

# Resettlement Plan

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March 2017

## VIE: INTEGRATED RURAL DEVELOPMENT SECTOR PROJECT IN CENTRAL PROVINCES - Additional Financing

Subproject: Upgrading Dai Giang River Dike system,  
Thua Thien Hue province

## CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)  
Exchange rate on 10<sup>th</sup> January 2017: \$1 = VND 22,270

## ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	Affected Household
APs	-	Affected Persons
APMB	-	Agricultural Project Management Board
LFDC	-	Compensation Assistance and Rehabilitation Board
CPC	-	Commune Peoples' Committee
CPMU	-	Central Project Management Unit
CSB	-	Commune Supervisory Board
DARD	-	Department of Agriculture and Rural Development
DLFDC	-	District Land Fund Development Center
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DP		Displaced Person
DPC		District Peoples' Committee
DPI	-	Department of Planning and Investment
DRC	-	District Resettlement Committee
EA	-	Executing Agency
EM	-	Ethnic Minority
EMO	-	External Monitoring Agency
FGD	-	Focus Group Discussion
FS	-	Feasibility Study
GAP	-	Gender Action Plan
GOV	-	Government of Vietnam
HHs	-	Households
HIV-AIDS	-	Human Immuno Virus-Acute Immune Deficiency Syndrome
IPP	-	Indigenous Peoples' Plan
IOL	-	Inventory of Losses
IDSPCP		Integrated Rural Development Sector Project in Central Provinces
IRMR	-	Internal Resettlement Monitoring Report
LFDC		Land Fund Development Center
LIC	-	Loan Implementation Consultant
LURC	-	Land Use Rights Certificate
MARD	-	Ministry of Agriculture and Rural Development
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Affairs
MONRE	-	Ministry of Natural Resources and Environment
N-T-P	-	Notice- to- Proceed
ODA	-	Official Development Assistance
O&M	-	Operation and Maintenance

PLFDC	-	Provincial Compensation, Assistance and Resettlement Board
PIB	-	Project Information Booklet
PPC	-	Provincial Peoples' Committee
PPMS	-	Project Performance Monitoring System
PPMU	-	Provincial Project Management Unit
RE MDF	-	Resettlement and Ethnic Minority Development Framework
RP	-	Resettlement Plan
RCS	-	Replacement Cost Survey
ROW	-	Right-of-Way
RRCA	-	Rapid Replacement Cost Assessment
SAH	-	Severely Affected Household
SES	-	Socio-Economic Survey
SP	-	Subproject
SPS	-	Safeguard Policy Statement
STI	-	Sexually Transmitted Infection
USD	-	United States Dollar
VAHs	-	Vulnerable affected households
VND	-	Vietnamese Dong
VWU	-	Viet Nam Women's Union
WUGs	-	Water Users Groups

## GLOSSARIES

- Displaced person (DP) - Means any person or persons, household, firm, private or public institution that are fully or partially, permanently or temporarily physically displaced (relocated, lost residential land, or lost shelter) and/or economically displaced (lost land, assets, access to assets, income sources or means of livelihood) due to (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. AHs could be of three types: (i) persons with formal legal rights to land lost; (ii) persons who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who have neither formal legal rights nor recognized or recognizable claims to the lost land. In the case of a household, the term DP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
- Cut-off date - Means the date of project land acquisition announcement by competent agency. The AHs will be informed of the cut-off date for each project component, and any person who settled or assets created in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
- Detailed Measurement Survey (DMS) - Based on the approved detailed engineering design, this activity involves the finalization of subproject land acquisition and resettlement impacts, including final cost of resettlement. This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of AHs will be determined.
- Compensation - Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Ethnic minority (EM) - Any of the 53 ethnic groups in Viet Nam other than the majority Kinh (Viet) and Hoa ethnic group that possess the following characteristics in varying degrees - collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; and customary cultural, economic, social, or political institutions that are separate from those of the dominant Kinh (Viet) society and culture.
- Entitlement - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the AHs, depending on the type and severity of their losses, to restore their economic and social base.
- Income restoration program - A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations

Land acquisition	-	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	-	This refers to additional support provided to AHs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	-	This is the physical relocation of a DP from her/his pre-project place of residence and/or business.
Resettlement and Ethnic Minorities Development Plan (REMDP)	-	A plan for resettlement of an ethnic minority population, combining the resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.
Replacement cost	-	The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	-	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	-	This includes all measures taken to mitigate all adverse impacts of a project on DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Severely affected households (SAH)		This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject
Vulnerable groups	-	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include households that are: (i) headed by women with dependents, (ii) headed by persons with disability, (iii) falling under the national poverty standard, (iv) with children and elderly who have no other means of support, (v) landless, and (vi) ethnic minorities.

