census survey will be done before the cut-off date is announced to establish a list of potential affected households.
Eligibility	Any person who used the land affected by the project and listed before the cut-off-date: (i) with formal legal right to land; (ii) without formal legal right to land but have a claim to such land or assets recognized under the laws of the country (iii) without recognizable legal right or claim to the land they are occupying.
Replacement cost	<p>For agricultural land, the replacement cost is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, plus the cost of transporting building materials into the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.</p>

Resettlement	Covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning-physical relocation. Resettlement can, depending on the case, include (i) acquisition of land and physical structures on the land, including businesses; (ii) physical relocation; and (iii) economic rehabilitation of affected persons (APs), to improve (or at least restore) incomes and living standards.
Entitlements	Include compensation and assistance for APs based on the type and extent of damage.
Inventory of Losses (IOL)	Is process of accounting for physical assets and income affected by project.
Socio - Economic Baseline Survey (BLS)	A socio-economic baseline survey of households, businesses, or other project-affected parties needed to: identify and accurately compensate or mitigate losses, assess impacts on household economy, and differentiate affected parties by level of impact.
Vulnerable groups	People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.
Livelihood	Economic activities and income streams, usually involving self-employment and or wage employment by using one's endowments (both human and material) to generate adequate resources for meeting the requirements of the self and household on a sustainable basis
Income restoration	Re-establishment of sources of income and livelihoods of the affected households.
Stakeholders	Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

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## SUMMARY OF RESETTLEMENT ACTION PLAN

### - Sub-project objectives

The Quao Dam Rehabilitation and Safety Improvement Sub-Project, in Ham Tri and Thuan Hoa communes, Ham Thuan Bac district aims to irrigate the paddy land of 8,120 ha and expand to 3000 ha of agriculture land in 12 communes of Ham Thuan Bac district. In addition, the project will improve water supply for the people in the project area.

In addition, it will ensure the safety of reservoir, protect the lives and properties of people in the downstream, increase productivity for food security, contribute to improving the lives of people in the project area, and promote socio-economic development and environmental landscaping in the project area.

### - Scope of impact

Because the subproject only rehabilitated existing structures and expected dumpsites are arranged within the protected area of dam, influence on households is negligible. Most households are affected with land and production within the dam's protected area defined by Binh Thuan PPC, without valid registration. 18 HHs (77 persons) in Thuan Hoa commune will be affected including 3 vulnerable HHs (1 poor, 2 lonely HHs). Ham Tri commune far away to the downstream is not affected by land acquisition.

No.	Impact	Unit	Quantity	Number of affected households	Number of affected persons
<b>I</b>	<b>Permanent land acquisition</b>	m <sup>2</sup>	<b>164,332</b>	<b>18</b>	<b>77</b>
	Agriculture land (in the dam's protected area)	m <sup>2</sup>	162,000	8	38
	Residential land (in the dam's protected area)	m <sup>2</sup>	2,332	10	39
<b>II</b>	<b>Crops and trees affected</b>			<b>8</b>	<b>38</b>
	Dragon fruit	Set	4270		
	Mango	Tree	50		
	Coc	Tree	20		
	Cashew	Tree	100		

	Banana	Tree	200		
<b>III</b>	<b>Houses and structures affected</b>			<b>10</b>	<b>39</b>
	Grade 4 house	m <sup>2</sup>	298		
	Temporary house	m <sup>2</sup>	154		
	Kitchen	m <sup>2</sup>	93		
	Cattle cage	m <sup>2</sup>	103		
	Electric meter	Piece	10		

### **- Legal policy**

Legal policy is based on the Policy framework in accordance with the legislation and regulation of GoV and the involuntary resettlement policy of WB.

### **- Entitlements of affected people**

Entitlements of affected people in the project is prepared and presented in RAP (see entitlements matrix) in accordance with impacts identified in the inventory of losses and baseline household survey. The entitlements will be updated after the implementation of DMS and consultation with the PAPs, to ensure that the damage will be restored, or improved.

### **- Information disclosure, community consultation and grievance redress mechanism**

The public consultation meetings, discussions at village, commune with PAPs and local officials will be conducted during the preparation of RAP. Project policy and the options for relocation, income restoration were discussed in these meetings. The related issues, the recommendations of the affected households were identified and included in RAP. The grievance mechanism will be designed to ensure that all inquiries or complaints from affected households will be addressed properly and promptly. APs will be notified about their rights through notifications and documents in the consultations, surveys at the time of compensation payment. The main information in the draft RAP will be notified to affected persons prior to the appraisal of WB.

### **- Implementation arrangement**

Ministry of Agriculture and Rural Development (MARD), the managing agency and the Central Project Office (CPO) will ensure coordination for the implementation of RAP. MARD will coordinate with the Provincial People's Committee of Binh



Thuan and directed the Department of Agriculture and Rural Development Committee of Binh Thuan and Ham Thuan Bac district to ensure that the compensation and support is done in compliance with this RAP. The District Resettlement Committees with affected households will be formed to organize the process of compensation. During the implementation process, independent consultants will monitor the implementation to ensure compensation and assistance in compliance with the approved RAP.

**- Compensation and resettlement strategy**

All displaced households will be involved in defining and selecting locations that they want for resettlement (in the case of resettlement under local regulations), or move to a resettlement location arranged by the district, or receive compensation and resettlement itself. Households lost more than 20% (10% in case of poor and vulnerable households) of total production area will receive land or cash compensation, depending on the requirements of the household and will get the assistance to stabilize and restore life. The livelihood restoration programs will be designed appropriately and implemented in implementation of RAP based on the opinions consulted from affected households.

**- Compensation and assistance cost of resettlement**

Total compensation and assistance cost of resettlement is 10,676,853,000 VND, including:

- Compensation for land acquisition:	5,787,840,000 VND
- Compensation for houses and structures:	1,045,790,000 VND
- Compensation for trees and crops:	1,789,000,000 VND
- Assistance for resettlement:	183,600,000 VND
- Other costs for implementation, management, monitoring:	900,000,000 VND
- Contingency:	970,623,000 VND

## **I. INTRODUCTION**

### **1.1 Introduction of project and sub-project**

#### ***1.1.1 Dam Rehabilitation and Safety Improvement Project (WB8)***

Name of project: Dam Rehabilitation and Safety Improvement Project

Funded by: World Bank (WB)

Managing agency, project owner:

- Managing agency: Ministry of Agriculture and Rural Development (MARD)
- Project owner: Central Project Office (CPO)
- Sub-project owner: Department of Agriculture and Rural Development, PMU  
/Binh Thuan Irrigation Company

Project duration: In 06 years from 2016 to 2021

Budget: Total budget of 460 million USD

Project objective:

The project objective is to support the implementation of the Government's dam safety program by improving the safety of prioritized dams and reservoirs as well as to protect people and assets of the downstream communities.

Project assignment:

- Improve dam safety and performance by rehabilitation, improvement, installation of monitoring equipment, operation and maintenance planning.
- Strengthen institution of dam safety management at national and system levels by completion of institutional framework on dam safety, including the construction and management of databases, addition of regulations, standards, guidelines, building capacity and coordination mechanism between stakeholders.
- Flood management capacity building in the basin level and coordination mechanism of reservoir operation by improving forecasting capacity, developing integrated flood management plan and training capacity building.

It is proposed that the project consist of four principle components.

#### **Component 1: Dam Safety Rehabilitation (US\$385 million)**

This component will improve dam safety through physical rehabilitation of existing infrastructure. This would include support to (i) Detailed design, supervision and quality control of rehabilitation works for prioritized dams and associated

infrastructure; (ii) rehabilitation works, including civil works, hydro-mechanical works and installation of hydrological and safety monitoring equipment; (iii) preparation of Operation and Maintenance Plans and Emergency Preparedness Plans.

### **Component 2: Dam Safety Management and Planning (US\$60 million)**

This component will improve the planning and operational framework for dam management to safeguard the people and socio-economic infrastructure within downstream communities. This would include provision of support to: (i) hydrological observation network and information systems; (ii) integrated development planning and operational coordination mechanisms between irrigation and hydropower reservoirs; (iii) regulatory and institutional support and strengthening on coordination mechanism including national dam policy on registration, regulation, inspection, safety compliance and penalties; (iv) capacity enhancement, basin-wide integrated dam reservoir operation plans, emergency preparedness plan. This component will support MARD, MoIT, MoNRE to implement technical assistance for national programs, complete coordination between ministries, sectors and related agencies.

### **Component 3: Project Management Support (US\$15 million)**

This component will provide the necessary enabling environment to support project implementation. It involves three ministries, with large area covering 31 provinces with majority of dam located in remote area, mountain that is difficult in transportation.

This component will provide necessary support services for timely and effective project implementation, including monitoring & evaluation, procurement, financial management, safeguard monitoring, equipment served for project management.

### **Component 4: Disaster Contingency (US\$ 0 million - no fixed allocation, but not to exceed 20% of the total project cost)**

This component will improve the response capacity of the Government in case of an emergency relating to dam failure during project implementation. In the event of an emergency, this contingency component would facilitate rapid utilization of loan proceeds by minimizing the number of processing steps and modifying fiduciary and safeguard requirements so as to support rapid implementation.

### ***1.1.2 Sub-project description***

The Quao Dam Rehabilitation and Safety Improvement Sub-Project, in Ham Tri and Thuan Hoa communes, Ham Thuan Bac district involved in the project. The project area is about 31km away from Phan Thiet to northwest.

Construction site: Thuan Hoa commune, Ham Thuan Bac district, Binh Thuan province.

Quao Reservoir was started construction in 1986, and 1998 completed and put into exploitation and utilization management. The reservoir located in Ham Tri and Thuan Hoa commune has storage of 73 million m<sup>3</sup>, water surface of 6.8 km<sup>2</sup>. Tasks designed to irrigate the paddy land 8,120 ha in Ham Thuan Bac district and water supply for the people in the region and many works pond, ponds, and other dams. Currently it is supplemented by water from the Luy river, so total irrigated area the whole system of Quao irrigation works is 11,000 ha and water supply to Phan Thiet with a capacity of 25,000 m<sup>3</sup>/day. But now happened 72 position subsidence diameter from 0.5m to 3m; depth from 0.5m to 1.5m. Which left the main dam has 39 branch locations subsidence. In particular, deformed downstream movement, but so far the authorities have not yet found the province's cause.

**Image 1: Area of sub-project**



- **Objective of sub-project**

Objective of the Quao Dam Rehabilitation and Safety Improvement Sub-Project is to provide stable irrigation water to 8120 (ha) as designed and extend over 3000 (ha) of agricultural land of 12 communes in Ham Thuan Bac district. In addition, the project will improve the water supply for the city of Phan Thiet and people in the project area.

To ensure the safety of reservoirs, to protect the lives and property of the people downstream, increase productivity, yield; security, food contribute contributing to improving the lives of people in the project area, promoting socio-economic development and environmental landscaping project area.

- Specific objectives:

- + Supply of irrigation water for 11,000 hectares of agricultural land
- + Increase productivity, agricultural yields.
- + Ensure safety of reservoirs, to protect the lives and property of the people downstream.
- + Improve capacity management for sustainable irrigation systems.

