

**NGHE AN PROVINCIAL PEOPLE'S COMMITTEE
DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT**

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**VIETNAM DAM REHABILITATION AND SAFETY
IMPROVEMENT PROJECT (WB8)**

**REPORT
ABBREVIATED RESETTLEMENT ACTION PLAN
(A-RAP)**

**SUBPROJECT: REPAIR AND UPGRADING FOR SAFETY
OF KHE GANG RESERVOIR – NGHE AN PROVINCE**

Nghe An, 5/2015

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**REPRESENTATIVE
OF THE PROJECT OWNER**

Nghe An, 5/2015

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Abbreviations

| | |
|--------|--|
| AP | Affected Person |
| 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 |
| RP | Resettlement Plan |
| RPF | Resettlement Policy Framework |
| TOR | Terms of Reference |
| USD | United States Dollar |
| VND | Vietnamese Dong |
| WB | World Bank |

Definition of Terms

| | |
|------------------|---|
| 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 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</p> |

| | |
|--|--|
| | deducted from the valuation of an affected asset. |
| 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. |

Executive Summary

This Resettlement Plan (A-RAP) is prepared for the “Dam Rehabilitation and Safety Project (DRaSIP)”- Repair and Upgrading of Khe Gang Reservoir Subproject under the Repair and Improvement of Dam Safety Project in Nghe An province (WB8), (herein after referred to as “the Subproject”) funded by the World Bank. This A-RAP is prepared based on the project RPF, the census and the inventory of loss (IOL) and community consultation, for the period from February 2015. The A-RAP mainly presents the project impacts on land acquisition; the criteria, eligibility for compensation of land and assets affected by the subproject, organization arrangement, implementation plan, cost estimate, monitoring and assessment, consultation, participation and grievance redress mechanism.

Objectives of the Sub-project:

(i) To ensure long-term damp stability and safety; (ii) To provide irrigation water reliably for 175 hectares of rice in Ngoc Son commune; (ii) To supply domestic water for people, poultry and animal in the region in the dry season.

Scope of impacts

The construction of sub-project will acquire a certain area of land and assets on land owned by 01 HH of Ngoc Son Commune, QuynhLuu District, NgheAn province, in which (i) 5,000 m² land for perennial trees are owned by 01 HH, (ii) 10,000 m² temporarily are managed by the Ngoc Son CPC.

- Land area to be acquired:

- + Permanently acquired land: 5,000 m² land for planting perennial trees owned by 01 HH;
- + Temporarily acquired land: temporarily acquire 10,000 m² managed by Ngoc Son CPC.

- Loss of assets on land:

- + Trees: 5,00 kinds of various trees like Acacia, and Eucalyptus owned by 01 HH.
- + Building/ Structure: None of HHs is affected nor has to relocate.

- Other impacts:

- + No adversely affected HHs (more than 20% of productive or 10% of productive land for poor and vulnerable HHs is acquired).
- + No HH in vulnerable group is affected (female-headed or poor household).
- + The project implementation shall not have impacts on buildings, historical and cultural, or ritual heritages, and public buildings in the area.
- + The construction will not affect the production water supply served for community living in downstream of the dam.
- + In the project area: 100% of AHs are the Kinh people, no ethnic minority people are living in the Sub-project. As the results, it is not required to prepare the **Ethnic Minority Development Plan**.

Main features of APs: the results of interview carried out with 01 AH show that the main income of AH is from agricultural activities. The average monthly capita income is VND 1,750,000.

Legal policy: The compensation, support and resettlement policy of the Sub-project is determined based on existing policy of WB and laws of the GOV. If any discrepancy on regulations, policies, procedures between the Borrower and the World Bank (WB), WB's policies will prevail as in accordance with Point 2, Article 87 on compensation, support and resettlement applied to special cases. Law on Land No.45/2013/QH13 stated that: "for projects funded by international organizations; the compensation, support and resettlement policy, which Vietnam has committed, will be applied".

Rights of affected people: The benefits of compensation and support for people affected by the sub-project is presented in the Action Plan Resettlement (see Entitlement matrix table) corresponding to the impacts identified during the investigation, estimated damages and socio-economic survey. The benefits will be updated as needed, after the DMS and consultation with affected households, to ensure that the damage will at least be restored or improved.

Dissemination of information, public consultation and complaint address: During the RAP preparation, the Department of Agriculture and Rural Development, NgheAn (PMU) in cooperation with local authorities (Ngoc Son commune) and the Consultant organized public consultation meetings to disseminate the project's policies and the selected options to recover income for AHs. Related issues, the proposal of the AHs have been raised and brought to the RAP. The grievance redress mechanism will be designed to ensure that all inquiries or complaints from affected households will be addressed properly and promptly. After the Draft Resettlement Action Plan was completed, the PMU and the Consultant has conducted consultations to AHs regarding contents implemented in the RAP. Affected people will know their rights through notifications and documents in the course of consultations and surveys.

Organization of implementation: MARD -governing agency and CPO will ensure the coordination for the implementation of the RAP. MARD will work with the Nghe An province and Nghe An DARD to ensure that the compensation and assistance are made in accordance with this RAP.

Strategic Compensation and Resettlement: The subproject has no household to relocate. Therefore, the resettlement strategy is not necessary in this A-RAP.

Funding for compensation, support and resettlement: Total cost of compensation, support and resettlement for the sub-project is VND 297,550,000, equivalent to \$ 14,169.

I. OVERVIEW

1. The Dam Rehabilitation and Safety Project (DRSP)

Vietnam has one of the largest networks of dams and hydraulic infrastructure in the world alongside China and the United States. This network comprises over 7,000 dams of different types and sizes. More than 750 can be classified as large dams (over 15m in height or between 5 and 15m with reservoir storage in excess of 3 MCM) and with the number of small dams (less than 15m and 3 MCM) estimated to be in excess of 6,000 largely earth embankment dams. Of the total four million hectares of agricultural land, more than three million hectares are irrigated via 6,648 dams.

The development of this infrastructure platform has resulted in a number of inherent challenges. Many of the medium and small-size reservoirs were built in the 1960s-1980s with limited technical investigations, inadequate design, and poor quality construction. These issues have been compounded by limited operations and deferred maintenance. As a result, many of these dams have deteriorated and the safety is below accepted international safety standards, presenting a substantial risk to human safety and economic security. The deterioration of these dams, coupled with the increased risk and uncertainty resulting from hydrological variability due to climate change and rapid upstream development, has placed many reservoirs at risk. The risks are wide spreading, resulting from inadequate cross section e.g. too thin to be stable, through subsidence of the main structure, seepage through main and/or auxiliary dam and around the intake structure, deformation of up/downstream slope, spillway malfunction, and inadequate and ineffective use of safety monitoring devices. Failure to secure the operational safety of the existing network and strengthen the capacity for further development has the potential to undermine Vietnam's economic gains.