## WEIGHTS AND MEASURES

km	-	kilometer
kg	-	kilogram
ha	-	hectare
m	-	meter

## NOTE

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## EXECUTIVE SUMMARY

- 1. Introduction:** This Resettlement Plan (RP) is prepared for the subproject “Upgrading Dai Giang River Dike system” in Thua Thien Hue province that is one of the proposed subprojects of the Integrated Rural Development Sector Project in the Central Provinces (IRDSPCP) (Additional Financing). The SP aims to upgrade important segments of the Dai Giang river dike, from Dai Giang bridge to Cong Quan, with total length of 13.7km (both sides). The left river dike is 6.4km long (crossing Vinh Thai and Vinh Ha communes), the right river dike is 7.3km long, (crossing Thuy Phu and Loc An communes), bordering the dike of Tham Tuan reservoir, which is connected to the An Son Bon dike (work invested in Phase 1). These works form a connected transport system in the area. The RP is prepared based on the results of detail measurement survey (DMS), socio-economic survey (SES), replacement cost survey, the updated REMDF, and the results of public consultation and participation in SP area with the participation and consultation with different stakeholders, including affected people.
- 2. Subproject location and scope of impacts:** This SP will be invested in four (04) communes, namely: Vinh Thai commune and Vinh Ha commune (Phu Vang district); Thuy Phu commune, Huong Thuy town; Loc An commune (Phu Loc district), Thua Thien Hue province. According to DMS results, no affected household is relocated. There are total of 68 households (285 person) and 04 organizations (People’s committee of Loc An, Thuy Phu, Vinh Thai and Vinh Ha commune) to be affected by the subproject, but only 16 AHs with affected land and assets on land, remaining 52 AHs have affected assets only: hiring annual crop land of CPCs, structures/tombs and trees along the canal. Total 230,124.4 m<sup>2</sup> of land is acquired by this sub-project, broken down into: 2,164.1 m<sup>2</sup> belong to 16 AHs (including annual cropland, garden land and tomb land) and 227,960.3 m<sup>2</sup> public land (including annual crop land, transportation land).
- 3.** The subproject affects 3,746 trees of 34 affected AHs and about 2,917,248 m<sup>2</sup> of annual crops of 7 affected HHs. 23 AHs have structures to be affected, including 02 AHs with affected temporary house, 39 tombs of 15 AHs. Of 68 AHs, no AH is classified as vulnerable group and severely AH by subproject. Some AHs have affected one or more than one assets.
- 4. Legal Policy Framework and Entitlements:** The updated Resettlement and Ethnic Minority Development Framework (uREMDF) was prepared and applied for the project to meet the requirements of the ADB’s SPS 2009 on Involuntary Resettlement Policy and the legal documents of the Government of Vietnam (GoV) that are described in Chapter VII in detail. The terms and principles in this RP are in accordance with the current regulations of Vietnam. However, in case of any discrepancy, Asian Development Bank’s (ADB’s) Policy will be followed.
- 5. Information Disclosure, Public consultation and participation:** Information Public consultations and meetings at village and commune levels with the affected persons (APs) and local officials were conducted initially during the IOL time in 2014. Succeeding consultations took place during the DMS period done by LFDCs and CPCs and continue in October 2016 by CPMU/LIC in combination with PPMU and LFDCs and CPCs. Design, subproject policies and alternative plans for land compensation, replacement cost and income restoration were discussed during the meetings. The grievance redress mechanism was designed and discussed to ensure that the APs’ concerns and grievances are addressed and resolved in a timely and satisfactory manner. The rights of the AHs/APs were

fully disclosed to them verbally and in writing during the series of consultation meetings during both the IOL and DMS stages in the resettlement planning process. Furthermore, their rights will be reiterated again during the time when compensation will be paid for acquired/affected lands and other assets.

6. **Vulnerable and Ethnic Minority Issues:** Per results of DMS, non AH belongs to vulnerable group as well as ethnic minority.

7. **Gender Action Plan:** GAP was prepared in a separate report to ensure women's participation in SP implementation that includes gender performance indicators. Gender mainstreaming will be one of the areas to be monitored in the Project Performance Monitoring System (PPMS) as well as in the Internal Resettlement Monitoring Report (IRMR) to gauge the satisfaction levels of affected women household members as well the female-headed AHs in their compensation payments and grievance resolutions, among others. The gender monitoring indicators are also included and women are expected to take active part during the internal monitoring of the RP. Gender mainstreaming strategy as described in this RP encourages the participation of women in the entire subproject implementation cycle, specifically as members to the Commune Supervisory Board (CSB), during the regular public consultation, participation and information disclosure activities, in rendering unskilled labor equally paid with men during civil works construction and in their participation during the capacity-building for agricultural production and diversification, among others.

8. **Income Restoration Plan:** Non AH is classified as severely affected by the subproject then no income restoration plan is designed.

9. **Institutional Arrangement:** The Ministry of Agriculture and Rural Development (MARD), through its Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB), will coordinate with relevant agencies in the implementation of the RP. CPMU will cooperate with Thua Thien Hue PPC and instruct the Department of Agriculture and Rural Development (DARD), through its Provincial Project Management Unit (PPMU) to ensure that the compensation and other forms of assistance are administered according to the provisions of this RP. The Land Fund Development Centers (LFDCs) are belonging to Huong Thuy, Phu Loc and Phu Vang District to implement the compensation, assistance and resettlement process. During resettlement implementation, the Loan Implementation Consultant (LIC) was recruited by CPMU will conduct semi-annual monitoring missions to ensure compensation is implemented in line with the approved RP.

10. **Implementation schedule:** the final RP will be approved before starting the subproject civil works. Civil contract award for the subproject (SP) shall not be approved by ADB unless its final RP is approved. CPMU will make sure that construction work will not be implemented by contractors unless Thua Thien Hue PPMU before: (i) has adequately finished compensation payment and (ii) ensure that necessary allowances are provided to affected people for life rehabilitation/income restoration and land clearance are completed. As per implementation schedule, all AHs are expected to be paid compensation for their affected assets early of February 2017 and site clearance will be completed by early March 2017.

11. **Monitoring and Evaluation:** Monitoring of RP implementation will be internally conducted on behalf of MARD and ADB by CPMU with support of LIC and PPMU. The parties shall evaluate the achievement of resettlement objectives during the period from 6 to 12 months after resettlement activities have been completed. LIC will prepare and submit every six (6) months during project implementation an Internal Resettlement Monitoring Report (IRMR) to ADB through CPMU, which highlights status of the RP implementation,

particularly the issues and concerns that may affect smooth implementation; includes also actions taken by parties and the recommendations to address the issues. LIC will also evaluate the extent of living condition restoration of AHs during and after the subproject.

12. **Total resettlement cost:** Thua Thien Hue PPC is responsible for distributing counterpart fund for land acquisition and resettlement to District Land Fund Development Centers of Huong Thuy, Phu Loc and Phu Vang District so that the payment will be made directly to affected households. VND **647,588,094**, equivalent to USD **29,079**. In which: (i) compensation amount is VND 341,549,158 (ii) Assistance amount is VND 235,624,205; (iii) Management and Implementation Cost is VND 11,543,467 and (iv) Contingency is VND 58,871,683.

## **I. INTRODUCTION**

### **A. Background**

13. The subproject (SP) of Upgrading Dai Giang River Dike system is implemented in Thuy Phu of Huong Thuy district, Loc An communes of Phu Loc district, Thua Thien Hue province.