## **1.2 Negative impacts and land acquisition**

Because the subproject only repairs existing buildings and expected dump site in the protected area of dam, influence on households is negligible. Most households built and produced on protective area of irrigation works determined by Binh Thuan PPC, without valid registration. To implement subproject, these households will be displaced from the protective area, namely:

- 18 HHs (77 persons) are affected by land acquisition.
- Flood discharge may cause inundation of 233,600 m<sup>2</sup> of agriculture land of 70 HHs living along the Quao river in Ham Tri commune.
- Land to be acquired for protective area of dam is 164,332 m<sup>2</sup>; in which 162,000 m<sup>2</sup> of agricultural land, 2,332 m<sup>2</sup> of residential land. Out of 10 replaced households, most of them are affected house, agriculture land in the protective area of dam without land use right certificate (LURC).
- Affected trees include 4,270 dragon fruit, 100 cashews, 50 mangos, 200 banana, 20 coc fruit.
- Affected structures include 102 m<sup>2</sup> of cages, 10 electric meters, and 93 m<sup>2</sup> of kitchen.

### **1.3 Mitigation measures**

Many actions have been proposed for the preparation and basic design period of sub-project in order to minimize the impacts of land acquisition and resettlement. When surveying the field for construction site, the surveyor studied to choose the reasonable plan to avoid the most affection to land and property on the land.

During design period, in order to minimize affection to land, crops and properties of people, the following measures should be applied:

- Selection of structural measures applied for affected areas.
- Select construction road suit with construction measures to mitigate affecting agricultural production and traffic of people. Ensure recovery of transportation roads after completion of subproject.
- Sub-project also acquire temporarily area for gathering materials, construction machinery, construction camp for workers, construction corridor ... and other influences in the construction process.
- During the construction process, ensure irrigation schedule according to the needs of agriculture and domestic use people in the project area.

The technical design adjustments will be reviewed continuously during implementing projects to minimize the adverse impacts on the affected households.

### **1.4. Resettlement Action Plan**

Resettlement Action Plan is prepared on the basis of the resettlement policy framework of the project consistent with Involuntary Resettlement Policy of the World Bank and policies, laws of the State of Vietnam and Binh Thuan province. RAP determines the number of people affected by the sub-project, the nature and degree of impact, the mitigation measures and policies on compensation and assistance.

#### **The main contents include:**

Because of small impact on resettlement of sub-project (18 HHs/ 77 persons), in which 10 HHs are displaced out of the protective area of the dam, a full resettlement action plan will be prepared for the sub-project, the main contents include:

- Summary of the impact and compensation
- Introduction of project, subproject

Policies and procedures for land acquisition, compensation, resettlement and strategies to ensure recovery of living standards and employment for affected people;

- Identify the households and communes affected adversely by the project, they will be compensated and supported by measures to mitigate the adverse effects;

- Dissemination of basic information about the project and the possible impact to the community in project area, and clearly explain the resettlement policies of the World Bank and the Government of Vietnam to communities.

- Acknowledge the opinions and wishes of the affected households and report to sub-project owner.

- Develop a plan that affected people can participate in the many phases of the project, including the grievance redress mechanism.

- The budget of resettlement and assistance as well as administrative expenses.

RAP will be updated after the completion of the detailed design and DMS with exact scope and level of impact of subproject. Thus, RAP implementation will help project owner to have the database to estimate the associated costs and important legal basis, procedures in the project implementation process, while contributing to resolve conflicts and complaints of the affected people.

## II. RESULTS OF BASELINE HOUSEHOLD SURVEY

### 2.1. Socio-economic characteristics

#### 2.1.1. Socio-economic information of affected area

Socio-economic situation of subproject and affected households (AHs) include data of key indicators related to land acquisition and resettlement. The data of the sub-project include land use maps, population and employment, income source, educational level of residents in the project area, the percentage of children in school age and poverty ratio in the sub-project area.

(i) The total land area of two communes in the project area is 280.82 km<sup>2</sup>, agricultural land area is 6041.62 ha.

(ii) The occupation of the households in the subproject area is mainly agriculture. In particular, dragon fruit accounts for high proportion in the structure of household income. Number of employees working in the field of agricultural production, industry and services are 68.70%, 17.30% and 14.00%. Income per capita is 22 million VND/ person/ year. The average population density in the region is 109 person/ km<sup>2</sup>.

(iii) In 2 communes, beside Kinh group, 3 other ethnic minorities living together are Chams, K'ho and Rac-lay

*(Source: socio-economic report of the communes in 2014)*

#### 2.1.2 Features of the affected households

##### 2.1.2.1 Education

**Table 1. Education levels of affected people**

	Quantity	Ratio %
Illiteracy	7	9.0
Primary school	19	25.8
Secondary school	28	36.4
High school	7	9.0
Vocational school	2	2.5
College/University	4	5.2
Not yet school	10	12.9
Total	77	100.0

**Source:** Survey data in March 2015



Survey results on education of 77 affected people show that 28 persons (41.3%) of secondary school; 19 persons (27.9%) of primary school. 4 persons (6%) of college/university; 7 persons (8.5%) of illiteracy, and 10 persons (11.8%) of children under 6 year old or in the school age not yet school.

#### **2.1.2.2 Main occupation and income of affected people**

**Table 2.The main occupation of the APs**

	Quantity	Ratio %
Laborless	8	10.4
Agriculture, forestry and fishery	39	50.6
Trade, service	3	3.8
Officials and state employees	3	3.8
Student	13	18.1
Worker	2	2.5
Short-term hired work	2	2.5
Jobless	1	1.2
Children	6	7.6
Total	77	100.0

**Source:** Survey data in March 2015

The main income of the APs is from agriculture with cultivation (dragon fruit, rice and upland crops) raising poultry, cattle (cows, goats, sheep, chickens, ducks ...); it accounted for 50.6%; 18.1% of student, 6.5% of officer and worker. In addition, 8 persons (10.4%) are laborless and 7.6% is children.

**Table 3.Average monthly income of affected households by group**

	Number of households	Ratio %
Under 1,000,000 VND	1	5.6
From 1,000,000 to 2,000,000 VND	6	35.3
From 2,000,000 to 3,000,000 VND	5	29.3
From 3,000,000 to 5,000,000 VND	3	16.7

Over 5,000,000 VND	2	11.1
Total	18	100.0

**Source:** *Survey data in March 2015*

The table shows that the average income of the affected households is about 2,149,000 VND/ person/ month. In total 18 affected households, 2 households are wealthy, one poor (with certificates of poor household) household a couple of elderly, helpless; there are 11 households with average living standard and 4 households are still needy (less than 4 months/ year)

#### **2.1.2.3 Gender and age**

- Out of the 18 affected households (77 people), 34 male and 43 female, 14 male-headed households (76.5%), 04 female-headed households (23.5%). In 4 female-headed households, one is single female householder caring two small children, also severely affected household with lost of 70% of productive land. No household is in ethnic minorities.

- The number of people in working age (15 to 60) accounts for high proportion 64.7% of all household members; 13.3% are outsiders working age, over 60; 13.2% are in secondary school age (7-15 years old) and a small percentage of 8.8% are children (0-6 years)

#### **2.1.2.4 Vulnerable households**

2 households are vulnerable, 1 household of elderly couple is displaced; 1 severely affected household lost nearly 70% of productive land, while single female householder with 2 small children.

#### **2.1.2.5 Health - Education**

- Health: There is 01 hospital center in each district and 1 health center in each commune. Communal health center only serve the function of examination and treatment of minor illnesses and childbirth for women in the commune. District hospitals can take care and treatment of serious diseases and public health protection. However, the treatment for workers and poor people has not been ensured because of lacking medical facilities.

- Education: In all of the affected communes, there are 02 primary schools, 02 secondary schools and 2 kinder gardens.

- 100% of households using grid electricity for domestic service.

#### **2.1.2.6. Water resources and living facilities of households**

**Table 4. The main water source for domestic service and production**

	Drinking water		Washing water		Productive water	
	n	%	n	%	N	%
River	0	0	0	0	6	35.3
Irrigation reservoir	2	11.1	2	11.1	11	60.1
Wells	14	77.7	16	88.9	1	5.6
Water supply system	1	5.6	0	0	0	0
Rainwater	1	5.6	0	0	0	0
Total	18	100.0	18	100.0	18	100.0

**Source:** Survey data in March 2015

According to research results, the majority of affected households use water from wells for eating and washing with very high percentages. Specifically, 77.7% of wells used for drinking water and 88.9% use wells water for washing the family. However, in production, most water is from irrigation reservoirs 60.1%, followed by water from rivers with 35.3%. Water from the Quao reservoir serves only for irrigation of 2 communes but not for drinking water and washing.

- The facilities in the HH is relatively full, 85.7% of households with television, 82.4% with motorcycle and 88.8% with gas cooker. However, the percentages of households with expensive items is low: 27.7% have refrigerators; 11.1% have air conditioner, only 1 household with internet, no household has car or boat.

## **2.2. Scope of impact of subproject**

Inventory of losses (IOL) is conducted on the basis of the construction site to identify the scope and level of impact to gather data on the impact of the sub-project.

In March, 2015, IOL was done to estimate losses of land and property on the land to be acquired of sub-project.

Project is implemented in the area of 02 communes in Ham Thuan Bac district, Binh Thuan province. The scope of impact is mainly acquisition of small agricultural land, aquaculture and forest land. 18 HHs are affected with structures and trees in the dam's protected area, including 10 HHs' houses affected, 8 HHs' productive land affected. The number of households affected is presented in the following table:

**Table 5. Number of households affected by the subproject.**

No. of AHs	No. of relocated HH	No. of EM AHs	No. of AHs from 20% of productive land (10% for vulnerable AHs)	No. of AHs below 20% of productive land (10% for vulnerable household)	No. of HHs affected business	No. of graves affected	Cultural facilities affected
18 HHs in Thuan Hoa	10	0	18	0	0	0	0

**2.2.1 Impacts on land****Table 6. Affected land of subproject**

Commune	No. of AHs	Total area of permanently productive land affected (m <sup>2</sup> )	Permanently affected residential land (m <sup>2</sup> )	Temporarily affected area of (m <sup>2</sup> )
Thuan Hoa	18	162,000	2332	0

**Source:** Survey data in March 2015

The survey data show that in Thuan Hoa commune, 18 affected households with land acquisition of 164.32 m<sup>2</sup> of which, 162,000m<sup>2</sup> is permanently productive land acquisition, 2,332 m<sup>2</sup> permanently residential land acquisition and no temporarily land acquisition.

**2.2.2 Impacts on houses and structures.****Table 7. Houses affected and area**

Commune	Grade 4 house		Temporary house		Legal Status	
	No. of HHs	m <sup>2</sup>	No. of HHs	m <sup>2</sup>	With LURC	No LURC
Thuan Hoa	5	298	5	154	0	10

**Source:** Survey data in March 2015

In Ham Thuan commune, 10 houses are displaced with affected area of 452m<sup>2</sup>, including 5 grade 4 houses with area of 298m<sup>2</sup> and 5 temporary houses with affected area of 154 m<sup>2</sup>. All 10 houses affected are located in protective areas of the reservoir without LURC or house certificate.

**Table 8. Buildings and structures affected**

No.	Commune	Unit	Quantity	Area
<b>I</b>	<b>Thuan Hoa</b>			
	Kitchen	VND / m2	6	93m <sup>2</sup>
	Cage	VND / m2	6	103 m <sup>2</sup>
	Electrical meter	VND / set	10	
	Toilet affected	VND / m2	1	8m <sup>2</sup>

**Source:** Survey data in 3/2015

The number of affected structures is not many, namely 6 kitchens with area of 93m<sup>2</sup> and 6 cages with area 103 m<sup>2</sup>; 10 electrical meters.