Recognizing the importance of securing the foundations for sustained and secure economic growth, the Government first launched a sectoral program focused on dam safety in 2003. The proposed Vietnam: Dam Rehabilitation and Safety Improvement Project with possible the World Bank financing will support the Government of Vietnam's Dam Safety Program. This will be achieved by supporting both the structural safety of the dams and reservoirs themselves, along with the operational safety required to safeguard the populations at risk and downstream socio-economic infrastructure. This is directly aligned with the Government definition of dam safety outlined in Decree 72. The project will also support Government to ensure a more holistic, basin level integrated development planning to improve institutional coordination, future development and operational safety.

The Government has requested the WB to support the Project named as Dam Rehabilitation and Safety Project (DRaSIP) for improvement and reinforcement of dams in 31 provinces. The project aims at providing support for the implementation of National Safety Dam Program through improving and reinforcing safety dams and reservoirs as well as protecting assets of the communities living at the downstream of dams and reservoirs.

The Project has four components:

Component 1: Dam Safety Rehabilitation (US\$400 million)

This component will improve dam safety through physical rehabilitation of existing infrastructure. This will include two different approaches required for the rehabilitation of large/medium and small, community-managed dams. The difference between the two relates not only to the types of works and the regulatory framework, but also the institutional and implementation arrangements required to undertake such works and ensure their sustainable operation and maintenance. 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; and (iv) adoption of standardized checklist for community-managed dams.

Component 2: Dam Safety Management and planning(US\$90 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) technical specifications, safety standards and regulations to internationally-accepted levels; and (v) capacity enhancement, basin-wide integrated dam reservoir operation plans, emergency preparedness plan including dam break analysis, downstream flood mapping and benchmarking, awareness raising and evacuation drills for local communities living downstream.

Component 3: Project Management Support (US\$10 million)

This component will provide the necessary enabling environment to support project implementation. This will include support for the following: (i) Project Steering Committee composed of MARD, MoIT and MoNRE to coordinate all project interventions; (ii) Project Management Unit (PMU) within MARD to provide the necessary support services for timely and effective project implementation, including monitoring & evaluation, procurement, financial management, safeguard monitoring, etc.; (iii) Technical Assistance for beneficiary departments within MoIT and MoNRE to provide the necessary support services for timely and effective project implementation; (iv) Establishment and operations of a National Dam Safety Review Panel; (v) Independent audits of prioritized dams before and after rehabilitation; and (vi) Incremental operating costs for project related activities.

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. This component would allow expenditures to be made in accordance with the rapid response procedures of OP/BP 10.00 subject to the list of positive goods and services to be defined during

project development. Such a component is not a substitution for insurance, and does not remove the need for construction covering dams included under the project. A generic positive list may be combined with a list of excluded goods that could trigger safeguard policies. This is intended to help ensure sufficient liquidity in the case of an emergency by financing the government's overall response to the emergency and providing some measure of protection to Government's fiscal accounts.

2. NgheAn Subproject

In the first phase, Nghe An province proposed 02 sub-projects, namely *“Repair and Improvement of Khe San Reservoir Subproject under the Repair and Improvement of Dam Safety Project in Nghe An Province (WB8)”*, and *“Repair and Improvement of Khe Gang Reservoir Subproject under the Repair and Improvement of Dam Safety Project in Nghe An Province (WB8)”*. These are sub-projects selected for investment according to the criteria of the Dam Rehabilitation and Safety Project (DRaSIP). This A-RAP merely presents impacts related to land acquisition of *Repair and Upgrading of Khe Gang Reservoir Subproject under the Repair and Improvement of Dam Safety Project in NgheAn province (WB8)*.

Objectives of the Sub-project

Specific objectives of the Sub-project: The subproject objectives are to (i) ensure the stability and safety of the reservoir, dam on a long term basis, (ii) reliably provide water for 175 hectares of rice field in Ngoc Son commune; (iv) provide domestic water for local people and poultry and livestock in dry season in the area.

The Project Design

Main Dam: The project will consolidate upstream slope, downstream slope and waterproofing at the right side of the dam;

Flood overflow: Keep unchanged the overflow position, consolidate reinforced concrete.

Water intake: Construct water intake to replace an old and damaged pipes. The intake is located in the right side of dam and a distance of 3.0m to the old sewer to the left side.

Management road: Upgrade the management road from NH 48B to the dam with a length of 303.4m and reinforce the road surface in accordance with the design standard of rural road of Type B.

Management house: Construct a management house.

The Subproject Location

The structures under the subproject will be implemented in Ngoc Son commune, QuynhLuu District, Nghe An province, which are illustrated in the map below.

Figure 1: Location Map of Repair and Upgrading of Khe Gang Reservoir Subproject in Nghe An



3. *Measures to minimize negative impacts*

Efforts have been made in the research to reduce impacts caused by land acquisition and resettlement, and propose construction plan to minimize the impacts to land area and assets on land. The following countermeasures are taken in a number of ways:

Detailed Design: the Design Consultant has carried out survey in sub-project areas, in collaboration with local authorities and communities to select the optimal design alternative and minimize impacts of land acquisitions during the construction period.

Information disclosure: the PPMU worked with the Consultant and local authorities to disseminate information on the project, compensation policies and resettlement of the Sub-project, potential impacts and countermeasures applied to households in the sub-project implementation area, including those who are affected and those who are not affected. The information disclosure is taken in the A-RAP preparation stage and throughout the A-RAP implementation.

Community consultation: use questionnaire survey, consultation meetings, group focus discussion,... with affected households in general. People involved in the consultation will be encouraged to freely express their opinions publicly, impacts of land loss, resettlement policies applicable to the Sub-project and their expectations if their land are acquired. Opinions are recorded and used for the A-RAP construction. The consultation will be taken in the whole process from preparation to the completion of A-RAP and will be updated in the internal monitoring reports.