14. The subproject will upgrade two banks of Dai Giang river dike in accordance with the above proposed scale, reinforce as well as newly construct facilities on the two banks of dike. This is one of the 24 eligible and screened SPs, which are compliant to the Government of Vietnam and ADB's social and environmental safeguard policies, as well as to the criteria on development, which focus on poverty elimination.

15. The subproject is proposed to

- Upgrade 13.7 km and repair 1.53 km of dike system along two banks of river:
  - The right bank has the total length of 7.4 km (starting from downstream of Dai Giang bridge to the left bank of Bau Tham Tuan culvert);
  - The left bank has the total length of 7.83 Km (starting from downstream of Dai Giang bridge to upstream of Quan culvert) in which 6.3 km will be upgraded and 1.53 km will be repaired.
- 76 work items on the dike is repaired and newly constructed;
- Upgrading of operation and maintenance of completed works.

16. The subproject is expected to bring benefits to about 40,338 people living in four communes of Thuy Phu, Loc An, Vinh Thai and Vinh Ha and adjacent areas through improvement of agricultural production condition by upgrading of dike system, preventing Xiaoman and early flood in order for people in the region to feel assured in production.

17. The investment in construction of subproject will help people in beneficiary areas reduce annual production cost, facilitate operation management and travelling, and increase income for them.

### **B. Subproject location and affected area**

18. The SP will upgrade dike and work items on the dike. This is one of sub-projects screened from many projects in the province to ensure suitability with social and environmental protection measures of ADB and the Government of Vietnam and with other development selection criteria focusing on its impact on poverty in which activities of maximizing impacts on socio-economic issues from the investments will be implemented basing on priority basis. Other activities include project management assistance and institutional capacity building during the project implementation process, operation, and maintenance process, including asset management.

19. The SP will be implemented in four communes of Thuy Phu, Loc An, Vinh Thai and Vinh Ha of Huong Thuy, Phu Loc and Phu Vang district, Thua Thien Hue province. The dike system will prevent water from Dai Giang river in rainy season and early flood in Winter-Spring crop season from overflowing dike causing waterlogging in field and protect 1,461 ha of agricultural land production inside the dike. The dike system will protect houses and lands and provide stable life for 472 households with 1857 persons who are living along the dike. The dike system protects inside infrastructures including more than 27 km of interior field canal, 31 km of road and interior field dike, three elementary Schools, two clinics and 14

pumping stations. In the dry season, the dike system plays a role as two banks of canal to keep fresh water from Truoi lake and Huong river to flow into Dai Giang river which will raise elevation by +0.2 to +0.3, creating water resource for production and gravity irrigation for a part of cultivation area. The dike system will contribute to guarantee of travelling, production and good exchange for people in the region. And it will reduce poverty rate due to increasing crop yield and income.

### **C. Measures taken to Minimize Negative Impacts**

20. The subproject (SP) of Upgrading Dai Giang River Dike system, Thua Thien Hue province is constructed based on the existing route and combined with the existing one with some design options to minimize land acquisition. To avoid more potential impacts, households were informed during the consultation meetings to refrain from building new structures or plant trees at the identified subproject area. A public information booklet (PIB) that explains, among others, the policy on cut-off date for eligibility, was distributed to the AHs and local governments during the preparation of the RP. PIB will be regularly distributed to the AHs and local governments, as needed, following ADB's concurrence of the subproject RP. Other than the aforementioned, Government will ensure that the acquisition of assets, payment of compensation, assistance and rehabilitation of the AHs will be completed prior to the issuance of a notice- to- proceed (NTP) to contractors to start construction works.

21. Efforts towards minimizing the adverse environmental impacts of the subproject during construction will include re-using excavated materials from the existing work to upgrade and maintain the new works, reduce the volume of construction materials to be extracted from borrow pits and transported through public roads, thereby reducing environmental impacts such as dust, air emissions, and noise that would affect local people in the subproject area particularly children and the elderly who are at greater risk to these environmental impacts.

### **D. Resettlement Plan**

22. This RP ensures that the subproject will (i) avoid involuntary resettlement wherever possible; (ii) mitigate potential impacts during the subproject design phase; and (iii) improve the standards of living of affected people especially the vulnerable group, minority people or at least will equal to their pre-subproject conditions.

23. In addition, the RP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB's Involuntary Resettlement with National and Thua Thien Hue provincial policies. Which include:

- (i) Policy and procedural guidelines for asset acquisition, compensation, resettlement, and strategies that will help ensure full restoration of the affected households' livelihood and standards of living;
- (ii) Identification of households and communities to be adversely affected by the implementation of subproject, identification of which measures/compensation and mitigation plan which need to be applied;
- (iii) Identification of content, participation plan of affected households in the various stages of the Project, including resolution of grievances; and
- (iv) An estimated budget for resettlement implementation.

24. This RP is prepared based on the results of the detailed measurement survey (DMS), replacement cost, SES and consultations. Construction activities will only start once all compensation and assistances provided to affected households.

## II. SUBPROJECT IMPACTS

25. Detailed Measurement Survey (DMS) was completed in October 2016 by Land Fund Development Centers of Huong Thuy, Phu Loc and Phu Vang districts in Thua Thien Hue province, based on the approved detail design. Results of the DMS are summarized as follows:

### A. Permanent impact

#### 1. Affected households

26. Per DMS result, the subproject causes impacts on assets of 68 affected households, equivalent to 285 persons, and four (04) organizations (Loc An, Thuy Phu, Vinh Thai and Vinh Ha CPCs). Of the 68 affected households (from three communes - namely Loc An, Thuy Phu, Vinh Thai CPC), 16 AHs are affected on land and assets, 04 AHs are leased land by Thuy Phu CPC for cultivation; 34 AHs are affected on tree only along the canal and 10 AHs are affected tombs only. None of the AHs is severely or vulnerably affected households.