### **2.2.3 Impacts on trees and crops**

In sub-project, 4270 affected dragon fruit pillars are aged over 2 years and providing the main income of the residents in Thuan Hoa commune. In addition, there are also some other affected crops, such as: 100 cashew trees, 50 mango trees, 200 banana trees, 20 coc fruits, about 14000m<sup>2</sup> of rice and 4000m<sup>2</sup> of corn may be affected (see table 9).

**Table 9. Affected trees and crops**

Crops	Unit	Quantity	Age
<b>Fruit trees</b>			
Dragon fruit	Pillar	4270	3
Cashew	Plant	100	7
Mango	Plant	50	6
Coc fruit	Plant	20	10
Bananas	Plant	200	2
<b>Trees and crops</b>			
paddy	m <sup>2</sup>	14,000	

Corn	m <sup>2</sup>	4000	
Mai	m <sup>2</sup>	15	5

**Source:** HH survey in Ham Thuan Bac, Binh Thuan Province 3/2015

## **2.2.4 Impact on production business**

According to the survey results, no HH is affected business.

## **2.2.5 Impact on graves**

According to the survey results, no grave is affected.

## **2.3. Expectation of resettlement compensation and livelihood restoration.**

### **2.3.1. Selection of compensation**

According to the survey data, 14 households affected agricultural land accounted for 77.7% receive cash, while only one household choose method of land for land and 3 households have not decided in compensation this time (see Table 10)

**Table 10. Plans for compensation of affected households**

	Number of households	Ratio %
Land for land	1	5.6
In cash	14	77.7
Undetermined	3	16.7
Sum	18	100.0

**Source:** Survey data in 3/2015

10 relocated households do not have homes or land in other areas outside the project area. Therefore, when asked about plans for resettlement 80% of households opt for a self relocated to another place by their selection. 20% of households have 2 choose alternatives to resettlement areas of the project and resettlement areas of the commune.

### **2.3.2. The use of compensation and livelihood restoration plan**

7 households (38.8%) intend to use the amount of compensation to the purchase of new land and build homes, 2 (11.1%) intended to invest in stores open trade and small business. 2 (11.1%) will use the compensation money to invest in children's education, 5.6% of households will first use the compensation money to bank deposits with monthly interest for consume (Table 11).

**Table 11. Using the compensation of affected households**

<b>Purpose</b>	<b>No. of HHs answered</b>	<b>Proportion</b>
New construction and home repair	7	38.8
Buying new land	7	38.8
Buy other assets	0	0
Investments in small business	2	11.1
Savings	1	5.6
Investments for school children	2	11.1
Other planned	1	5.6

**Source:** Survey data in 3/2015

The affected households always want to make sure to stay home and have enough land to continue producing and stable life. This is more evident when asked about plans to replace income lost when land acquisition, 7 households (38.8%) will purchase agricultural land for the production, 2 households (11.1%) choose to open a small business, and 5.6% of households establish business. However, still 8 households (44.6%) do not have any plan to recover the lost income

**\* Expectation for project**

All 18 affected households are located in protective areas of Quao reservoir, without a certificate of land use of right farmland and residential land. So, they wish project have reasonable policies and resettlement compensation. The compensation for the acquired land shall be paid promptly at the land price equivalent to the market price in order to receive compensation when households can buy farmland in other areas aimed at restoring livelihoods and stable life.

All residents living along the Quao river said that they strongly support the repair and improvement of dam safety because it will provide water for production, improve crop yields. Moreover, it also provides clean water for drinking and life of so many people in Ham Tri and Thuan Hoa communes.

However, households also suggested during the dam construction if flood discharge should have appropriate plans for flood discharge to avoid causing flooding rice, vegetables and fruits of the people. In particular, when carrying out flood discharge, station should provide advance notice to them for several days to prepare plans to cope in time to reduce the damage.

### **III. POLICY FRAMEWORK AND ENTITLEMENTS**

#### **3.1 Legal framework of Vietnam on Land Acquisition and Resettlement**

The GOV's Legal Framework: The main laws and decrees relating land acquisition, compensation and resettlement applied in Vietnam and regulations of cities/provinces include the Constitution of the Socialist Republic of Viet Nam (in 1992 and reviewed in 2013) which confirms the right of citizens to own and protect the ownership of a house. In addition, the Government, MONRE, MARD, Ministry of Industry and Trade have enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation and resettlement, safety dams and irrigation works corridor protection. The principal documents include:

- Constitution of Vietnam 2013;
- The Law on Land 45/2013/QH13 which has been effective since July 1, 2014;
- Ordinance 34/2007/PLUBTVQH11 of the National Assembly, dated on 20/4/2007, about the exercise of democracy at commune/ward/town level, regulating issues need to be public to people, in which there is publicity of “projects, investments and priorities, implementation progress, compensation plan, support for site clearance, resettlement related to projects/work in commune”;
- Decree No.43/2014/ND-CP dated on May 15, 2014 guiding in detail some articles of Land Law 2013;
- Decree No.44/2014/ND-CP dated on May 15, 2014 provides on method to determine land price; make adjusted land price brackets, land price board; valuate specific land price and land price consultancy activities;
- Decree No. 47/2014/ND-CP dated on May 15, 2014 providing compensation, assistance, resettlement when land is recovered by the State;
- Decree No. 38/2013/ND-CP dated on April 23, 2013, on management and use of official development assistance (ODA) and concessional loans of donors;
- Decree No. 112/2008 / ND-CP on the management, protection and exploitation of integrated resources and environment of reservoirs;
- Decree No. 72/2007 / ND-CP dated on May 07, 2007 of the Government on management of dam safety;
- Decree No. 201/2013 / ND-CP dated on November, 27, 2013 of the Government detailing the implementation of some articles of the Law on Water Resources;



- Decision No. 1956/2009/QĐ-TTg, dated on November 17, 2009, by the Prime Minister approving the Master Plan on vocational training for rural labors by 2020
- Decision No. 52/2012/QĐ-TTg, dated on November 16, 2012, on the assistance policies on employment and vocational training to farmers whose agricultural land has been recovered by the State;
- Decision 64/2014 / QĐ-TTg of the Prime Minister dated November 18, 2014 on specific policies on migration and resettlement of irrigation, hydropower projects;
- Circular No. 33/2008 / TT-BNN dated on February 04, 2008 of the Ministry of Agriculture and Rural Development Guidelines perform a number of articles of Decree No. 72/2007 / ND-CP;
- Circular No. 45/2009 / TT-BNN dated on July 24, 2009 of the Ministry of Agriculture and Rural Development Guidelines for establishment and approval of plans for the protection of irrigation works;
- Circular No. 65/2009 / TT-BNN dated on October 12, 2009 of the Ministry of Agriculture and Rural Development Guidelines for organization, operation and decentralization of exploitation of irrigation works;
- Circular No. 40/2011 / TT-BNN dated on May 27, 2011 of the Ministry of Agriculture and Rural Development Regulating capacity of organizations and individuals involved in the management and exploitation of irrigation works;
- Circular No. 34/2010 / TT-BCT dated on October 07, 2010 of the Ministry of Industry and Trade Regulating on the safety management of hydropower dams;
- Circular No. 36/2014 / TT-BTNMT dated on 30 June 2014, regulating method of valuation of land; construction, land price adjustment; specific land valuation and land valuation advisory
- Circular No. 37/2014/TT-BTNMT dated on 30 June 2014, regulating compensation, assistance and resettlement when the State acquires land.
- Others

Other laws, decrees and regulations relevant to land management, land acquisition and resettlement include the Construction Law 50/2014/QH13, dated on 18 Jun 2014, on construction activities, rights and obligations of organization and individual investing in civil works construction and construction activities; Decree 102/2014 / ND-CP on sanctioning of administrative violations in the field of land replaced by Decree No. 15/2013 / ND-CP dated on February, 06, 2013 on quality management of constructions;;

Decree No. 12/2009/NĐ-CP of the Government, dated 12 February 2009 on the management of construction investment projects and replacing the Decree 16/2005/ND-CP, the Decree 126/2014/ND-CP of the Government on the management and use of Official Development Assistance (ODA) fund, and Decree 70/2001/ND-CP of the Government on marriage and family Law implementation, stipulating that all documents registering family assets and land use rights must be in the names of both husband and wife; Decisions of project provinces relating to compensation, assistance and resettlement in provincial territory will be also applied for each relevant project province.

Laws, decrees and decisions relevant to public disclosure of information at the Article 39 Land Law No. 45/2013/QH13, require disclosure of information to affected people prior to acquisition of agricultural and non-agricultural lands within minimum 90 and 180 days respectively.

Decrees relevant to protection and preservation of cultural property include Decree No. 98/2010/ND-CP Detailed regulations for implementation of some articles of the Law on Cultural Heritage and the Law on editing and supplementing some articles of the Law on Cultural Heritage requiring that sites currently recognized as cultural and historical vestiges, should be kept intact according to current legal regulations.

Documents relating to complaints and resolve complaints mechanisms: complaints Law 02/2011/QH13 dated on November 11, 2011, Decree No. 75/2012 / ND-CP of the Government dated on March 10, 2012: Specific provisions a number of articles of the Law on Complaints.

Besides the general policy of the Government of Vietnam, the People's Committee of Binh Thuan province has also introduced legislation to apply the Decree of the Government circulars and guidelines of the agencies and departments of land acquisition and clearance. The following decision issued regulations on compensation and assistance when the State recovers land area of the town and district of Binh Thuan province as follows:

- Decision No. 03/2013/QĐ-UBND dated 11/01/2013: on the promulgation of rules and regulations of the compensation rate for losses of property when the State acquires land for construction works in Binh Thuan province.
- Decision No. 07/2014 QĐ- UBND dated 25/1/2014 of Binh Thuan Province People's Committee on the promulgation of rules and regulations of the compensation rate for losses of property when the State acquires land for construction in Binh Thuan province.

- Decision No. 05/2014 QD- UBND dated 13/2/2015 of Binh Thuan Province People's Committee: the promulgation of rules and regulations of the compensation rate for property damage when the State acquires land for construction in Binh Thuan province.

### **3.2 Involuntary Resettlement Policy of the World Bank OP 4.12**

The World Bank recognizes that involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. The Bank's Resettlement Policy OP 4.12, includes safeguards to address and mitigate the economic, social, and environmental risks arising from involuntary resettlement.

The WB's involuntary resettlement policy objectives are the following:

- (i) Involuntary resettlement should be avoided where feasible, or minimized after exploring all viable alternatives in project design;
- (ii) Where resettlement cannot be avoided, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the people affected by the Project to share in benefits. Affected Persons should be meaningful consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (iii) Affected Persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-project levels or to levels prevailing prior to the beginning of project implementation, whichever is higher

### **3.3 Comparison between approaches of Government of Vietnam and World Bank**

There are differences between the Government of Vietnam's Laws, policies, regulations related to land acquisition/resettlement, and the World Bank's OP 4.12 on Involuntary Resettlement. The following table highlights the key differences in order to establish a basis for the design of the principles to be applied for compensation, assistance and livelihood restoration support for the affected households, which will be applied under this project.