4. *Objectives of the Resettlement Action Policy (RAP)*

The Abbreviated Resettlement Action Plan (A-RAP) for this Sub-project is prepared based on the Resettlement Policy Framework (RPF) of the Project to meet requirements of the Involuntary Resettlement Policy and Policy on Indigenous Peoples of the World Bank as well as compensation, resettlement and support policy of the GOV and of NgheAn province. The A-RAP will define number of persons affected by the Sub-project, nature, level of impacts, mitigation measures and policy on compensation and other support.

II. IMPACTS ON LAND ACQUISITION OF THE SUBPROJECT

1. Measures to minimize land acquisition

For Khe Gang Reservoir Sub-project, NgheAn Province, a total of 15,000 m² of land shall be acquired for the construction. During the project preparation stage, measures to minimize land acquisition have been discussed among the Employer, the FS Consultant and A-RAP Consultant, which are described as below:

- In order to minimize land acquisition, the dam will be mostly repaired on the existing one. The newly constructed items will be selected in the way that minimum land acquisition is required.
- Land used for construction is mainly exploited at site to minimize land acquisition, therefore, the subproject impacts can be minimized and there are not very much impacts on livelihoods of households in the project area.

- Some requirements on temporary land acquisition for construction material storage and requirements on construction measures during the implementation would be applied; therefore the contractor(s) will find bare-land area or low-value agricultural area. As results, the impacts on local people can be minimized.

Despite of above-mentioned land acquisition mitigation measures, a land area of 15,000m² shall be affected (of which 5,000m² land belonging to 01 household is of perennial planting and 10,000m² temporary land is being managed by the Commune) for construction of the project. The main impacts on land acquisition of Khe Gang Reservoir Sub-project are caused by strengthening and upgrading the management road from the rural road standards and by the construction of management building.

2. The Project Scope of Impacts

2.1 Summary of impacts on the sub-project

As specified in the technical design, Khe Gang Reservoir Subproject will be designed and constructed in Ngoc Son commune, QuynhLuu District, NgheAn province.

According to the census and inventory of impacts carried out under DRaSIP Project – Khe Gang Reservoir Sub-project, Nghe An Province and based on the project policies on involuntary resettlement set out in the Resettlement Policy Framework (RPF) of the Project, major features of the impacts on land acquisition in Ngoc Son commune, QuynhLuu District are identified as follows:

Table1: Summary of Project Affected Households (PAPs)

| Main impacts | Unit | | Affected Quantity |
|---|------------|---|-------------------|
| 1. Affected Households: | Households | : | 01 |
| Household members | Persons | : | 06 |
| of which: | | : | |
| + Households whose garden land is affected | Households | : | 0 |
| + Households whose agricultural land is affected | Households | : | 0 |
| + Other land (under the management of People's Committees) | CPC | : | 1 (CPC) |
| + Households whose houses are affected | Households | : | 0 |
| 2. Permanently affected area | | : | 5,000 m2 |
| Of which: | | : | |
| + Garden land | m2 | : | 0 |
| + Agricultural land (for perennial trees) | m2 | : | 5,000 |
| + Other land (public land for agricultural production) | m2 | : | 0 |
| 3. Temporarily affected area | | : | 10,000 m2 |
| Of which: | | : | |
| + Residential land | m2 | : | 0 |
| + Agricultural land | m2 | : | 0 |
| + Other land (public land) | m2 | : | 10,000 |
| 4. Number of households whose houses/assets are affected by the project | Households | : | 0 |

| | | | |
|--|------------|---|---|
| 5. Number of households who need to be relocated from their residential land | Households | : | 0 |
| 6. Number of households whose businesses/shops are lost | Households | : | 0 |
| 7. Number of households whose agricultural land is 20% or more of their total land holding affected (10% or more for vulnerable group and the poor), | Households | : | 0 |
| 8. Vulnerable group | Households | : | 0 |

Source: Household Survey, February 2015

2.2 According to classification of related negative impacts by land acquisition described as following:

2.2.1. Affected Land:

The acquired land for dam repair and safety insurance includes: (1) 5,000 m² of perennial crop land, (ii) 10,000 m² temporarily managed by CPC. So, the total area of acquired land is 15,000 m².

Table 2: Project Impacts on Land Acquisition classified by Location

| Project Location | Temporarily affected area (m2) | Permanently affected area (m2) | Permanently affected public land (m2) |
|--------------------|--------------------------------|--------------------------------|---------------------------------------|
| Khe Gang reservoir | 10,000 | 5,000 | 0 |
| Total | 10,000 | 5,000 | 0 |

Besides that, minor impacts on acquisition of land/assets caused by Khe Gang reservoir repair and upgrading Subproject are presented bellowed:

Permanently acquired land: to ensure safety of the work and prevent incidents, the Subproject will acquire permanently an amount of perennial crop land of 5,000 m² owned by 01 HH.

- Garden Land:
 - Number of affected households : 0 HH
 - Affected area : 0 m²
- Productive/agricultural land:
 - Number of affected households : 01 HH
 - Affected area : 5,000 m²

Temporarily acquired land: During the implementation of construction under the subproject, 10,000 m² of land will be acquired for material stock-piling yards, site accommodation and so on, which is managed by the commune.

2.2.2. Affected crops and trees

According to the Inventory of Loss (IOL), there is 01 HH of which the land would be acquired on which the AH is planting Acacia and Eucalyptus trees.

Affected crops

- Number of affected households : 0 HH
- Number of affected crops : 0 m2

Affected trees

- Number of affected households :01 HH
- Number of affected trees : 500 trees of various types (acacia, cajuput, eucalyptus, wood of low quality)

2.2.3. Impacts to housing and auxiliary works

According to the IOL results, HHs affected with housing and other structures.

2.2.4. Impacts to relocation and resettlement

- There are no affected households who have to relocate.

2.2.5. Adversely affected households

- There is no severely affected households under the sub-project.