27. The following table describes in detail the affected households:

**Table 1: Number of affected households**

Commune	AP	AH				
		Total AH	AH losing land and assets	AH losing tomb only	AH losing tree along the canal only	AHs leasing land from CPC for cultivation
Loc An	28	6	4	1	3	
Thuy Phu	99	30	5	9	11	4
Vinh Thai	158	32	7		20	
Vinh Ha	No AH in Vinh Ha commune					
<b>Total</b>	<b>285</b>	<b>68</b>	<b>16</b>	<b>10</b>	<b>34</b>	<b>4</b>

Source: DMS 2016

#### 2. Affected land

28. According to DMS result, the SP permanently affects a total 230,124.4 m<sup>2</sup> of land, broken down into: 2,164.1 m<sup>2</sup> belong to 16 AHs (including annual cropland, garden land and tomb land) and 227,960.3 m<sup>2</sup> of public land (including annual crop land, transportation land).

29. Of total 2,164.1 m<sup>2</sup> belong to 16 AHs including: 22.3 m<sup>2</sup> of residential land belongs to two (02) households, 1,285.6 m<sup>2</sup> of annual crop land of nine (09) AHs; 609.7 m<sup>2</sup> aquaculture land belong to two (02) AHs and 224.70 m<sup>2</sup> garden land of three (03) AHs; 21.8 m<sup>2</sup> tomb land of two (02) AHs. All AHs losing less than 10 percent of total productive land holding. (There is 01 AH in Thuy Phu commune with three types of affected land, including annual crop land, garden land and aquaculture land)

30. Of 227,960.3 m<sup>2</sup> of public land, including 9,560.0 m<sup>2</sup> annual crop land belongs to four CPCs, 1,031.5 m<sup>2</sup> aquaculture land owned by Loc An and Vinh Thai communes; 217,359.8 m<sup>2</sup> transportation land of Loc An, Thuy Phu and Vinh Thai communes.

31. Of 9,560 m<sup>2</sup> annual crop land belongs to four (04) CPCs that are leased to four (04) AHs for cultivation, are assisted equal to 75% of compensation value of the affected land. The following table summarizes affected land:

**Table 2: Affected land by type of land and ownership**

Owner	Commune	Unit	Non-agriculture land (residential land)	Agriculture land			Other land		Total
				Annual crop land	Aquaculture land	Garden land	Tomb land	Transportation land	
Ahs	Loc An	m <sup>2</sup>	22.3			62.0			84.3
		AH	2			2			4
	Thuy Phu	m <sup>2</sup>		142.7	609.7	162.7			915.1
		AH		4	2	1			5
	Vinh Thai	m <sup>2</sup>		1,142.9			21.8		1,164.7
		AH		5			1		6
	Total Ahs	m <sup>2</sup>	22.30	1,285.60	609.70	224.70	21.8	0.00	2,164.10
		AH	2	9	2	3	1	0	15
CPCs	Loc An	m <sup>2</sup>		2,267.5	956.7			98,083.3	101,307.5
	Thuy Phu	m <sup>2</sup>		1,687.2				77,218.0	78,905.2
	Vinh Thai	m <sup>2</sup>		2,529.8	74.8			42,058.5	44,663.1
	Vinh Ha	m <sup>2</sup>		3,084.5					3,084.5
	Total CPCs	m <sup>2</sup>	0.0	9,569.0	1,031.5	0.0	0.0	217,359.8	227,960.3
AH + CPCs	Loc An	m <sup>2</sup>	22.3	2,267.5	956.7	62.0	0.0	98,083.3	101,391.8
	Thuy Phu	m <sup>2</sup>	0.0	1,829.9	609.7	162.7	0.0	77,218.0	79,820.3
	Vinh Thai	m <sup>2</sup>	0.0	3,672.7	74.8	0.0	0.0	42,058.5	45,827.8
	Vinh Ha	m <sup>2</sup>	0.0	3,084.5	0.0	0.0	0.0	0.0	3,084.5
<b>Total area</b>		m <sup>2</sup>	22.3	10,854.6	1,641.2	224.7	0.0	217,359.8	230,124.4

Source: DMS 2016

**3. Status of land use rights of affected households**

32. According to DMS survey, all AHs have land use rights certificates (LURCs).

**4. Affected crops and trees**

33. Permanent agricultural land acquisition has impacts on crops and trees of people in the subproject area. A total annual crop in 1,088 m<sup>2</sup>, owned by 7 AHs (6 AHs in Thuy Phu and 01 AH in Vinh Thai commune) is affected. All of the annual crop is rice. Two (02 AHs) with 390.9 m<sup>2</sup> of aquaculture products is affected. 34 AHs are owning 4,072 affected perennial and fruit trees, such as bamboo, Mung, Eucalyptus, Sanh, Can Giao, ....

**Table 3: Affected crops, aquaculture and tree by commune**

No.	Commune	Crop	Aquaculture (m <sup>2</sup> )	Tree
1	Loc An			101



2	Thuy Phu	974	390.9	3700
3	Vinh Thai	114		271
4	Vinh Ha			
	Total	1,088	390.9	4,072

## 5. Affected houses and structures

34. As mentioned above, 02 households are affected residential areas, in which 02 HHs of them have temporary houses (roof, wooden rafter, masonry wall) affected by subproject with a total of 55.1 m2. Other structures of 23 AHs are affected (including Eaves, ground, concrete slab, electric line and livestock house and tombs). All of affected temporary housed and structures will be compensated at the replacement cost and removal after receiving full compensation. 39 tombs of 15 AHs will be relocated to commune's cemetery with support of CPCs.