**Table 12: Comparison of Vietnam's and World Bank's Policies related to Involuntary Resettlement**

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
<b>Land Property</b>			
<i>Policy objectives</i>	<i>PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i>	<p>Not mentioned.</p> <p>However, there is a provision of support to be considered by PPC to ensure they have a place to live, to stabilize their living and production. (Article 25 of Decree 47).</p> <p>In case the amount of compensation/support is not enough for resettled people to buy a minimum resettlement plot/apartment, they will be financially supported to be able to buy a minimum resettlement plot/apartment (Article 86.4 of Land Law 2013 and Article 27 of Decree 47)</p>	Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
<i>Support for affected households who have no recognizable legal right or claim to the land they are occupying</i>	<i>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</i>	Only agricultural land used before July 1, 2004 is eligible for compensation. Other cases may be considered for assistance by PPC if needed.	Financial assistance of an agreed amount will be given to all PAPs, regardless of their legal status, until their livelihoods and standards of living restore in real terms, at least, to pre-displacement levels.

<i>Compensation for illegal structures</i>	<i>Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.</i>	No compensation	Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure.
<b>Compensation</b>			
<i>Methods for determining compensation rates</i>	<i>Compensation for lost land and other assets should be paid at full replacement costs,</i>	Compensation for lost assets is calculated at price close to transferring the assets in local markets or the cost of newly-built structures. Provincial People's Committees are granted to identify compensation prices for different categories of assets. Independent land valuator can be used to determine land prices, which will be appraised by land appraisal board before Provincial People's Committee approval.	Independent appraiser identifies replacement costs for all types of assets affected, which are appraised by land appraisal board and approved by. Provincial People's Committees to ensure full replacement costs.
<i>Compensation for loss of income sources or means of livelihood</i>	<i>Loss of income sources should be compensated (whether or not the affected persons must move to another location)</i>	Assistance in respect of income loss is given only for registered businesses. Assistance measures to restore income sources are provided.	All income losses are to be compensated and, where necessary to achieve the objectives of the policy, development assistance in addition to compensation will be provided.
<i>Compensation</i>	<i>It is good practice for the borrower to</i>	Not addressed.	Social assessment has been

<i>for indirect impact caused by land or structures taking</i>	<i>undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups.</i>		undertaken and measures identified and being implemented to minimize and mitigate adverse impacts, particularly upon poor and vulnerable groups.
<i>Livelihood restoration and assistance</i>	<i>Provision of livelihood restoration and assistance to achieve the policy objectives.</i>	Livelihood restoration and assistance measures are provided. No follow-up for full livelihood restoration after resettlement completion.	Provision of livelihood restoration and assistance measures to achieve the policy objectives. These will be monitored as detailed in the RAP
<i>Consultation and disclosure</i>	<i>Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms</i>	Focus mostly on consultation during planning (consultation on draft plan of compensation, support and resettlement and plan for training, career change and facilitating job searching); information sharing and disclosure.	Consultation and participation incorporated into RAP design, along with information sharing with PAPs and stakeholders.
<b><i>Grievance redress mechanism</i></b>			
	<i>Grievance redress mechanism should be independent</i>	The same governmental body makes decisions on compensation and resettlement, and also handles grievances at the first step.  However, complainants can go to court at any steps as PAP wishes.	More effective Grievance and Redress mechanisms are to be established, built on the existing governmental

			system, with monitoring by an independent monitor
<b>Monitoring &amp; Evaluation</b>			
	<i>Internal and independent monitoring are required</i>	<p>Citizens are allowed to supervise and report on breaches in land use and management on their own (or through representative organizations), including land recovery, compensation, support and resettlement (Article 199, Land Law 2013).</p> <p>There is no explicit requirements on monitoring of the resettlement works, including both internal and independent (external) monitoring</p>	<p>Both internal and external (independent) monitoring is to be regularly maintained (on a monthly basis for internal and bi-annual basis for independent monitoring). An end-of-project report will be done to confirm whether the objectives of OP 4.12 were achieved.</p>

#### IV. PRINCIPLES AND POLICIES FOR RESETTLEMENT, COMPENSATION AND REHABILITATION

##### 4.1 General principles

All projects affected people (PAP) who have assets within or reside within the area of project land-take before the cut-off date are entitled to compensation for their losses. Those who have lost their income and/or subsistence will be eligible for livelihood rehabilitation assistance based on the criteria of eligibility defined by the project in consultation with the PAPs. If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.

- The compensation rates will be determined based on the results of independent appraisal of the land/crops/assets (associated with the land) in a timely and consultative manner. All fees and taxes on land and/or house transfers will be

waived or otherwise included in a compensation package for land and structures/or houses or businesses. The local authorities will ensure that PAP choosing relocation on their own, obtain, without additional costs, the necessary property titles and official certificates commensurate with similar packages provided to those who choose to move to the project resettlement sites.

- Land will be compensated “land for land”, or in cash, according to PAP’s choice whenever possible. The choice of land for land must be offered to those losing 20% or more of their productive land. If land is not available, Project Management Unit (PMU) must assure itself, that this is indeed the case. Those losing 20% or more of their land will have to be assisted to restore their livelihood. The same principles apply for the poor and vulnerable people losing 10% or more of their productive landholding.
- PAPs who prefer “land for land” will be provided with land plots with the equivalent productive capacity for lost lands or a combination of land (a standard land plot) in a new residential area nearby for residential land, and cash adjustment for difference between their lost land and the land plots provided. The resettlement area will be planned properly and implemented in consultation with the PAPs. All basic infrastructures, such as paved roads, sidewalks, drainage, water supply, and electricity and telephone lines, will be provided.
- PAPs who prefer “cash for land” will be compensated in cash at the full replacement cost. These PAPs will be assisted in rehabilitating their livelihoods and making their own arrangements for relocation.
- Compensation for all residential, commercial, or other structures will be offered at the replacement cost, without any depreciation of the structure and without deduction for salvageable materials. Structures shall be evaluated individually. Any rates set by category of structure must use the highest value structure in that group (not the lowest).
- Households whose income generation activities, or livelihoods are affected as a result of water cut during dam/reservoir rehabilitation (temporary impact) will be compensated for at replacement costs principle.
- The PAPs will be provided with full assistance (including a transportation allowance) for transportation of personal belongings and assets, in addition to the compensation at replacement cost of their houses, lands and other properties.



- Compensation and rehabilitation assistance must be provided to each PAP at least 30 days prior to the taking of the assets for those who are not to be relocated and 60 days for those who will have to be relocated. Exceptions should be made in the case of vulnerable groups who may need more time.
- If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.
- Additional efforts, such as economic rehabilitation assistance, training and other forms of assistance, should be provided to PAPs losing income sources, especially to vulnerable groups, in order to enhance their future prospects toward livelihood restoration and improvement.

#### **4.2 Entitlement policies**

All APs who are identified in the project-impacted areas on the cut-off date of the Project baseline survey (BLS) will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to enhance, or at least restore their livelihoods in real terms relative to pre-project levels; and to improve the standards of living of the affected poor and other vulnerable groups. The cut-off date is the date when the PPC issues the Notification of Land acquisition for the relevant project (Article 67.1 of Land Law 2013) before implementation of DMS. Those who encroach into the investment area or building their new assets (rehabilitation, construction of houses/structures, new tree planting) after the cut-off date will not be entitled to compensation or any other assistance.

Based on the feasibility study report, the baseline social survey (BLS), social impact assessment initially, the impact of resettlement: the group of people affected, download the affected land and other impacts through IOL. Based on the objectives of the policy and policy harmonization land acquisition, resettlement is proposed for the project, the interests of the affected people are required by law. The specific benefits for each group of affected people mentioned in the entitlement matrix below.

**Table 13: Matrix of entitlements**

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
<b>1. Productive land<sup>1</sup></b> (Agricultural, garden, pond land, etc.) either in or out of the residential area.	<b>Land Users who do not have formal or customary rights to the affected land</b>	<p>PAPs will receive assistance corresponding to 80% of land replacement cost. Agricultural land used before July 1, 2004 will be compensated at 100% as per Article 77.2 of the land law. In addition to above, rehabilitation/training assistance will be provided.</p> <p>In case the PAP uses public land where there was previous agreement to return the land to the Government when so requested, they will not be compensated for the acquired public land but will be compensated for structures, crops, trees and other assets on the land at 100% of the replacement cost.</p>	<ul style="list-style-type: none"> <li>- Affected households to be notified at least ninety days before land acquisition by the Project.</li> <li>- The owner of land will hand over the land within 20 days from the date District Resettlement Council fully pays compensation for land.</li> </ul>
<b>2. Residential land</b>	<b>Relocated PAPs</b>	<p><i>(i) Legal or legalizable land users:</i></p> <p>A land plot in a resettlement site or apartment</p>	<ul style="list-style-type: none"> <li>- Affected household to be notified at least 180 days before land recovery</li> </ul>

<sup>1</sup>The sub-categories of productive land such as agricultural, forestry, garden, aquaculture and pond will be compensated at different rates. These will be specified and detailed in the Resettlement Action Plans to ensure the compensation is reflective of current rates and takes into account geographic variation. Land on which businesses are located will be compensated as detailed in the section on relocation of business.

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>will be provided to the PAP, in consultation with them. They will have full land title or apartment ownership title without any cost to them.</p> <p>Or, on request of the PAPs through informed choice, cash compensation at full replacement cost plus the amount equivalent to the value of the infrastructure investments calculated averagely for each household in a resettlement site. In this case, they will be expected to relocate themselves.</p> <p>If the compensation amounts is less than the cost of a minimum land plot/apartment in the project's resettlement site, PAPs will be provided additional supported to enable them to acquire the land plot/apartment (or cash assistance will be provided equivalent to this difference for self-relocated PAPs).</p> <p><i>(ii) PAPs who do not have formal, or customary rights to the affected land:</i></p> <p>An identified financial assistance of agreed amount will be provided. If the PAP has no place to move, an apartment in the</p>	<p>by the Project.</p> <ul style="list-style-type: none"> <li>- The process of compensation for a plot/apartment for legal and legalizable PAPs at the resettlement site will be as follows:</li> <li>- If the selling cost of minimum plot(s)/apartment at the new site is more than the value of the affected residential land, PAPs receive new plot/apartment at no additional cost.</li> <li>- If the plot(s)/apartment at the new site is equal the value of affected residential land, PAPs receive new plot/apartment at the new site without any balance.</li> <li>- If the plot(s)/apartment at the new site is less than the value of affected residential land, PAPs will receive plot/apartment and the difference in cash.</li> </ul> <p>The planning and detailed design for the relocation sites will be done by consultant of DCB in consultation</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>resettlement site will be provided and the PAP can either pay in installment to buy or rent it for living.</p> <p>In case the relocated PAP belong to poor or vulnerable groups or HHs, the project will provide assistance to ensure that the PAP is able to relocate and re-establish themselves to a new site.</p>	<p>with stakeholders and then approved by the PPC.</p> <p>Detailed regulation on plot/apartment allocation will be developed by DCB through consultation with commune and PAPs, followed by approval of PPC.</p> <p>For relocating households, assistance is in form of land-for-land of similar characteristics with title at no cost. The replacement land is no less than 40m<sup>2</sup>, or compensation in cash with equal value if PAPs for self-relocation.</p> <p>Area and number of land plot/apartment in resettlement sites will be decided in consultation with PAPs.</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
			For poor or vulnerable PAPs who have no other residential land in the same as their affected commune, the project will provide an apartment and the PAPs can either pay in installment to buy or rent it for living.
<b>3. Houses</b>	<b>3.1. Partial impact:</b>  Unaffected portion of the house is still viable for use and could be remained from the technical viewpoints, therefore, require no relocation.	<ul style="list-style-type: none"> <li>- If house/structure is partially affected and the remaining structure is viable for continued use, the project will provide a house/structure repair cost, in addition to the compensation for affected portion at replacement cost, to enable PAPs to restore it to former or better conditions.</li> <li>- Compensation for other structures/fixed assets will be at full replacement cost and will be in cash.</li> </ul>	The calculation of rates will be based on the actual affected area and not the useable area.
	<b>3.2. Full impact</b> (i.e., house is partially acquired by the project but no longer viable for continued use or the entire structure is acquired).	<ul style="list-style-type: none"> <li>- Compensation in cash for entire affected structures will be provided at 100% of the full replacement cost for materials and labor, regardless of whether or not they have title to the affected land or permit to build the affected structure. The amount will be</li> </ul>	The calculation of rates will be based on the actual affected area and not the useable area.