2.2.6. Other impacts

- ***Vulnerable group:*** There is no affected household in vulnerable group (single female-headed HH).
- ***Ethnic minority:*** According to the IOL results of the sub-project, 100% people are the Kinh ethnic, therefore, no Ethnic Minority people are affected.
- ***Public works:*** The implementation of the Sub-project does not cause any prejudice to any public works in the area;
- ***Cultural and historical monuments:*** The implementation of Sub-project does not affect any cultural and historical heritage.
- ***Trading and business:*** No household is affected their trading or business.
- ***Graves:*** According to the IOL results, the construction of the Sub-project does not affect any tombs.
- The construction will not affect the production water supply served for community living in downstream of the dam

III. PROJECT COMPENSATION POLICY AND ENTITLEMENTS

1. Vietnamese Law on Land Acquisition and Resettlement

The GOV's Legal Framework: The legal framework with respect to land acquisition, compensation and resettlement is based on the Constitution of the Socialist Republic of Vietnam (2013), and the Land Law 2013 (revised), and other relevant decrees/guidelines. The principal legal documents applied for this RPF include the followings:

-
- Constitution of Vietnam 2013;
 - The Land Law 45/2013/QH13 which has been effective since July 1, 2014;
 - 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 WB;
 - 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;
 - 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.
 - 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;
 - 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/ND-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, requiring 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.

The NgheAn Provincial People's Committee guidelines for implementing the next steps and completing the RAP according to the current regulations will be basis of implementing the project compensation and site clearance. The policy framework of NgheAn province for preparation of the RAP is based on the following legal documents:

- Decision No. 54/2014/ QĐ-UBND dated 08 September, 2014 on regulating compensation, assistance and resettlement when the State acquires the land in NgheAn province .
- Decision No. 111/2014/ QĐ-UBND dated 30 December, 2014 on regulating regulations on price of various types of land applied in NgheAn province.
- Decision No. 64/2014/QĐ-UBND dated 23 September 2014 on regulating compensation unit price for plants, aquatic products and removal of graves in Nghe An province;
- Decision No. 111/2014/ QĐ-UBND dated 30 December, 2014 on regulating regulations on unit price of various types of land applied from January 01, 2015 to December 31, 2019 in QuynhLuu district.
- And some documents regulating the compensation, assistance and resettlement of NgheAn province.

2. The World Bank's Operational Policy on Involuntary Resettlement (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.

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. Comparison between Government of Vietnam and World Bank approaches

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 3: Comparison of Vietnam’s and World Bank’s Policies related to Involuntary Resettlement

| <i>Subjects</i> | Bank’s OP 4.12 | Government of Vietnam | Project Measures |
|---|--|---|--|
| <i>Land Property</i> | | | |
| <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</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</i> | <p>Only agricultural land used before July 1, 2004 is eligible for compensation. Other cases may be considered for assistance by</p> | 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 |

| <i>Subjects</i> | Bank's OP 4.12 | Government of Vietnam | Project Measures |
|--|---|--|---|
| <i>legal right or claim to the land they are occupying</i> | <i>terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</i> | PPC if needed. | 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. |
| Compensation | | | |
| <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. |

| Subjects | Bank's OP 4.12 | Government of Vietnam | Project Measures |
|---|---|---|---|
| <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 for indirect impact caused by land or structures taking</i> | <i>It is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups.</i> | Not addressed. | Social assessment has been 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>Subjects</i> | Bank's OP 4.12 | Government of Vietnam | Project Measures |
|---|---|--|--|
| <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. |
| <i>Grievance redress mechanism</i> | | | |
| | <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 |
| <i>Monitoring & Evaluation</i> | | | |
| | <i>Internal and independent monitoring are required</i> | 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 | 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 |

| <i>Subjects</i> | Bank's OP 4.12 | Government of Vietnam | Project Measures |
|-----------------|-----------------------|---|---|
| | | <p>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>whether the objectives of OP 4.12 were achieved.</p> |

4. General Principles of the Project Compensation Policy

General principles set out in the approved RPF are applied in the abbreviated resettlement plan, including:

- The impacts on land acquisition and assets as well as relocation of AHs must be minimized at least. In case that the minimization of land acquisition is infeasible, the compensation and assistance for restoration will be provided for people adequately.
- The compensation rates will be determined on the basis of results of independent land/assets appraisal in a timely and consultative fashion. All fees and taxes on land and/or house transfers will be waived or otherwise included in a compensation package for land and structures/houses or business activities. The local authorities will ensure that APs who choose resettlement site on their own obtainment, without additional cost, will be provided with the necessary house and land use right certificate or official certificates corresponding to similar compensation packages provided to those who choose to move to the project's resettlement sites. This includes compensation for agricultural land, residential land, structures and other assets.
- The APs 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.
- Additional efforts, such as economic rehabilitation assistance, training and other forms of assistance, should be provided to AP losing income sources in order to enhance their future prospects toward livelihood restoration and improvement. Vulnerable groups may need additional assistance in this regard.
- The previous level of community services and resources, encountered prior to displacement, will be maintained or improved for resettlement areas.

5. Project Affected Persons (PAPs)

Affected persons (AP) are those who are affected by:

- (i) Involuntary land acquisition resulting in:
 - (a) Relocation or loss of shelter;
 - (b) Loss of assets or access to assets;
 - (c) Loss of income sources or means of livelihood, whether they must move to a new residence or not; or
- ii) Involuntary restriction of access to prohibited or protected forests, resulting in adverse impacts to their means of support of the affected persons.

6. Eligibility for compensation.

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
 - (c) Those who have not recognizable legal right or no claim to the land they are occupying.

The APs who are under category of (a) and (b) above are provided compensation for land and other assistance. Persons belonging (c) are provided resettlement assistance in lieu of compensation for their land they occupy, 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 RPs. Persons who occupy land after the cut-off date determined in the RP are not entitled to any compensation or any other resettlement assistances. (if possible, only consider to provide support in accordance with the current policy).

7. Project Cut-off date for compensation

The project cut-off date for compensation 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. Affected persons and local communities were informed of the cut-off date for subproject, and that anyone moving into the project area after that date will not be entitled to compensation and assistance under the sub-project.

According to project census, the cut-off date of the Repair and Upgrading of Khe Gang Reservoir Subproject under the Repair and Improvement of Dam Safety Project in NgheAn (WB8) was 31 December, 2014. Accordingly, all households living in the project area, who have land and properties after this date would not be eligible for compensation and assistance from the Project.

7. Project Entitlements

All APs who are identified in the project-impacted areas on the above mentioned cut-off date of the Project 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.

Based on the types of impacts, category of APs and their benefits, the project prepared specific entitlements to each category of APs which is mentioned in the approved RPF. For details about entitlement matrix, please refer to the approved project RPF.