**Table 4: Affected structures by type and commune**

No.	Commune	Temporary house	Eaves	Ground	Concrete slab	Electric line	Shrine pole	Earth Tomb	Livestock
		m2	m2	m2	m2	m	m	Unit	(m2)
1	Loc An	55.1	17.7	5.4	3.5		1	1	
2	Thuy Phu			20.6			2	30	13.4
3	Vinh Thai							8	
		55.1	17.7	26	3.5	0	3	39	13.4

## 6. Affected historical or cultural heritages

35. According to DMS results, there are no affected historical or cultural heritages in sub-project area.

### B. Temporary impacts

36. During construction, the sites and areas for the access roads and for temporary workstations will be identified. Lands will be temporarily acquired and rented as construction sites for worker camps, material storage etc. Likewise, there will be impacts to AHs along the road alignment. However, mitigation measures will be implemented. To minimize the temporary negative impacts, which are unavoidable, civil works contracts shall include the following provisions: (i) contractor to pay rent for any land temporarily required for construction work; (ii) temporarily used land will be restored or improved by contractors to its pre-subproject condition before returning to AHs with confirmation of LIC. Contractors are required to negotiate and reach an agreement with the landowner before the land is used for temporary material storage/disposal site. One of the conditions in the issuance of the final payment to civil contractors is that the contractor should submit supporting documents to prove that the temporarily acquired land has been restored to its pre-subproject conditions and there is no pending issue with confirmation of LIC.

## III. SOCIO-ECONOMIC PROFILE AND INFORMATION

### A. Socio-economic information of sub-project area

37. The four communes in the subproject area are all located in delta region in which three coastal communities are in difficulty. Economic condition in the communes is low and main income of local people is mainly based on agriculture production. Population in four

SPs communes is in table below and population density is 374.25 people/km<sup>2</sup>. The average poverty rate accounts for more than 12%, which is higher than other localities in the province.

**Table 5: Area and population in SP communes**

Commune	Total area (ha)	Population (person)
Thuy Phu	3,427	12,687
Loc An	2,705	12,106
Vinh Thai	1,975	6,730
Vinh Ha	3,007	11,039
<b>Total</b>	<b>11,114</b>	<b>42,562</b>

**Table 6: Socio-economic condition of SP communes is in table below**

No.	Items	Unit	Thuy Phu	Loc An	Vinh Thai	Vinh Ha
1	Population	person	12,687	12,106	6,730	11,039
	Male	person	5,981	6,061	3,756	5,409
	Female	person	6,706	6,045	2,974	5,630
2	Population density	People/km <sup>2</sup>	385	445	294	373
3	Average number of family members	People	4.5	4	3.5	4
4	% of poor households	%	6.52	8.9	15.5	17
5	% of HH doing farming	%	67	78	80	81

Source: Socioeconomic report of SP communes in 2015

38. Direct beneficiaries of the Project are farmers cultivating on the fields and having cultivation area inside two banks of Dai Giang river especially poor HHs (average poverty HH ratio in the subproject area is 12% in which Vinh Thai and Vinh Ha communes have poverty HH ratio of 17%).

39. The subproject will bring benefit for 40,338 people living in Thuy Phu commune – Huong Thuy town, Loc An commune – Phu Loc district, Vinh Thai and Vinh Ha communes – Phu Vang district in which the subproject brings benefit for about 70.5% HHs living mainly basing on agriculture production.

## **B. Socio-Economic Profile of Affected Households per DMS**

40. A socio-economic survey (SES) was conducted in July 2016 specifically to determine their level of socio-economic status and poverty situation in terms of household income, assets owned, access to basic services and infrastructure facilities as well as their opinions regarding subproject implementation among other SES variables. A total of 31 households were covered in the SES or equivalent to about 46% of the total affected households under the subproject.

41. The following are the results of the survey:

### **1. Ages of AH heads**

42. Ages of AH heads interviewed with 28% belong to the 60 years old and above or the elderly, 45% are within the ages 41-60 and remaining the ages are from 21 to 40. The data suggest that most of the households are not headed by persons in the labor age and so not too prone to change their job or their economically activities.

43. Of the 31 surveyed households, their educational attainment indicate that a majority of them at 58.06% (18 AHs) completed and/or within primary school level, second is 32.3 AHs (10 AHs) in secondary levels, another 9.68% (3 AHs) had high school education, no one household had finished for higher education.

**Table 7: Educational Levels of AH's heads**

Education level	Quantities	Percentage (%)
Did not attend school	0	0.00%
Primary	18	58.06%
Secondary	10	32.26%
High School	3	9.68%
College/Vocational School	0	0.00%
University	0	0.00%
Higher Education	0	0.00%
<b>Total</b>	<b>31</b>	

Education level	Quantities	Percentage (%)
Did not attend school	0	0.00%
Primary	18	58.06%
Secondary	10	32.26%
High School	3	9.68%
College/Vocational School	0	0.00%
University	0	0.00%
Higher Education	0	0.00%
<b>Total</b>	<b>31</b>	

Source: SES, DMS 2016

## 2. Sources of Income of household heads

44. A majority of the households at 81.0% (25 AHs) of the total 31 consulted households cited agriculture and forestry as their main source of income, a few at 17% (5 AHs) said they are freelance or hired labors while 3% (01 AH) reported that their income is from business/service. The findings suggest that with the completion of the subproject, a majority of the households who are involved in agriculture production will benefit an increase in farm produce thanks to stable, adequate and reliable irrigation water.

**Table 8: Source of Income of AH's heads**

Main income sources	Quantities	Percentage (%)
Agriculture/Forestry	25	81%
Freelance//hired labors	5	17%
Worker/staffs	0	0%
Business/services	1	3%
Other	0	0%
<b>Total</b>	<b>31</b>	<b>100%</b>

Source: SES, DMS 2016

## 3. Access to Domestic Water and electricity

45. As per the socio-economic survey (SES) results during DMS, it was found out that all of the subproject AHs have access to the national power grid.

46. Access to Domestic Water Source: All surveyed households responded that their source of water is from drilled or dug well.

### **C. Gender issues**

47. Women participation in the local authorities: The gender ratio of women and men working in commune level governmental agencies seemed imbalanced with more men occupying key positions than women. Women working in CPCs are only about 30% of the total CPC work force. Gender situation in LFDCs is more imbalanced as there is no women member of the district LFDC. It is noted that women only occupy key positions in the Vietnamese Women's Union (VWU), which is expected because the VWU is a homogenous mass organization exclusively for women regardless of social status, ethnicity and vulnerability. There are more men than women occupying key leadership positions in the all other governmental agencies/departments at provincial/district level.