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>sufficient to rebuild a structure the same as the former one at current market prices. No deductions will be made for depreciation or salvageable materials.</p> <p>- Compensation for other structures/fixed assets will be at full replacement cost and will be in cash. Tenants of state or organization's houses will be: (i) entitled to rent or buy a new apartment of the area at least equal to their affected ones; or (ii) provided an assistance equal 60% of replacement cost of the affected land and houses. Any investments such as structures, trees, crops etc. made on the land by the PAPs will be compensated at their full replacement cost.</p> <p>The tenants who are leasing a private house for living purposes will be provided with transportation allowance for moving their assets. They will also be assisted in identifying alternative accommodation.</p>	
<b>4. Crops and trees, aquaculture products</b>	Owners regardless of tenure status	For annual and perennial standing crops or trees, aquaculture products regardless of the legal status of the land, compensation in cash	PAPs will be given notice several months in advance regarding evacuation. Crops grown after

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		will be paid to the affected persons, who cultivate the land, at full replacement cost in local markets to ensure the compensation is sufficient to replace the lost standing crops, trees or aquaculture products.	issuance of the deadline will not be compensated.
<b>5. Public structures</b>	Loss of, or damage to assets	Either in (i) cash compensation to cover the cost of restoring the facilities or (ii) in kind compensation based on the negotiation between District Resettlement Council and owners of assets.	For public structures, the displacement will be carried out by the owners prior to the start of works.
<b>6. Communal-owned assets, collective assets</b>	Loss of, or damage to assets of village, ward, commune, district, provincial government unit.	Either (i) cash compensation to cover the cost of restoring the facilities or (ii) in kind compensation based on the negotiation between DCB and owners of assets.	For the communal owned assets directly affecting lives and production activities of the community, restoration must be done prior to the start of works.
<b>7. Loss of Income/ Livelihood due to loss of productive land</b>	Impacts due to permanent loss of 20% or more of their total productive land or where <20% land affected but the remaining land is rendered unviable.  (Legal, legalizable land	- <b>Allowance for Loss of Livelihood:</b> Affected person will be compensated with 30kg of rice/person/month, including:  (a) : Affected households losing 20% to 70% of their agricultural land will be assisted for 6 months if the remaining land is viable for continued use, and for 12 months in case the	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	users and PAPs with lease agreement over the affected land)	<p>remaining land is rendered unviable and entire land is acquired by the project. In some special cases, in extremely difficult areas, the assistance may be given up to a maximum of 24 months;</p> <p>(b) Affected households losing more than 70% of their agricultural land acquired will be assisted for 12 months if the remaining land is viable for continued use, and for 24 months in case the remaining land is rendered unviable and entire land is acquired by the project. In some special cases, in extremely difficult areas, the assistance may extend to a maximum of 36 months; In addition, these PAPs will be targeted for livelihood restoration program;</p> <p>(c) households affected by loss of &lt;20% of land and the remaining land is rendered unviable for continued use, the PAPs will be provided assistance for 12 months;</p> <p><i>Assistance for agricultural, garden and pond land in the residential area adjacent to residential land, but not recognized as</i></p>	



Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p><b><i>residential land:</i></b> Additional assistance (40% of the cost of compensation for the adjacent residential plot) for garden land and pond land; and (at 50% of the cost of compensation for the adjacent residential plot) for agricultural land.</p> <p>In case of land-for-land compensation, PAP will be assisted with seedlings, agricultural-forestry extension programs, husbandry etc.</p> <p><b><i>Vocational conversion assistance:</i></b> Every PAP affected by loss of productive land, irrespective of the degree of impact, will be provided with additional assistance equivalent to at most 5 times the agricultural land price established by PPC.</p> <p><b><i>Support for vocational training and job creation:</i></b> At least one member of households affected by loss of productive land will be entitled to vocational training and assistance in getting employment in the province. The PAPs participating in such training programs will be exempted from payment of tuition fees course will be paid directly to the vocational</p>	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		training centers. After finishing training courses, they will be given priority to be recruited in local manufacturing industries.	
<b>8. Allowances/ Assistance Targeted to Vulnerable Households</b>	<p><b>Loss of land and non-land assets</b></p> <p><i>Affected vulnerable groups regardless of severity of impacts. The vulnerable groups were defined as in Terms of Terminology</i></p>	<p>Specific assistance to vulnerable groups would be as follows:</p> <ul style="list-style-type: none"> <li>- <b>For landless households</b>, assistance through provision of an apartment that PAP can either pay in installment to buy or rent it for living.</li> <li>- <b>Social Policy</b>: (i) Relocated Households that include heroic mothers, heroic armed force, heroic labor, war veterans, wounded or dead soldiers families will be provided with support as regulated by the PPC; (ii) Poor Relocated Households or Poor Households where 20% or more of their productive land is affected or where &lt;20% land is affected but the remaining land is rendered unviable and to be certified by local authority).</li> <li>- <b>Other vulnerable groups</b> affected by the Project, whether they have to relocate or not, (female headed households with dependents, households with disabled persons, elderly without any source of support, ethnic minority</li> </ul>	<p>- Allowance for households as per Government regulation (social policy households, heroic mothers, wounded, dead soldiers). If the household eligible to more than one additional support allowance for the vulnerable people, only one package with the highest value will be applied</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>households) will get the same support given to poor households in accordance with the provincial policy.</p> <p>- These households are entitled to take part in Income Restoration Program</p>	

## **V. RESETTLEMENT AND INCOME RESTORATION PROGRAM**

### **5.1 Objectives**

Income restoration program is to implement programs to support to help them improve or at least restore living standards, income and ability to produce pre-project.

The overall objective of the project is to ensure that all people affected by the subproject can maintain, or improve living standards and income earning capacity of the compensation and rehabilitation support for all types of real estate they lost.

### **5.2 Principles**

According to the policy framework for compensation and resettlement for the subproject and the decision to support and resettlement when the State recovers land in the province of Binh Thuan and results tallying the damage. No household losing 20% (from 10% for vulnerable households) or more productive land. The livelihood restoration program suitable to be designed and implemented in consultation with those affected during subproject implementation.

### **5.3 Income restoration program**

#### ***Financial source***

Funding sources for implementation of compensation and resettlement include funds for paying compensation and support, building resettlement sites (if necessary), restoring livelihoods and income, and managing implementation of resettlement as counterpart funds Government. Funds for the implementation of livelihood recovery program can retrieve from ODA to reduce difficulties for counterpart funds of the Government and of the provinces.

#### ***Program***

Households affected from 20% of productive land (from 10% for vulnerable households) or more, will be receiving support of livelihood recovery:

Support for stable production and life in cash equivalent to 30kg of rice / person / month for a maximum period of 12 months for each specific case.

Support for vocational training to change job for all affected people in working age (Men: 18-55 years old, Women: 18-50 years old) who are farming, fishing or similar profession and bear significant impact or major loss of revenue.

Facilitating participation in the construction work (the manual work such as excavation, embankment) to increase income.

In addition to the above-mentioned support, the implementation phase of resettlement, will hold intensive consultation for affected households to understand the aspirations of households on livelihood restoration, thereby building livelihood recovery

plan for the affected households and monitor the recovery process to ensure the livelihood of the household income as before the project.

#### **5.4 Resettlement arrangement**

APs, who must relocate or are affected by the project are entitled to the compensation and/or assistance for their losses including:

- (a) those who have legal (formal) rights to land or other assets;
  - (b) those who do not have legal (no formal) rights to land or other assets at present but have submitted a claim to such land or assets in accordance with the regulations in the laws of Vietnam based on such records as bills of land tax, certificates of residence status or local authorities' permission on occupation and use of project affected land; and
- Persons who have not recognizable legal right or no claim to the land they are occupying are not compensated, but provided resettlement assistance, and other assistance, if necessary, to achieve the objectives of this policy, if they own the project land prior to a cut-off date determined in the RAP. Persons who occupy land after the cut-off date determined in the RAP are not entitled to any compensation or any other resettlement assistances.

#### **5.5 Vulnerable people**

The vulnerable households are very poor households with social assistance from the government; households that pillar of the family are women, protection of ethnic minorities, household policies, protection of war invalids and martyrs, the elderly, disabled people ... will be supported to improve on things economic and earnings recovery, depending on the specific case. The support will include food aid, and support for vocational training.

Vulnerable households or severely affected households affected more than 2 types (just as poor, just as households with female heads of households, just as poverty is both a family policy, or both as poor, just as family policy is headed households and women ...) will receive one of maximum assistance for the group.

#### **5.6 The gender strategy**

Some strategies will be presented for approval to ensure resettlement and gender affect recovery solutions to attract the participation of women in planning and implementing resettlement programs as well as programs other works. Construction supervision consultant, social experts, the project manager for the province will guide the development and implementation of gender policies, to ensure that these policies are implemented accordingly.

Strategy for the people affected will implement gender-sensitive issues:

- (i) Consult with women to determine the criteria for replacement land or land improvement is especially planned for the remaining land and income restoration and facilitate access education, health, markets and other economic activities.
- (ii) Consultation with affected people about proper layout to ensure that women (including women-headed households or household members) are aware of the right of choice and your responsibility ; and opinions of the women were considered in the decision making process.
- (iii) The payment of compensation will be made by both spouses sign or the head of a woman.
- (iv) construction project contract includes commitments on gender equality (i) Make sure not to use child labor and illegal ii) No discrimination against women workers; and iii) does not distinguish between men and women in paid work.

Headed by women affected as well as the members of the Compensation Committee Clearance are encouraged and supported to participate fully in the implementation of the resettlement plan. These activities, along with the resettlement framework facilitates encourage participation include:

- (i) The Resettlement Council of districts and communes, departments will resolve the complaint with the participation of representatives of women's groups, women household heads and representatives of the affected households.
- (ii) Representation of women in Resettlement Council of districts and communes will facilitate the exchange of experience from other projects.
- (iii) Women are affected and the other committee will make recommendations on the related impact on the environment and society.