Table 4 : Matrix of entitlements

| Type of loss | Eligible persons | Entitlements | Implementation issues |
|--|---|--|--|
| I. LAND | | | |
| Productive land ¹ (Agricultural, garden, pond land, etc.) either in or out of the residential area | Marginal loss (< 20% of land holding or < 10% for vulnerable group) The remaining area of affected plot is still economically viable for use or meets the expected personal yield. | Cash compensation at replacement cost (free from taxes and transaction costs) for the affected area of the land. | - Affected households to be notified at least ninety days before land recovery by the Project. - The owner of land will hand over the land within 20 days from the date District Compensation Board fully pays compensation for land. 01 HHs in this case |
| II. CROPS AND OTHER ASSETS ON LAND | | | |
| Trees and crops | 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 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 | PAPs will be given notice several months in advance regarding evacuation. Crops grown after issuance of the deadline will not be compensated 01 HHs of this case |

¹The 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.

IV. COMMUNITY CONSULTATION AND PARTICIPATION

1. Objectives

Information dissemination to people affected by the project and the involved agencies is an important part in preparation and implementation of the project. The consultation with affected persons and ensuring of their active participation will reduce the potential conflicts and risks of slowing the project progress. This allows the project to design a resettlement and rehabilitation program as a general development program, in accordance with the needs and priorities of affected people and therefore, this maximizes economic and social benefits of investments. Objectives of the information and community consultation program include:

- Ensuring that local competent authorities as well as representatives of affected persons will be involved in the planning and making decision. The Nghe An PMU works closely with the district/commune PCs during the sub-project implementation. The participation of affected persons in implementation stage will be continued by requesting each district/commune to invite representatives of affected persons to play as members of the Council/Board of Compensation and Resettlement of the district and participate in resettlement activities (property evaluation, compensation, resettlement and monitoring).
- Sharing all information about planned work items and activities of the sub-project with the affected people.
- Collecting information about needs and priorities of affected persons as well as receive information about their reactions to the planned policies and activities.
- Ensuring that affected persons can be informed fully the decisions which directly affect their income and living standards and they have the opportunity to participate in the activities and make decisions on issues directly affecting them.
- Gaining the cooperation and participation of affected persons and communities in the activities necessary for planning and implementing the resettlement.
- Ensuring the transparency in all activities related to land acquisition, compensation, resettlement and restoration.

2. Community Consultation during Sub-project Preparation

During the preparatory stage of Repair and Upgrading of Khe Gang Reservoir Subproject under the Repair and Improvement of Dam Safety Project in NgheAn (WB8), information dissemination and community consultation were carried out to gather information for assessing resettlement impacts of the subproject and giving recommendations on options. This aims to reduce and/or mitigate potential negative impacts on local population and to proactively address issues or problems that may be raised during the implementation. The methods of the information dissemination and community consultation may include participatory rapid assessment (PRA) and stakeholder's consultation, using techniques of visit to site and affected households, public meetings, group meetings and focus group discussions and the socio-economic survey.

At the early stage of the project preparation, local authorities and leaders of different administrative levels in Ngoc Son commune, QuynhLuu District, Nghe An province were

informed of the Project, its objectives and proposed activities. They were intensively consulted and actively participated in discussions on their development needs and priorities of their localities. HHs were also consulted on assessment of the potential impacts by the sub-project and possible mitigation measures as well as measures to improve project benefits for themselves. The local authority was consulted on their consensus and commitments to follow the resettlement policy described in the RPF, reflecting objectives of the Government and WB's policies.

The consultation and information dissemination schedule for Repair and Upgrading of Khe Gang Reservoir Subproject in Ngoc Son commune is shown in table 5 below:

Table 5: Summary of consultation activities implemented already

| Nghe An province | Communes | No. of participants | Date of consultation | Main issues in consultation meetings |
|--------------------------|-----------------|----------------------------|-----------------------------|--|
| QuynhLuu district | Ngoc Son | 11 | 10 February, 2015 | <ul style="list-style-type: none"> - Project impacts - Entitlement policy of APs - Grievance and Redress Mechanism - Compensation policy for each kind of land, structures, architectural facilities, trees and crops - Assistance policies - Implementation plan <p>Issues arising in the project implementation stage.</p> |
| Total | | 11 | | |

Source: Community Consultation, February 2015

During the consultation, many opinions raised by the participants were broadly and freely discussed, which are summarized below:

- Land area affected by the project is mainly perennial crop land.
- The Repair and Upgrading of Khe Gang Reservoir Subproject in Ngoc Son commune, QuynhLuu district, Nghe An province would require a small area of land since the dam would be repaired on the existing dam site. Therefore it was agreed that negative impacts could be minimized and scope of land acquisition would be minor.
- The construction and upgrading of the works would help improve the safety of dams and life stabilization to local people.
- The APs expected to have in hand with information about the subproject implementation progress.

-
- The APs expected to be provided with full and transparent compensation at replacement cost for their affected assets and market price for temporarily affected crops.
 - Both men and women were entitled to participate in local organizations, unions and gave their opinions related to the Project, therefore, gender issues would be ensured.
 - No ethnic minority living in the project area, therefore, there would have no impact on them.
 - The trafficking of women and children had not ever occurred in the project area.
 - The APs understood all positive impacts and benefits that project would bring to local people, therefore they absolutely agreed with the project and hoped that the project would be early implemented.

The project entitlements mentioned in the approved RPF and the subproject potential scope of impact were informed in these community meetings and also disclosed in the communal public area. As a result, the APs were fully aware of the implementation of land acquisition and resettlement. All comments, feedback and recommendations from APs gathered during the consultation meetings are reflected and updated in the draft report to submit the PPMU for reviewing, as a basis for solving those recommendations and feedback.

In each community consultation meeting, representatives of Ngoc Son CPC and Nghe An PPMU as well as the households agreed with meeting's contents and signed in the minutes. The minutes of consultation meetings are attached in the Annex 1.

3. Community consultation during the implementation of Repair and Upgrading of Khe Gang Reservoir Subproject in Ngoc Son commune

During the next stage of the project implementation, the Nghe An PPMU/CPC, with the support of the project consultants, will undertake the following tasks:

- Providing information to relevant agencies at all levels throughout training workshops and details on the project policies and implementation procedures;
- Organizing information dissemination and consultation for all affected persons during the project implementation;
- The DRC carries out DMS, updates the unit prices based on the results of replacement cost survey, and reconfirm the scope of land acquisition and impacts on properties based on the consultation results with the affected persons, develop and complete the updated A-RAP/ the property compensation plan for the AH.
- The updated A-RAP/Compensation plan should clearly indicate affected assets and household' entitlements to compensation and signed by affected persons to demonstrate their concurrence with the calculated results. Any questions of affected persons on the contents of the compensation plan must be recorded at that time.
-

Community consultation: Before updating the A-RAP according to the detail design, the Nghe An PPMU/DRC will organize community meetings in Ngoc Son commune to provide the APs with additional information and give them an opportunity to participate in

the open discussions on resettlement policy and procedures. Invitations will be conveyed to all affected persons before the meeting is held in such place. The purpose of this meeting is to clarify the information updated at the meeting time and create opportunities for affected people to discuss the concerned issues and clarify information. Both men and women of affected households as well as community members who are interested in the Project are encouraged to participate. In the meeting, there will be explanations about the Project, rights and entitlements of households, and the meeting will be an opportunity to raise related questions. Similar meetings will be organized periodically throughout the project cycle.