48. Participation of women in the subproject: (i) the percentage of women participating in the Commune Supervisory Board (CSB) remains low due to the old and traditional perception that men must take charge in monitoring schemes because of their strength and because dispose of more time to take part in community activities; (ii) the women participating in the Commune consultation meetings as representatives of the community are still of the opinion that housework is the main responsibility of women; which explains why women take charge of 90% of housework and, therefore, are unavailable in community meetings and other subproject activities. Accordingly, women's contributions to housework are not valued and they are not paid for this activity. Due to their domestic activities, women do not have sufficient time to participate to training and other capacity building activities. Housework and other related works associated with the performance of their reproductive gender role deprive them from gaining opportunities for building their self-confidence.

49. Consequently: (i) women with high education and capacity tend to take further advanced learning courses and then try to find new job opportunities in different areas; (ii) women who have low education stay at the commune and perform housework and attend to their family's needs and concerns, this resulting in their lack of self-confidence and in losing the chance to become leaders occupying key decision-making tasks alongside men in the communes..

50. Women representation Decision-making in the household: This gender concern was also explored during the SES where it was found out that both husband and the wife jointly make decision concerning house's building, investment in business, ancestor worshipping and on meetings and community participation. However, women solely make decisions on matters concerning management of family finances/expenses, as being the financial managers of the household, in purchasing household appliances/facilities, in children's raising and educating. Other household members rarely decide on households' concerns. There is now emerging concerns and sensitivity by men of the women constraints in the households. This show that the gender mainstreaming efforts of the local authorities are making headway.

51. In addition, women in local governments are not provided opportunities to participate in decision-making because most of the positions involving leadership and decision-making responsibilities are assumed by men. Women's positions are largely as support staffs in administrative and finance tasks, as chair of women's unions and in cultural departments, which are again associated with their reproductive/nurturing gender role.

52. Women participate in mass organizations: Findings indicate that women participate more in activities of the Vietnamese Women's Union (VWU), that is concerned with women's

issues and related activities. However, very few women participate in other mass organizations likely because the Veteran's Union is mostly a men's organization, while the Farmers' Union usually comprised men and women farmers, but women farmers become registered members only when they are classified as female-headed farming household. Girls do not participate in the Youth Union because their main concern is to help their mother in housework.

#### **D. Social Impact Assessment**

##### **1. Subproject impact on ethnic minorities**

53. There is no ethnic minority group in the sub-project area.

##### **2. Subproject impacts on women**

###### **Positive impacts:**

- (i) The subproject (SP) of Upgrading Dai Giang River Dike system, Thua Thien Hue province is constructed based on the existing route and combined with the existing one with some design options to minimize land acquisition. The subproject is expected to bring benefits to about 40,338 people living in four communes of Thuy Phu, Loc An, Vinh Thai and Vinh Ha and adjacent areas through improvement of agricultural production condition by upgrading of dike system, preventing Xiaoman and early flood in order for people in the region to feel assured in production.
- (ii) The investment in construction of subproject will help people in beneficiary areas reduce annual production cost, facilitate operation management and travelling, and increase income for them;
- (iii) The dike system will contribute to guarantee of travelling, production and good exchange for people in the region. And it will reduce poverty rate due to increasing crop yield and income.
- (iv) Women will be less distressed by their task of household's managing, because there will be sustained increase in income from agricultural production, increasing the resources available for food security, healthcare and education of children.
- (v) Women's time consumed in housework will be reduced thanks to enhanced gender awareness and sensitization seminars arranged by the Project. Thus, they will have more time for leisure and community activities, enhancing their self-esteem and build their self-confidence.

###### **Negative impacts**

54. During implementation period, the SP might disturb local people's activities. It will also cause some negative impacts to local people, such as dust, noise and air pollution from gas emissions of dump trucks and other construction equipment. In addition, construction activities may increase traffic accidents because of the intense transit of construction equipment and uncovered stockpiles of materials and equipment and hazards in quarries.

55. Concerning the above impacts, the Provincial Project Management Unit (PPMU) shall request its Construction Contractors apply mitigation measures. They shall strictly comply with the Environment Management Plan. Safety signals shall be installed along the SP worksites and the planning of construction schedule shall take into account the resting and sleeping time of people located adjacent to the work sites.

###### **Mitigation and benefit measures**

56. Gender mainstreaming measures will ensure the participation of women in subproject implementation by creating job opportunities to increase their income as well as enhancing women's practical and community gender roles, including:

- (i) The subproject detailed design requires the participation of local authorities and local people, including women and the vulnerable group. Local people would recommend appropriate sites for construction of dyke and/or exact locations of junctions for travelling convenience.
- (ii) Contractors are recommended to utilize local work labors giving preference to women laborers in unskilled jobs where they are equally paid with men on time and days rendered for unskilled labors such as in staking and up keeping the construction workers' barracks among others. Also, ensure that occupational safety of women laborers are taken care of by contractors.
- (iii) Local authorities will closely coordinate with stakeholders/social organizations to organize training workshops/seminars on: (i) gender awareness and sensitization; (ii) prevention of HIV/AIDS and social issues; enhancing road safety awareness during construction; and (iii) environmental sanitation within and adjacent to the construction sites.

#### **IV. INFORMATION DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION**

##### **A. Objectives of consultation and information dissemination**

57. The objectives of information disclosure, consultation and community participation activities are:

- (i) Provide timely and sufficient information on the subproject, its components and activities;
- (ii) Collect information on the needs and expectations of affected people and the affected community as well as generate their responses to the proposed policies and activities of the subproject;
- (iii) Obtain co-operation and participation of the affected people in the proposed activities related to the preparation and implementation of the RP;
- (iv) Ensure that the affected people will directly participate and contribute to the identification, discussion and resolution of the issues which directly affects their income and living;
- (v) Ensure transparency in land acquisition activity, compensation payment and other related activities.

##### **B. Information dissemination**

58. Given the above-mentioned objectives and in compliance with the ADB's requirements, PPMU and LIC have been assisting the LFDC for Information disclosure from beginning and continuing throughout subproject preparation and implementation periods.