## **VI. INFORMATION DISCLOSURE AND COMMUNITY CONSULTATION**

### **6.1. Information disclosure policy of WB (OP17.50)**

Dissemination of information for people affected by the project and the participating institutions is an important part in the preparation and execution of projects. In consultation with those affected and ensure that they participate actively to reduce the possibility of conflicts arising and minimize project risks slowing. This also allows project design resettlement programs and rehabilitation as an integrated development program in accordance with the needs and priorities of the people affected, and therefore, maximizing economic benefit social and economic investments. The objectives of the program information and community consultation include:

Ensure that the competent authorities at local as well as representatives of the people affected, to be involved in the planning and decision making. The Provincial Project Management Unit will work closely with DPC / communes participating in the project during the project implementation. The participation of those affected in the implementation will be continued by asking each district / village invite representatives of those affected as a member of the Council / Board Compensation for land clearance and resettlement of districts and participate in resettlement activities (asset valuation, compensation, resettlement, and monitoring).

Share all information about the items and planned activities of the sub-project with affected people.

Collect information on the needs and priorities of those affected, as well as receive information on their response on policies and activities planned.

Ensure that those affected can be fully informed decisions directly affecting the income and living standards, and they have the opportunity to participate in activities and decision-making on issues directly affect them.

Achieve the cooperation and participation of the affected people and communities in the activities necessary for the planning and implementation of resettlement.

Ensure transparency in all activities related to land acquisition, compensation, resettlement and restoration.

### **6.2 Information disclosure**

The purpose of the dissemination of information is to provide information on compensation, impact and grants to affected people and communities affected. In fact, due to the social relationships of farmers limited and hesitant routine contact with the authorities, the concerns related to policies rarely exchanged between local government and the affected people. Affected people feel comfortable asking about compensation

policies and receive documents related to the project at any time, they do not have to wait to hear information dissemination.

As per Bank's requirement, RAP will be disclosed in Vietnamese at local level, particularly at the office of PMU, District PCs, Ward/Commune PCs and the World Bank's Vietnam Development Information Center (VDIC) in Hanoi before and after it is approved by the Government of Vietnam. The English version of this RAP will be also disclosed at the World Bank Info Shop in Washington D.C. prior to project appraisal.

#### ***6.2.1 Information disclosure when preparing RAP***

Dissemination of information and public consultation process deployed in the preparation and implementation of projects to ensure that the affected households and the stakeholders to be informed promptly of the land acquisition, compensation and resettlement, this is also an opportunity for the affected people can participate and express their aspirations for the program implementation of resettlement. Resettlement Consultants cooperated with the representatives of the People's Committees of districts and communes / towns in the subproject area, leaders of the villages organize meetings and community consultations, provision of information and guidance the next step to ensure the affected households are provided with timely information.

In addition, other organizations and individuals involved in land acquisition and property on land and resettlement include: representatives of social organizations such as the Farmer Associations, Women's Union, Fatherland Front of communes / towns in the area affected subproject meetings also involved dissemination of information and consultation on land acquisition, compensation and resettlement of sub-project.

The main content of public consultation meetings:

Dissemination of general information on the policies of the World Bank, Vietnam's policy, project repair and improve dam safety and subprojects.

Inform project information and Bank policy on resettlement, environment, gender policies and ethnic minorities through village loudspeakers, project information leaflets;

Gathering information and opinions from local residents about the project

During the public consultation meetings, to introduce and provide all information related to the project and safety policies of the World Bank, advice and feedback from local people in the design, resettlement issues, wishes and aspirations of the people;

Answering the questions of local people about the project and safety policy;

CPC requirements, project management committee to answer specific questions of the locals about project details or local policies;



Record reviews of people, representatives of the CPC and the stakeholders in the minutes of the meeting.

### ***6.2.2 Information disclosure when implementing RAP***

The purpose of disclosure is to inform about the issues affecting compensation and support families and communities affected. There is an undeniable fact of limited social relationships and exchanges with local governments to farmers, so the issues related to the policy are not discussed frequently and directly with people.

As mentioned above, resettlement consultants in coordination with local governments in the region organize the consultations with the affected households, to share information and discuss the impact positive and negative can occur during implementation of sub-projects, progress of sub-projects, resettlement, compensation, assistance, compensation procedures and specific policies on compensation has been include in RPF. The documents related subprojects will be distributed to the affected families in the meeting.

## **6.3 Public consultation**

### ***6.3.1 Public consultation during the preparation of RAP***

Public consultation was carried out in March 2015, at the Ham Tri, Thuan Hoa communes and the following contents:

Notifications fully, freedom and democracy to the government as well as people affected by the subproject.

Send notice of plans to build RAP report to the local government district / district / city and commune / ward / township.

Survey information sheets at the affected families, including:

- The impact of the works on the lives of people in the region, the advantages and difficulties of resettlement. Opinions on the compensation and resettlement plan.
- The impact of the construction on the lives of local people, local infrastructure, the advantages and difficulties of resettlement
- Review of compensation and resettlement plan proposed.

During the public consultation meetings with the participation of: The affected households; CPCs representatives, social organizations (Association, WU). Contents of the meeting to discuss the proposed sub-project, gathering community input on the various design options

The information disseminated during the meeting include: (i) The scope and purpose of the subproject; (ii) procedures, processes and procedures related to the compensation, support and resettlement; (iii) the impact of resettlement.

- Opinion of the people involved: subproject impact is negligible because the repair and upgrading of existing facilities to improve the efficiency of irrigation projects, contributing to the benefit of the people. Local has been welcomed by the affected households. The affected households desire to provide information on the progress of the project and wants the project to be implemented

Public consultation after the draft action plan for resettlement completed with the aim of providing information and consultation with APs and the organizations and individuals concerned about: (i) the results estimated damage harm; expected on compensation rates and benefits; (ii) the procedures for paying compensation and resettlement activities; Collecting complete and accurate reviews of the people, creating opportunities for people affected participants plan their relocation to the fullest in order to ensure the development of democracy.

All the participants agreed on the implementation of the project, the project's policy and they want the project to be done so that people have better opportunities in the development of production and life.

### ***6.3.2 Community consultation in the implementation of RAP***

Before starting the updated action plan for resettlement in accordance with the detailed design, project management Provincial Committee / Board Compensation, Resettlement support and provincial / district will hold public meetings in each affected communes to provide additional information for people affected and provide opportunities for them to participate in public discussions on policy and procedures for resettlement. Send an invitation to all those affected before the meeting at the same place. The purpose of this meeting is to clarify the information has to date of the meeting and provide opportunities for affected people to discuss concerns and clarify information. Along with written notice to the affected people, to use measures other information to information for people affected and the general public, such as posters in the visible region at headquarters Commune People's Committee / District, where people affected are living, alerts stations, local newspapers. Both men and women of the affected households as well as members of the community who are interested are encouraged to participate. During the meeting will explain the project, and the rights and entitlements of households, and the meeting will be an opportunity to raise questions relating. Similar meetings will be held periodically throughout the project cycle. The organization of opinion must be recorded in writing, certified by the commune People's Committee, Representative Committee of the Vietnam Fatherland Front and communal representatives who have acquired land.

### ***6.3.3 Project leaflets***

Leaflets provide information about the project will be developed and provided to people affected by the project during the project preparation phase and implementation phase of the project to ensure that people grasp and aware of the benefits that the project brings. Leaflets project provides compensation policies, supporting details presented in the Resettlement Policy Framework aims to develop measures to mitigate the social impact, the sub-project land acquisition and clearance.

### **6.5 Grievance Redress Mechanism**

In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism needs to be established. APs are not required to pay any fee during any of the procedures associated with seeking grievance redress including if resolution requires legal action to be undertaken in a court of law. The mechanism of complaint and complaint and grievances resolution steps are as below:

#### **First Stage - Commune/Ward People's Committee**

An aggrieved APs may bring his/her complaint to the One Door Department of the Commune/Ward People's Committee, in writing or verbally. The member of CPC/WPC at the One Door Department will be responsible to notify the CPC/WPC leaders about the complaint for solving. The Chairman of the CPC/WPC will meet personally with the aggrieved APs and will have 30 days following the receiving date of the complaint to resolve it. The CPC/WPC secretariat is responsible for documenting and keeping file of all complaints handled by the CPC/WPC.

#### **Second Stage - At District People's Committee (DPC)**

If after 30 days the aggrieved affected household does not hear from the CPC, or if the APs is not satisfied with the decision taken on his/her complaint, the APs may bring the case, either in writing or verbally, to any member of the DPC or the DRC of the district. The DPC in turn will have 30 days following the receiving date of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DRC of district of any decision made. Affected households can also bring their case to Court if they wish.

#### **Third Stage - At Province People's Committee (PPC)**

If after 30 days the aggrieved PAP does not hear from the DPC, or if the PAP is not satisfied with the decision taken on his/her complaint, the PAP may bring the case, either in writing or verbally, to any member of the PPC or lodge an administrative case to the District People's Court for solution. The PPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The PPC secretariat is also responsible for

documenting and keeping file of all complaints that it handles. Affected households can also bring their case to Court if they want.

### **Final Stage - Court of Law Decides**

If after 45 days following the lodging of the complaint with the PPC, the aggrieved PAP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Decision by the court will be the final decision.

Decision on solving the complaints must be sent to the aggrieved APs and concerned parties and must be posted at the office of the People's Committee where the complaint is solved. After three days, the decision/result on solution is available at commune/ward level and after seven days at district or city level.

In order to minimize complaints to the provincial level, PMU will cooperate with the District Resettlement Committee to participate in and consult on settling complaints;

Personnel: The Environmental and Resettlement staff assigned by PMU will formulate and maintain a database of the APs' grievances related to the Project including information such as nature of the grievances, sources and dates of receipt of grievances, names and addresses of the aggrieved PAPs, actions to be taken and current status.

In case of verbal claims, the reception board will record these inquiries in the grievance form at the first meeting with affected people.

The independent monitoring Consultant will be responsible for checking the procedures for and resolutions of grievances and complaints. The independent monitoring Consultant may recommend further measures to be taken to redress unresolved grievances. During monitoring the grievance redress procedures and reviewing the decisions, the independent monitoring agency should closely cooperate with the Vietnam Fatherland Front as well as its members responsible for supervising law enforcement related to appeals in the area;

The grievance resolution process for the Project, including the names and contact details of Grievance Focal Points and the Grievance Facilitation Unit (GFU), will be disseminated through information brochures and posted in the offices of the People's Committees at the communes and districts and PMU.

At the same time, an escrow account for resettlement payments should be used when grievance is resolving to avoid excessive delay of the project while ensuring compensation payment after the grievance has been resolved.

To ensure that the grievance mechanism described above are practical and acceptable by APs, it were consulted with local authorities and communities taking into account of specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving complaints and conflicting issues. The ethnic minority objects and efforts were also identified and determined which are culturally acceptable ways to find the solution.

## **VII. IMPLEMENTATION ARRANGEMENTS**

The implementation of resettlement activities requires the involvement of agencies and organizations at the national, provincial, district and commune level. Each provincial people's committee will take general responsible for the implementation of the general policy framework and specific resettlement plan of the sub-project of that province. Compensation, Assistance and Resettlement Committees shall be established at district/province level according to the provisions of Decree 47/2014/CP. The provisions and policies of the RPF and the RAPs will form the legal basis for the implementation of compensation and resettlement activities in the Dam Rehabilitation and Safety Improvement Project (DRASIP/WB8).