V. INFORMATION DISCLOSURE

In addition to public notification to affected persons and their local community, the Final Abbreviated Resettlement Action Plan will be available in the public information centers of the Nghe An province, QuynhLuudistrict, Nghe An PPMU, the Info Shop in Washington DC and Vietnam Development Information Center (VDIC) in Hanoi and in the Website of the CPO.

The objective of information disclosure aims to provide fully information on the project components and impacts such as entitlement of affected person and compensation rates; complaints mechanism and procedures of complaint; rights to participate and the right to be consulted; resettlement activities; resettlements responsibility organization, and work progress.

VI. GRIEVANCES AND REDRESS MECHANISM

Grievances related to any aspects of the Project will be handled through negotiation aimed at achieving consensus. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. The subproject will bear all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

First Stage, Commune 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, District People's Committee. 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, Provincial People's Committee. 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, the Court of Law. 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.

To ensure that the grievance redress mechanism described above is practical and acceptable to APs, it were consulted with local authorities and communities in consideration of specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving complaints and conflicts. Objects and efforts of ethnic minorities were also identified and determined in culturally acceptable ways to find the solution acceptable.

VII. IMPLEMENTATION ARRANGEMENTS

The implementation of resettlement activities requires the participation of agencies and organizations at the national, provincial, district and commune level. Each provincial people's committee will take general responsibility 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 197/2004/CP, Decree 84/2007/CP and Decree 69/2009/CP. The provisions and policies of the RPF and the RAP will form the legal basis of compensation and resettlement in the Dam Rehabilitation and Safety Project (DRaSIP) in Vietnam.

1. At the Central Level

The Ministry of Agriculture and Rural Development (MARD), the line agency of the project, shall be responsible for the whole project. They are the Vietnamese representative agency who works with the Donor in the project development process. The Ministry establishes a Project Steering Committee with a Vice Minister acting as the Head of Committee. The Committee includes leaders of the project PPCs, leaders of Departments, General Departments under the relevant ministries. These Departments and General Departments with their State management functions and duties will advise the Ministries in guiding, management, monitoring and inspecting the project implementation.

The Central Project Office (CPO) is the project owner, responsible for implementation organization, general management and coordination of the project activities. The CPO takes overall responsibility for resettlement and land acquisition within the project, including:

- Coordinating with the PPCs to direct implementation of compensation and resettlement in compliance with the RPF requirements and in line with the construction progress.
- Training and strengthening capacity of the project executing agencies (the Provincial Project Management Units (PPMUs) and the District Resettlement Committees (DRCs) on RPF and RAP implementation procedures.

-
- Co-operating with the PPMUs to carry out internal monitoring of compensation and resettlement within the whole project.
 - Reporting periodically on resettlement issues to the MARD and the WB.

2. At the Provincial Level: Nghe An Province People's Committees (PPC):

Nghe An PPC takes the overall responsibility for compensation, site clearance, and resettlement within the province. The Nghe An PPC is responsible for:

- Informing or giving Quynh Luu DPC a mandate to inform about land acquisition when the sub-project location has been selected.
- Issuing the decision on land acquisition of organizations.
- Conducting replacement cost surveys in their province.
- Approving the sub-project RAP.
- Approving the overall plan on land acquisition for the subproject.
- Directing Quynh Luu DPC to implement the compensation, resettlement, and site clearance.
- Providing adequate funds for compensation in a timely manner.

The Nghe An Provincial Project Management Unit (PPMU)

The Nghe An Provincial Project Management Unit (PPMU) is responsible for implementing civil works components of the subproject: PPMU will manage compensation and site clearance of their respective sub-projects, encompassing:

- Submitting the updated sub-project RAP prepared in the project implementation period to the authorized PC before making compensation payment
- Co-operating closely with Departments, agencies, sectors in NgheAn province, and the Quynh Luu DPC in implementing resettlement and site clearance to ensure that the implementation of compensation and resettlement is in line with the construction schedule.
- Monitoring internally implementation of compensation and resettlement of the sub-project, preparing quarterly reports on implementation progress of compensation and resettlement of the sub-project to CPO.

3. At the District Level: QuynhLuu District

Quynh Luu District People's Committee (DPC) is responsible for:

- DPC directly guides DRC, District Land Development Center and Ngoc Son CPC to implement the compensation, resettlement and resettlement.
- Approving compensation plan submitted by DRC.
- Settling complaints and grievances of the APs within jurisdiction.
- Issuing decision on land acquisition from individuals and households.

The Quynh Luu District Resettlement Committee (briefly referred to as DRC) bears responsibility for implementing compensation and site clearance for works located in their respective districts, including:

-
- Conducting replacement cost surveys in their district.
 - Co-operating with Ngoc Son CPC to disseminate information and consult AHs.
 - Carrying out inventory of affected assets of HHs, preparing compensation plans to submit to Nghe An PPC for approval.
 - Co-operating with PPMU and Ngoc Son commune to implement compensation and site clearance.
 - Responding to APs' queries and advising DPC in redressing grievances raised by affected persons.

4. At the Commune Level: Ngoc Son commune

Ngoc Son Commune People's Committee (CPC) is responsible for:

- Providing cadastral maps for Resettlement Committee and mobilizing their staff to be members of DMS team.
- Co-operating with DRC in delivering information and organizing community consultations.
- Settling APs' queries relating to inventory of their assets.
- Facilitating and assisting APs in restoring their livelihoods, income, and stabilizing their lives.