59. A series of information disclosure has been conducted from the beginning of the subproject in 2014 and continued through DMS and SES in 2016. The final RP as approved by the PPC and ADB and will be publicly disseminated to AHs and other subproject beneficiaries through commune and village meetings in coordination with their leaders. Furthermore, this RP, once approved, will be posted on ADB's websites.

60. The project information booklet (PIB) that is made available in Vietnamese has been distributed to the affected people and beneficiaries in the subproject area.

61. Affected Persons (APs) are notified in advance about resettlement activities, including: (i) community meetings about the scope of the subproject, site clearance

construction plans; (ii) detailed measurement survey results; (iii) list of eligible APs and their entitlements; (iv) compensation rates and volumes; (v) payment of compensation and other assistances; and (vi) other contents such as the grievance redress mechanism. Notices are posted outside the CPC offices or at other easily accessible locations. Letters, notices or small brochures are delivered individually to APs. Information of these activities are also broadcasted on the local loud speakers.

#### **1. Public Consultation and Participation during RP preparation**

62. Public consultations and community participation are conducted in the entire subproject implementation cycle, including planning, designing, implementation, and monitoring. The objective of the public consultation and participation is to develop and maintain avenues of communication among the subproject management, stakeholders and APs in order to ensure that their views and concerns are incorporated into subproject preparation and implementation whose aim is to reduce or offset the negative impacts while enhancing the subproject benefits.

63. Comments and grievances of APs were reviewed with them during the consultation meetings. The RP consultation results and information disclosure regarding entitlement and compensation and allowances for APs were properly documented and attached to this document as Annex on the Minutes of Public Consultation.

#### **During the IOL stage 2014**

64. The consultation of the SP upgrading Dai Giang dike was organized in Vinh Thai, Vinh Ha (Phu Vang district), Thuy Phu commune (Huong Thuy town), Loc An commune (Phu Loc district) on 18 Mar until 20 Mar 2014 at the office of CPCs.

65. Participant: Representatives of CPCs, village leaders, cadastral officials, representatives of local mass organizations (Representatives Commune Women's Union; Commune Farmers' association; Father Land Front) and affected people in the subproject areas. Other participants included CPMU, PPMU and LIC consultants.

66. The consultation meetings were conducted with the following subject matter:

- (i) Preliminary design (Subproject features, scale, its location, work items, );
- (ii) Dissemination on resettlement policy of the subproject, eligible criteria for compensation and assistance;
- (iii) Proposed Subproject implementation plan;
- (iv) Issues concerning gender, income restoration, livelihood and other support policies;
- (v) Compensation and assistance plan and entitlements of APs;
- (vi) Consult on the scale of impact on APs.
- (vii) Impacts on vulnerable groups and assistance, rehabilitation measures;
- (viii) Grievance Redress Mechanism;
- (ix) Collect comments/opinions regarding other issues.
- (x) Agreements with subproject local authorities, village and mass organization leaders and AHs on issues and opinions raised during the meeting.

#### **During the DMS in 2016**

67. Many meetings among LFDC, CPCs and AHs with participation of PPMU staff was organized during the DMS. AHs were informed and consulted of subproject information,

eligibility particularly on the cut-off date for the subproject, schedule, results of DMS as well as compensation plan for each AH including compensation prices and allowances.

68. Public consultation meetings were held in October 2016 in subproject commune and with all stakeholders such as local officials, representatives of local organizations (Women's Union; Farmers' Association; Father Land Front). Other participants are from Thua Thien Hue PPMU, CPMU and LIC (see table below). Minutes of these consultation meetings including list of participants is attached in Annex 1.



**Table 9: Number of participant interviewed and consulted**

District (LFDC)	Commune	Date	Total	Female	Scale of female
Phu Vang		4/10/2016	2		0.0%
	Vinh Hà	4/10/2016	2		0.0%
	Vinh Thái	6/10/2016	19	8	42.1%
Phu Loc		5/10/2016	3		0.0%
	Loc An	5/10/2016	10	3	30.0%
Hương Thuy town		6/10/2016	2		0.0%
	Thuy Phu	6/10/2016	30	10	33.3%
<b>Total</b>			<b>68</b>	<b>21</b>	<b>30.9%</b>

69. This meeting focused on:

- (i) Detailed design of the subproject (general information of subproject consists of location and scope of construction of the subproject);
- (ii) Dissemination of the SP's impacts and updated Resettlement and Ethnic Minority Development Framework;
- (iii) Disclosure of subproject implementation schedule, grievance and redress mechanism and process of monitoring and evaluation;
- (iv) Consulting on the replacement cost, compensation payments and other entitlements of AHs as well as the additional assistance and allowances to affected vulnerable group;
- (v) Distribution of project information booklet.

70. In the consultation meeting, the local authorities, communities and potentially affected households agreed on implementing of the subproject. All attendants were aware of the subproject's benefits and they will actively participate during subproject implementation.

71. Opinions, suggestions and concerns of the communities and potentially affected households that was raised in the consultation meetings is summarized as bellow:

- APs agreed with compensation policy of the subproject and compensation unit price issued by the PPC for subproject that reflects replacement cost;
- All affected HHs agreed to receive compensation and assistance in cash in accordance with the subproject's policy;
- CPCs confirmed there is no replacement land for AH losing agriculture land.
- Some AHs in Thuy Phu commune request the CPC to arrange land for moving tombs as they do not have another land; CPC confirmed and cooperate with LFDC to find the place in commune's cemetery and support AHs for moving by consultation with AHs;
- Corporative of Thuy Phu commune request to adjust the design of pumping station to ensure the drainage. PPMU committee to review proposal of Corporative during construction stage;
- AH in Loc An commune propose other land to replace the existing his temporary house because his family income is from this house by business himself of paddy machine CPC confirmed to arrange the replacement land adjacent his house belong to CPC to this AH; And head of this AH agree with this option;

- AHs in Vinh Thai commune agree with relocation assistance of tomb and request to remove their tomb by themselves
- Affected households agreed to cooperate with community supervisor board during the construction;
- Construction Contractors are required to restore the site to its original status after construction;
- Construction activities must be implemented quickly in consistent with the schedule as SP is planed in long time and the local people want it to be completed soon.