### **7.1 At Provincial Level: Province People's Committees (PPC):**

PPC take the overall responsibility for compensation, site clearance, and resettlement within the province. The PPC are responsible for:

- Informing or authorizing DPCs to announce about land acquisition when the sub-project location has been selected.
- Issuing decision on land acquisition to land-owners as organizations.
- Approving RAPs of their respective sub-projects
- Approving overall plan on land acquisition
- Directing DPCs to implement compensation, resettlement, and site clearance.
- Providing adequate funds for compensation in a timely manner
- In special cases where the PPC approval is needed for compensation plans, the PPC establishes an appraisal committee at provincial level to appraise the compensation plans submitted by the DRCs so that advice will be provided for the PPC to approve such plans in accordance with the Government's regulations on compensation, assistance and resettlement, and the WB's involuntary resettlement policy (OP4.12) be applied to the project.

### **7.2 PPMU**

PPMU shall be responsible for managing compensation and site clearance of their respective sub-projects, encompassing:

- Prepare and update of RAP.
- Submit sub-project RAPs to the PPC before making compensation payment.
- Co-operate closely with Departments, agencies, sectors, and the project DPCs in implementing resettlement and site clearance to ensure that the

implementation of compensation and resettlement is in line with the construction schedules.

- Monitor internally implementation of compensation and resettlement of the sub-projects, preparing quarterly reports on implementation progress of compensation and resettlement of the sub-projects to CPO.

### **7.3 At the District Level:**

District People's Committees (DPCs) are responsible for:

- Approving compensation plans prepared by DRCs and submitting the PPC for endorsement;
- Issuing decisions on land acquisition from individuals and households
- Settling complaints and grievances of the APs within jurisdiction.

District Agency in charge of Compensation, Assistance and Resettlement (briefly referred to as DRCs) shall take responsibility for implementation of compensation and site clearance for works located in their respective districts, including:

- Preparing compensation plans to submit to DPCs for approval.
- Implementing the approved plan on compensation and site clearance.

### **7.4 At the Affected Community and Commune/Town Level**

Commune/ Town People's Committees (CPCs) are responsible for:

- Disseminating and mobilizing people to implement RPF;
- Planning land use and protecting public safety corridors of reservoirs and dams to maintain security in the locality;
- Providing cadastral maps for Resettlement Committees, determining the origin of land use and mobilizing their staffs to be members of DMS teams.
- Co-operating with DRCs in delivering information and organizing community consultation
- Settling APs' queries relating to inventory of their assets.
- Facilitating and assisting APs in restoring their livelihoods, incomes, and stabilizing their lives

Community level: Affected communes appoint their representatives participating in DMS teams to monitor the implementation process and sign in DMS minutes of affected households.

### **7.5 Implementation procedure**

The implementation procedure complies with Decree No. 47/2014/ND-CP dated

15/5/2014, Circular No. 14/2009/TT-BTNMT dated 01/10/2009 of MoNRE.

Decision No. 05/2014 QD- UBND dated 13/2/2015 of Binh Thuan Province People's Committee: the promulgation of rules and regulations of the compensation rate for property damage when the State acquires land for construction in Binh Thuan province.

With the above legal base and the organizational structure, coordination of stakeholders, the basic operation of the compensation and resettlement is conducted according to the following steps:

### **Step 1: Location introduction and land acquisition notice**

The identification and land acquisition notice is based on the written evaluation letters of land use needs of the Department of Natural Resources and Environment submitted to Binh Thuan PPC for approving and issuing land acquisition notices (including reasons land acquisition, area and location of land recovery on the basis of the existing cadastral or detailed approved construction planning; to assign the district's people committees for land acquisition notification to the public, to guide compensation, assistance and resettlement in the district level to perform inventory tasks, establish compensation plans). District's people Committees is responsible for directing the widespread policy of land confiscation, the regulations on land acquisition, compensation, resettlement assistance when recover of used land for national defense purposes, security, national interests, public interests and economic development.

Commune's People's Committee responsible to post up a public notice about land acquisition policies in the commune's People's Committee headquarters and in the points of living and residential areas where land is recovered, widely reported on radio system level (in places having radio system).

### **Step 2: Prepare cadastral files for land acquisition area**

Based on documents on land acquisition of the Provincial People's Committee, Department of Natural Resources and Environment shall direct the registration office for land use rights in same level to make the preparation of cadastral files.

Revision of the cadastral map to suit the current situation and make extracts of the cadastral map for places which have formal cadastral maps or conduct cadastral measurements for places with no formal cadastral maps;

Complete and make extract from cadastral (land register) to send to the DRC;

Make a list of parcels of land to be recovered with the following contents: number of maps, land parcel numbers, names, land use area of the parcel of land has the same purpose, the purpose of land use.

### **Step 3: Planning, evaluating and approving the general plan on compensation, assistance and resettlement**

The Investor guides the consultant unit to create overall compensation and resettlement assistance plans (hereinafter called the general plan) based on survey data, field surveys, existing document issued by the Natural Resources and Environment, which



had been assessed and approved along with approved investment projects. Comprehensive plan shall contain the following:

- a. The basis for the plan creation;
- b. General data on the types of land area and grade land for agriculture, the number of maps, parcel number, estimated value of existing assets on the land;
- c. General data on the number of households, number of household members, number of employees in the area of land recovery, clearly stating the number of employees in switched careers, resettlement of households;
- d. Expected level of compensation, support and expected location, land area or areas of resettlement housing and resettlement, the resettlement mode;
- e. Plan measures to help jobs creation and training plan of job conversion;
- f. List of works and scope of the work of the State, organizations, religious institutions, residential communities expected to move to relocation sites;
- g. The number of graves to be removed and proposed sites for relocation;
- h. Cost estimate to implement the plan;
- i. Funding sources to implement the plan;
- j. Progress of implementation plans

#### **Step 4: Making the clearance landmarks.**

After projects are approved by competent authorities, the project owner base on the basic design to conduct the clearance boundary markers, handed over to the organization in charge of compensation management and implementation the next steps of site clearance work. In stage of formulation, approval of technical design (or design of construction drawings) if any adjustment on the scope of site clearance, project investors coordinate with organizations in charge of compensation promptly, accurately and immediately notify the local authority the content adjusted.

#### **Step 5: Prepare The Compensation, Assistance And Resettlement Plan.**

##### **1. Field inspection and enumeration.**

Based on the land acquisition policy and the site clearance landmarks of the project, the Organization in charge of compensation prepares the detailed enumeration report for each land acquisition case (called the compensation quantity enumerating report, for short). The report has to present specific contents, including names, places of permanent address registration, places of temporary address registration, current addresses of acquired land owners, the number of household members, the number of laborers and social policy beneficiaries (if any); the area and the location of the acquired land lot; the quantity of crop plants and domestic animals; the shape, the dimension, the quantity, the structure and basic features of assets currently on that land; emerging and underground works associated to the acquired land.

##### **2. Identification of the origin of each acquired land lot.**

The organization in charge of compensation co-operates with the Land Use Rights Registration Office and Ward People's Committees to identify the origin of each acquired land lot and the legal owner of the land lot based on documents related to the land use, cadastral documents, cadastral maps, inventory documents, cadastral books, statistics registration books, monitoring books of land use right certificates granting and tax registers of the acquired land.

### 3. Preparation of the compensation and assistance plan.

Pursuant to the compensation quantity enumerating report, the origin of each acquired land lot, unit prices and compensation policies as stipulated, the Organization in charge of compensation implements the preparation of the compensation and assistance plan with following contents:

- Name and address of the owner of the acquired land;
- Area, type, location and origin of the acquired land;
- Calculation bases for the money amount of compensation and assistance such as the compensated land price, the house price, the compensated works, the number of household members, the number of laborers in the working age, and the number of social benefits beneficiaries;
- Amount of compensation and assistance money;
- Resettlement arrangement;
- Relocation of governmental works, religious organizations and communities;
- Grave's displacement.

### 4. Collection of comments on the compensation, assistance and resettlement plan:

- The compensation, assistance and resettlement plan is openly posted at ward PC headquarters and at residential activities places where land is acquired so that the land users and relevant people can give comments;
- The posting must be made in written form confirmed by representatives of ward PCs, Ward Committees of Fatherland Front and acquired land owners;
- The period of posting and receiving comments lasts at least twenty (20) days as from the date of posting.

### 5. Finalization of the compensation, assistance and resettlement plan:

- At the end of the plan posting and comments receiving period, the Organization in charge of compensation and site clearance will be responsible for written synthesis of comments, including a clear statement of agreement, disagreement and other opinions towards the compensation, assistance and resettlement plan. This Organization is also responsible for finalizing the plan and sending the finalized plan and the collection of contributed comments to the Natural Resources and Environment agency for appraisal.
- In case there are a lot of disagreement opinions towards the compensation, assistance and resettlement plan, the Organization in charge of compensation and site

clearance will need to clarify or review and adjust the plan before it is sent to the Natural Resources and Environment agency for appraisal.

**Step 6: Evaluation and approval of the compensation and supporting plan**

- Division of Natural Resources and Environment shall assume the prime responsibility and coordinate with related departments at district level for evaluation of compensation, assistance plan, in accordance with regulation; submission to DPC for approval of the compensation, supporting plan by regulations.

**Step 7: Decision on land acquisition and redress grievances against decision on land acquisition**

- Based on report of land acquisition, compensation, support and resettlement plan prepared and approved by competent agencies, the extracts or the cadastral measurements of land plots. District People's Committee make decisions of land acquisition for affected households, individuals and communities.

- During the implementation of land acquisition, if there is any question or complaint from citizens, the CPC will gather comments and complaints and send to the competent authorities' to consider.

While a decision of grievance redress is pending, decisions on land recovery must be continued. Where State agencies have jurisdiction over complaints concluded the land acquisition is contrary to law, must stop land acquisition, state agencies have issued decision to withdraw the land must make new decision on cancelling the decision issued on land acquisition and must compensate damages from recovery decisions (if any). Where State agencies have jurisdiction over complaints concludes the land acquisition is lawful, the person whose land is recovered to abide by the decision of land recovery.

**Step 8: Compensation, assistance and resettlement plan approval and disclosure.**

- District People's Committees approve the compensation, assistance and resettlement plan according to regulations.

- Within a period not exceeding three (03) days from the date of receipt of the approved compensation, assistance and resettlement plan, DRCS coordinate with CPC disseminate publicly approval of the compensation, assistance and resettlement plan in CPC headquarters and at communal activities places in residential areas where land is recovered; send the decision on compensation, assistance and resettlement to people whose land is recovered, which clearly states the level of compensation, assistance, on land allocation and resettlement (if any), time and place of payment of compensation, assistance time and hand over the land recovered to DRCS.

**Step 9: Payment of compensation and resettlement assistance**

Compensation, assistance and resettlement Council will make payments after the approving decision of compensation, assistance and resettlement plan.

**Step 10: Hand over and enforcement of land acquisition**

- Within twenty (20) days from the date of organization in charge of compensation and site clearance complete payment for compensation and support for land acquisition under the approved plan, the person whose land is recovered, is

responsible to hand over land to the organization in charge of compensation and site clearance.

- In cases where the people, whose land are acquired, are not implement the decision of land acquisition, the competent level people's committee will issue coercive decision for land acquisition. The forcible land acquisition shall comply with the provisions of Article 32 of Decree No. 69/2009, ND-CP dated 13/8/2009 by the Government.

## 7.6 Updating RAP

DMS is not done at the moment. When DMS is implemented, it will provide data to update RAP. In project implementation, RAP will be updated after detailed technical design submitted to the WB for review and clearance before awarding of civil work contract.