VIII. IMPLEMENTATION SCHEDULE

Procedures of compensation and resettlement implementation will comply with regulations and procedures stipulated in Decree 69/2009/ND-CP of the Government and regulations in the RPF. Specific steps and procedures are implemented as follows:

- Basing on detailed technical design of the Subproject, the design consultants and PPMU hand over benchmarks of site clearance to the DRC to determine AHs and carry out DMS of affected assets.
- Holding meetings with APs to disseminate information and compensation policies, including the project objectives and benefits, positive and negative impacts of the project, mitigation measures, methods used to evaluate prices of affected assets, amounts for compensation, allowances and restoration, and grievance redress mechanism.
- Conducting surveys of AHs and inventory of their affected assets to collect information on APs, identifying quantities of affected assets, entitlements to compensation, and resettlement and restoration allowances for APs. Consulting APs about mitigation measures for the project impacts and assistance measures for livelihood restoration.
- Carrying out a replacement cost survey and preparing reports to submit NgheAn PPC for approval.
- Preparing compensation plans, disclosing compensation plans to obtain comments from APs, finalizing compensation plans and submitting to Nghe An PPC for approval.

-
- Paying compensation and restoration allowances.
 - Internal monitoring activities will be implemented during the whole process of compensation and resettlement to ensure that the compensation and resettlement comply with the RPF of the Project.

The RAP implementation schedule is presented in the Table 6 below:

Table6: The Schedule of RAP Implementation

| No. | Activities | Starting | Ending | Implementation Issues |
|------------|--|-------------------------------|-------------------------------|---|
| 1 | Identification of Project location | 1 st Quarter/2014 | 1 st Quarter/ 2014 | Nghe Amps |
| 2 | Notification of land acquisition | 31/12/2014 | 31/12/2014 | QuynhLuu DPC |
| 3 | Preparation, appraisal and approval of general compensation, assistance and resettlement Plan | 1 th Quarter/2015 | 2 th Quarter/ 2015 | Project Owner to prepare and Nghe AnPPC to approve |
| 4 | Preparation of Cadastral Dossier and Landmark for land acquisition. | 1 st Quarter/2016 | 1 st Quarter/ 2016 | Project Owner, PPMU |
| 5 | Preparation of Detail Compensation, Support and Resettlement Plan, including Community Consultation and Dissemination; DMS, RCS and documentation of detailed compensation plan(s) | 2 st Quarter/2016 | 3 rd Quarter/ 2016 | PPMU and Agencies in charge of compensation and land acquisition |
| 6 | Updating of RAP | 3 rd Quarter/ 2016 | 3 rd Quarter/ 2016 | PPMU and Agencies in charge of compensation and land acquisition |
| 7 | Submission to CPO and WB for endorsement | 3 rd Quarter/ 2016 | 3 rd Quarter/ 2016 | PPMU and Agencies in charge of compensation and land acquisition |
| 8 | Information dissemination to the people, disclosing RAP on the website of CPO/DARD | 3 rd Quarter/ 2016 | 3 rd Quarter/ 2016 | CPO, PPMU and Agencies in charge of compensation and land acquisition |

| No. | Activities | Starting | Ending | Implementation Issues |
|------------|---|-------------------------------|-------------------------------|--|
| 9 | Issuance of Decision on land acquisition | 3 rd Quarter/ 2016 | 3 rd Quarter/ 2016 | WB, Nghe An PPC |
| 10 | Appraisal and approval of detail Notification of land acquisition | 4 th Quarter/ 2016 | 4 th Quarter/ 2016 | Nghe An PPC |
| 11 | Disclosure and compensation payment | 4 th Quarter/ 2016 | 4 th Quarter/ 2016 | PPMU and Agencies in charge of compensation and land acquisition |
| 12 | Transfer of cleared land | 4 th Quarter/ 2016 | 4 th Quarter/ 2016 | PPMU and Agencies in charge of compensation and land acquisition |

IX. MONITORING AND EVALUATION

Internal Monitoring

Internal monitoring of this A-RAP implementation is undertaken by NgheAn PPMU the support of the project consultants. Nghe An PPC will monitor the resettlement activities fully during the RAP implementation, on the quarterly basis. The PPMU will periodically submit quarterly progress reports to the CPO and the WB.

The criteria of internal monitoring include but not limit to activities bellowed:

- Compensation payment for affected households for the different types of damage pursuant to the compensation policies described in the resettlement plans.
- Implementation of technical assistance, allowance payment and relocation support.
- Dissemination of information and consultation procedures.
- Monitoring of complaint procedures, existing problems that require the manageable attention.
- Prioritizing affected persons on the proposed selections.
- In coordination to complete A-RAP activities and award construction contract.
- The executive agencies will collect information every month from the resettlement committee. A database tracking the resettlement implementation of the Project will be maintained and updated monthly.
- The executive agencies will submit internal monitoring reports on the A-RAP implementation as a part of the quarterly report. The reports should contain the following information:
 - Number of affected persons according to types of effects and project components and the status of compensation, relocation and income recovery for each item.
 - The distributed costs for the activities or for compensation payment and disbursed cost for each activity.
 - List of outstanding complaints
 - Final results on solving complaints and any outstanding issues that demand management agencies at all levels to solve.
 - Arisen issues in the implementation process.
 - A-RAP Schedule is actually updated.

X. BUDGETS

1. Funding Sources

The fund for the preparation and implementation of compensation, assistance and resettlement of the project will come from the counterpart fund (government budget and Nghe An provincial local budget).

2. Cost Estimate

The estimated costs for compensation, assistance and other management costs for affected land/assets (land, houses, structures, architectural facilities and trees) for Khe Gang reservoir Subproject are calculated as below:

Table 7: Cost Estimate for the Subproject Compensation and Assistances

Unit: VND

| No. | Items | Unit price | Amount |
|----------|--|------------------|--------------------|
| A | Compensation and Assistances | | |
| 1 | Land | | 245,000,000 |
| | Affected perennial land | 49,000 VND/ m2 | 245,000,000 |
| 2 | Structures and architectural facilities | | |
| 3 | Trees and crops | | 25,500,000 |
| | Acacia | 80,000 VND/ tree | 20,000,000 |
| | Cajuput | 50,000 VND/ tree | 2,500,000 |
| | Eucalyptus | 20,000 VND/ tree | 3,000,000 |
| | Sub-total 1 | | 270,500,000 |
| B | Management | | 27,050,000 |
| | Management Cost | 10% x Total (1) | 27,050,000 |
| | | | |
| | GRAND TOTAL | | 297,550,000 |
| | USD conversion | | 14,169 |

Source: Cost Estimate by the Resettlement Consultant, February 2015.

Accordingly, a total of fund provided for the compensation, assistance and resettlement for the Repair and Improvement of Khe Gang Subproject under the Repair and Improvement of Dam Safety Project in Nghe An Province (WB8) is **VND 297,550,000, equivalent to US\$ 14,169**.

The compensation payment is expected to carry out in mid-2016.

ANNEXES:

Annex 1: Sample of Community Consultation Meeting

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

Quyên, Lào, ngày 10 tháng 2 năm 2015

BIÊN BẢN LÀM VIỆC

(V/v Điều tra khảo sát hiện trạng tài sản bị ảnh hưởng tại xã Ngọc Sơn)

Hôm nay, ngày 10 tháng 2 năm 2015, tại trụ sở UBND xã Ngọc Sơn, huyện Quyên, Lào, Tỉnh Nghệ An. Chúng tôi gồm:

A. Đại diện UBND xã Ngọc Sơn

| | |
|------------------------|---------------------------|
| Ông (bà) Hồ Văn Lập | Chức vụ: Chủ tịch xã |
| Ông (bà) Triệu Văn Hân | Chức vụ: Đại diện hội dân |
| Ông (bà)..... | Chức vụ:..... |

và

B. Đại diện..... (gọi tắt là Tư vấn):

| | |
|----------------------------|------------------------------|
| Ông (bà) Nguyễn Văn Ninh | Chức vụ: T.đ. văn môi trường |
| Ông (bà) Dương Thị Kim Hoa | Chức vụ:..... |
| Ông (bà)..... | Chức vụ:..... |

Cùng tiến hành họp và thống nhất một số công việc như sau:

1. Tư vấn thông báo cho UBND xã về phạm vi bị ảnh hưởng và ranh giải toả dự kiến của Dự án Sửa chữa, nâng cấp hồ chứa nước Khe Công trên địa bàn xã.
2. UBND xã cung cấp cho tư vấn danh sách các hộ bị ảnh hưởng bởi Dự án.
3. UBND xã xác nhận tư vấn đã tiến hành khảo sát điều tra tài sản hiện trạng của 20 hộ bị ảnh hưởng bởi dự án trên địa bàn xã (có danh sách kèm theo)

Ghi chú:

... Dưới sự chỉ đạo này cấp hồ chứa nước Khe Công được Thủ...
... hiện sẽ có tại đây. Vì vậy một số đất đai... như đất quan, mìn...
... tuy nhiên sẽ có thể hồ một số đất đai... đất của hội dân...
... Xong đất của người dân đất... hồ nước giao đất...
... Tất cả đều thống nhất mong muốn dự án được triển khai...

Xác nhận của UBND xã

CHỦ TỊCH

Hồ Văn Lập

Đại diện tư vấn

Khuê

Dương Thị Kim Hoa

CỘNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự Do - Hạnh phúc

Ngọc Sơn, Ngày 10 tháng 2 năm 2015

DỰ ÁN Sửa chữa nâng cấp Hồ chứa nước Khe Gang, Phước
Dự án sửa chữa nâng cấp an toàn đập土石, Nghệ An (N.B.A)

BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG VỀ ĐÁNH GIÁ MÔI TRƯỜNG, TÁI ĐỊNH
CƯ VÀ PHÁT TRIỂN DÂN TỘC THIỂU SỐ

Tiêu đề dự án: Sửa chữa nâng cấp Hồ chứa nước Khe Gang
Xã Ngọc Sơn, huyện Quỳnh Lưu, tỉnh Nghệ An

I. Thành phần tham dự

- Ông/Bà Hồ Văn Học Chức vụ Chủ tịch xã
- Ông/Bà Chức vụ
- Ông/Bà Trần Văn Thuận Chức vụ P. Giám đốc
- Ông/Bà Nguyễn Văn Minh Chức vụ Phó Giám đốc
- Ông/Bà Dương Thị Liên Chức vụ Chuyên gia
- Ông/Bà Chức vụ
- Đại diện những người bị ảnh hưởng: người (chi tiết xem danh sách đính kèm)

II. Nội dung tham vấn

Chuyên gia môi trường trình bày những tác động môi trường bao gồm tác động lên môi trường tự nhiên và xã hội của khu vực dự án và những biện pháp giảm thiểu các tác động tiêu cực.

Chuyên gia tái định cư trình bày về những tác động khi thu hồi đất và các tài sản trên đất, những chính sách của Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam và địa phương, chính sách của dự án trong vấn đề bồi thường thiệt hại khi Nhà nước thu hồi đất đai và các tài sản trên đất.

Chuyên gia về cộng đồng, dân tộc thiểu số trình bày về Khung chính sách dân tộc thiểu số của dự án, các tác động xã hội trong quá trình thực hiện dự án. Giới thiệu với cộng đồng về những chính sách của Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam và địa phương về dân tộc thiểu số.

III. Ý kiến thảo luận

III.1 Về các tác động môi trường tiêu cực và biện pháp giảm thiểu

- có một số tác động môi trường như bụi, xe cộ
 làm nước biển cũng bị bụi
- Khi biển cũng này đây sẽ có những tác động khác nhau
- Chối phá nát rừng
 - Khi rừng bị chặt
 - Vấn đề khác
- Tại cả đây có biện pháp giảm thiểu
- Khi nước biển cũng đây, vấn đề này đây
 - Tại cả đây cũng được giảm tác động về ngoài chỉ đây
 giảm được xây dựng

III.2 Về các vấn đề thu hồi đất và các tài sản trên đất và các chính sách

- chủ yếu không ảnh hưởng tới thu hồi đất
 của người dân
- Khi việc đất này ít tác động tới các người dân đây
 cũng nhất. Nếu đất được thu hồi cũng gì thì đất sẽ
 cũng giảm đất.
 - Tại cả đây cũng giảm thu hồi đất.

III.3 Về các vấn đề về dân tộc thiểu số

không có dân tộc thiểu số

IV. Kết luận

- việc hộ dân
- 100% số hộ tham dự được thấy nhất và công việc dự án được triển khai sớm
 - Tất cả đội sản xuất được tham gia dự án
 - Tất cả đội sản xuất giao đất khi dự án cần
 - Các hợp kết thúc tại 10h số tại UBND xã Nguyễn Sơn



Trần Vĩnh Cường

Đại diện cộng đồng

Đại diện tư vấn

Đại diện UBND xã



Hồ Văn Lập