Resettlement Action Plan should be disclosed after submission to the WB for review and determine whether it conforms to the requirements of OP 4.12. While the RAP is satisfactory to the WB requirement, this report will be approved by local authority, and will be disclosed publicly.

## 7.7 Implementation plan

The implementation schedule for resettlement activities for the sub-project is presented in the following table including (i) Community consultation activities, (ii) activities that have been completed for RAP preparation; and (iii) external monitoring activities.

**Table 15: Implementation plan**

Activity	Responsible party	Implementation plan
<b>Preparation for implementation</b>		
Approval of safeguard policy documents of project and RAP of sub-project	The WB and the GOV	Quarter 2/2015
Publishing the Safeguard Policy Framework and RAPs on the GOV and the WB's websites.	CPO	Quarter 3/2015
Training on safeguard policy frameworks for the project officers and the DRCs .	CPO and resettlement consultants	Quarter 2/2016
Recruiting the independent monitoring agency	CPO	Quarter 3/2016
RAP updating	CPO and resettlement consultants	Quarter 4/2016
<b>RAP implementation</b>		
Disseminating project information to AHs	DRCs and CPCs	Quarter 3/2016

Inventorying affected assets and preparing compensation plans	DRCs and CPCs	Quarter 3/2016
Paying compensation and clearing sites	PPMUs, DRCs, and CPCs	Quarter 4/2016
Monitoring resettlement internally every month and preparing quarterly reports	PPMUs	Quarter 3/2016
Monitoring resettlement externally every six months and preparing monitoring reports	Independent monitoring agency	Quarter 4/2016

## **VIII. MONITORING AND EVALUATION**

### **8.1. Monitoring**

Monitoring is a continuous evaluation process of the project implementation which is related to the unified implementation schedule on the use of the project inputs, infrastructures and services. Monitoring provides concerned agencies with continuous reflections on the implementation status. Monitoring determines the reality, successful possibility and arising difficulties as soon as possible to facilitate the due adjustment in the project implementation.

Monitoring includes 2 following purposes:

- (i) Monitor whether the project activities complete efficiently or not, including quantity, quality and time.
- (ii) Assess whether these activities reach the objectives and purpose of the Project or not, and how much do they reach.

The executive agency (the PPMU) as well as the independent monitoring Consultants which are contracted with the CPO shall monitor and supervise the RAP implementation regularly.

### **8.2. Internal Monitoring**

Internal monitoring of the RAP implementation of the Sub-projects is the main responsibility of the implementation agency with the assistance of the project consultants. The implementation agency will monitor the progress of RAP preparation and implementation throughout the regular progress reports.

The criteria of internal monitoring includes but not limit to:

- (i) Compensation payment for affected households for the different types of damage pursuant to the compensation policies described in the resettlement plans
- (ii) Implementation of technical assistance, relocation, allowance payment and relocation assistance.
- (iii) Implementation of income recovery and entitlement to recovery assistance.
- (iv) Dissemination of information and consultation procedures.
- (v) Monitoring of complaint procedures, existing problems that require the manageable attention.
- (vi) Prioritizing affected persons on the proposed selections.
- (vii) In coordination to complete RAP activities and award construction contract.

The executive agencies will collect information every month from the different resettlement committees. A database tracking the resettlement implementation of the Project will be maintained and updated monthly.

- (i) The executive agencies will submit internal monitoring reports on the RAP implementation as a part of the quarterly report they are supposed to submit the donor. The reports should contain the following information:
- (ii) Number of affected persons according to types of effect and project component and the status of compensation, relocation and income recovery for each item.
- (iii) The distributed costs for the activities or for compensation payment and disbursed cost for each activity.
- (iv) List of outstanding Complaints
- (v) Final results on solving complaints and any outstanding issues that demand management agencies at all levels to solve.
- (vi) Arisen issues in the implementation process.
- (vii) RP Schedule is actually updated.

### **8.3. Independent Monitoring**

*Objectives.* The general objectives of independent monitoring are to periodically supply independent monitoring and assessing results on the implementation of the resettlement objectives, on the changes of living standard and jobs, APs income and social foundation restoration, effectiveness, impacts and sustainability of APs' entitlements, and on the necessity of mitigation measures (if any) in an attempt to bring about strategic lessons for making policy and planning in the future.

*Responsible Agencies.* In accordance with the WB requirements for consultant employment, the CPO will hire an organization for the independent monitoring and evaluation of RAPs implementation. This organization is called the Independent Monitoring Consultant (IMC) which expertises in social science and has experiences in independent monitoring of RP. The IMC should start their work as soon as the project implementation comments.

*Monitoring and Evaluation Objectives.* The following indicators will be monitored and evaluated by the IMC, including but not limited to:

- (i) Payment of compensation will be as follows: a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets

- (ii) Provision of assistance for APs who have to rebuild their houses on their remaining land, or building their houses in new places as arranged by the project, or on newly assigned plots.
- (iii) Assistance for recovering livelihood/income sources.
- (iv) Community consultation and public dissemination of compensation policy: (a) APs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the IMC should attend at least one community consultation meeting to monitor community consultation procedures, problems and issues that arise during the meetings, and propose solutions; (c) public awareness of the compensation policy and entitlements will be assessed among the APs; and (d) assessment of awareness of various options available to APs as provided for in the RAP.
- (v) Affected persons should be monitored regarding restoration of productive activities.
- (vi) APs' satisfaction on various aspects of the RAP will be monitoring and recorded. Operation of the complaint mechanism and speed of complaint settlement will be monitored.
- (vii) Through the implementation, trends on living standard will be observed and surveyed. Any potential issues in the recovering living standard are reported and suitable measures will be proposed to ensure the project objectives.

#### **8.4. Methodology for Independent Monitoring**

##### *A. Database Storage*

The IMC will maintain a database of resettlement monitoring information. It will contain files on results of independent monitoring, HHs monitored and will be updated based on information collected in successive rounds of data collection. All databases compiled by the PMU will be fully accessible by the IMC.

##### *B. Reports*

The Independent Monitoring Consultant must submit periodical reports every 6 months which states the findings in the monitoring process. This monitoring report will be submitted to the CPO, and then the CPO will submit to the WB in the form of appendixes of the progress report.

The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of outstanding issues and recommended solutions so that the executive agencies are informed about the ongoing situation and can resolve problems in a timely manner; and



(iv) a report on progress of the follow-up of problems and issues identified in the previous report.

*C. Follow-Up Monitoring Report*

The monitoring reports will be discussed in a meeting between the IMC and PMU. PMUs will hold meetings immediately after receiving the report. Necessary follow-up activities will be carried out based on the problems and issues identified in the reports and follow-up discussions.

*D. Ex-post Evaluation Report*

In fact, this is the evaluation at a given point of time of the impact of resettlement and the achieved objectives. The external monitor will conduct an evaluation of the resettlement process and impacts 6 to 12 months after the completion of all resettlement activities. The survey questionnaires for evaluation are used based on the database in the project database system and the questions used in the monitoring activities.

Ultimately, a summary of ex-post resettlement evaluation included in Project Completion Report (PCR) will be prepared before closure of the Project. The evaluation covers project impacts (number of affected households, scope of land acquired by subproject, compensation paid to APs, any pending issues resulting from land acquisition and provides information if the AP's livelihood is restored, or at least maintain to pre-project implementation.

Resettlement Action Plan cannot be considered complete until an ex-post evaluation and a project completion audit confirm that all the affected HHs have received fully all compensation, assistance and life restoration processes as planned.

## IX. COST AND BUDGET

### 9.1 The budget

All costs for land acquisition, compensation and resettlement for the affected land and property on the ground of sub-projects using funding from the reciprocal of Binh Thuan and support from Central Government and loans (if any).

### 9.2 Estimating compensation and assistance costs

Total compensation and assistance cost of resettlement is 10,676,853,000 VND (Compensation and support here is based on the decision of the Government of Vietnam and the decision, specifying that for Binh Thuan province as follows: Decision 03/2013/QĐ-UBND dated 11/01/2013; 07/2014QĐ-UBND dated 25/1/2014; 05/2015/QĐ-UBND dated 13/2/2015 of Binh Thuan PPC), including:

- Compensation for land acquisition:	5,787,840,000 VND
- Compensation for houses and structures:	1,045,790,000 VND
- Compensation for trees and crops:	1,789,000,000 VND
- Assistance for resettlement:	183,600,000 VND
- Other costs for implementation, management, monitoring:	900,000,000 VND
- Contingency:	970,623,000 VND

**Table 14: The total estimated cost of compensation**

No.	Category	Unit	Quantity	Unit price	Amount
<b>I</b>	<b>Land</b>				
	Agriculture land	m <sup>2</sup>	162000	34,000	5,508,000,000
	Residential land	m <sup>2</sup>	2332	120,000	279,840,000
	Sum				5,787,840,000
<b>II</b>	<b>Crops and trees</b>				
	Dragon fruit	Set	4270	400,000	1,708,000,000
	Mango	Tree	50	320,000	16,000,000
	Coc fruit	Tree	20	100,000	2,000,000
	Cashew	Tree	100	250,000	25,000,000
	Banana	Tree	200	40,000	8,000,000

	Sum				<b>1,789,000,000</b>
<b>III</b>	<b>Houses and structures</b>				
	Grade 4 house	m <sup>2</sup>	298	2,350,000	700,300,000
	Temporary house	m <sup>2</sup>	154	1,450,000	223,300,000
	Kitchen	m <sup>2</sup>	93	890,000	82,770,000
	Cattle cage	m <sup>2</sup>	103	140,000	14,420,000
	Electric meter	Piece	10	2,500,000	25,000,000
	Sum				<b>1,045,790,000</b>
<b>IV</b>	<b>Assistance</b>				
	House renting	House	10	1,800,000	18,000,000
	Life assistance	Person	39	3,600,000	140,400,000
	Vulnerable household assistance	Person	7	3,600,000	25,200,000
	Total				<b>183,600,000</b>
<b>A</b>	<b>Total direct costs</b>				<b>8,806,230,000</b>
<b>IV</b>	<b>Other costs</b>				900,000,000
	Management cost			TT (A*2%)	180,000,000
	Resettlement council			TT (A*4%)	360,000,000
	Independent monitoring			TT (A*4%)	360,000,000
<b>B</b>	<b>Sum of A+IV</b>				<b>9,706,230,000</b>
<b>C</b>	<b>Contingency = B*10%</b>				<b>970,623,000</b>
	<b>Total = B + C</b>				<b>10,676,853,000</b>

The cost is calculated at the present time and may vary according to the resettlement plan update. The cost of replacement cost and support of provincial policy may change, so the compensation cost will be updated as the resettlement plan is updated.

## ANNEX

### Images of affected households



Affected house



House of Mr. Nguyen Trung Truong (affected house and agriculture land)





House of Mr. Tran Quoc Dung (affected house and agriculture land)



House of Mr. Nguyen Van Khoa (affected house and agriculture land)



House of Ms. Truong Thi Tam (affected house and agriculture land)



House of Ms. Le Thi Huyen (affected house and agriculture land)





House of Mr. Phan Van Chien (affected house and land)



Affected house





House of Mr. Nguyen Van Hai (affected house and agriculture land)



House of Ms. Thong Thi My Hanh (affected agriculture land)