## **2. Public consultation and participation in RP implementation**

72. During the RP implementation, the PPMU, in cooperation with the LFDCs and the CPCs, are responsible to keep all SP AHs/APs and beneficiaries informed through various media, including workshops and public meetings. During these activities, participants will be encouraged to give feedbacks/comments on the SP's technical specifications, its impacts and the different alternatives to address the impacts as well as the expected resettlement and compensation options.

73. The local people will have the right to monitor and provide their feedbacks on the construction of the sub-project and the implementation of the RP. Representatives of AHs and beneficiaries may join the Commune Supervisory Board (CSB) to perform participatory monitoring of the SP implementation process. They can articulate their grievances if they discover any inappropriate/illegal actions of contractors and sub-contractors in compliance to the subproject's grievance redress mechanism presented in the following section.

## **V. GRIEVANCE REDRESS MECHANISM**

74. To ensure that complaints and grievances of APs regarding any aspect of land acquisition, compensation, and resettlement are timely and effectively addressed, a grievance redress mechanism with detailed procedures was established and agreed with by the APs during the consultation meetings. APs can send questions and grievances to SP implementation agencies on entitlement to compensation, compensation policy, rates, land acquisition, resettlement, allowance and assistance in income restoration. Furthermore, no fee is charged on APs for resolving the grievance and complaints at any level and in trial courts. Grievances will be lodged in three (3) levels of arbitration/resolution beginning at commune to the district and then at province level prior to submission to the Court for litigation as a last resort. The executing agency (EA) will bear all administrative and legal fees that might be incurred in the resolution of grievance and complaints.

75. The following stages/levels for grievance redress are established based on the Law No. 02/2011/QH13 of the National Assembly on Complaint, dated 11/11/2011:

- **First Stage, Commune People's Committee:** The AP can bring his/her complaint in written or verbal forms to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC. It is incumbent upon the said member of CPC or the Village Chief to notify the CPC about the complaint. The CPC will meet the aggrieved AP and will have from 30 days to a maximum of 60 days – for complicated case or remote area - after the lodging of the complaint to resolve it; The CPC secretariat is responsible for documenting and filing all complaints that it handles.
- **Second Stage, District People's Committee:** If after 30 days or 45 days (in remote area), the aggrieved AP is not satisfied with CPC's decision or in the absence of any

response, the AP may bring the case, either in written or verbal forms, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days – for complicated case or remote area - after the lodging of the complaint to resolve it. The DPC is responsible for documenting and filing of all complaints that it handles and will inform the LFDC of any decision made. The LFDC is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure that the complainant is notified of the decision made.

- **Third Stage, Provincial People's Committee:** If after 30 days or 45 days (in remote area), the aggrieved AP is not satisfied with the DPC's decision or in the absence of any response, the AP may bring the case in writing to any member of the PPC. The PPC has from 30 days to a maximum of 70 days to resolve the complaint to the satisfaction of the AP, depending on whether the case is complicated or it comes from a remote area. The PPC is responsible for documenting and filing all complaints that reaches the same.
- **Final Stage, the Court of Law Arbitrates:** If after 30 days following the lodging of the complaint with the PPC, the aggrieved AP is not satisfied with the PPC's decision or in the absence of any response, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a Court of law for adjudication. If the court rules in favor of the complainant, then PPC will have to increase the compensation at a level decided by the court. If the court rules in favor of the PPC, then the complainant will receive compensation approved by PPC.

76. The above grievance redress mechanism was disclosed and discussed with affected people during the public disclosure and consultation activities to ensure that grievance procedures are understood and agreed by all parties. PPMU/DARD are responsible for monitoring the progress of the grievance redress process. Local regulations and law will prevail to redress the complaints. While the grievance is under processing, compensation money and allowances will be deposited to an escrow account until it is properly resolved to the satisfaction of all parties. It must be impressed that the above procedures will not impede the aggrieved AH from seeking resolution of the court for arbitration/mediation of his/her grievance/complaints at any time.

## **VI. LEGAL FRAMEWORK AND ENTITLEMENT POLICY**

77. The legal and policy framework for dealing with the resettlement impacts of the subproject is given based on relevant policies and laws of Viet Nam and the ADB's Involuntary Resettlement Policy (SPS 2009). In this section, the relevant policies and laws of Vietnam, including policies of Thua Thien Hue Province, and policies of ADB are outlined. Should there be any gap between the policies of Vietnam and ADB, reconciliation will be made to have particular sub-project policies and principles.

### **A. Legal basis of the Government of Vietnam**

78. Legal framework of the Government of Vietnam: Law, decrees, and regulations of the Government of Vietnam on land acquisition, compensation, resettlement and ethnic minority include:

- i) The Constitution of the Socialist Republic of Vietnam (2013) confirms the right of citizens to own and protect the ownership of a house.
- ii) 2013 Land Law (No. 45/2013/QH13) dated 29/11/2013.

- iii) Decree No. 16/2016/ND-CP issued by the Government on March 16, 2016 on management and utilization of Official Development Assistance (ODA) and concessional loans from donors.
- iv) Decree No. 43/2014/ND-CP dated 15 of May 2014 on detailing a number of articles of the Land Law 2013.
- v) Decree No. 44/2014/ND-CP dated 15 of May 2014 on Regulations on Land prices.
- vi) Decree No. 47/2014/ND-CP dated 15/05/2014 of the Government of Vietnam on Regulations on compensation, assistance, and resettlement upon land recovery by the State.
- vii) Circular No. 36/2014/TT-BTNMT on land pricing method;
- viii) Circular No.37/2014/TT-BTNMT on Guidelines in implementation of Decree No.47/2014/ND-CP
- ix) Decision No. 775/QĐ-TFGM dated 20/5/2013 of the Prime Minister on policy on supporting housing land, agricultural land, clean water to poor ethnic households and needy ones in the disadvantaged communes;
- x) Decree No. 75/2015/ND-CP dated 09/9/2015 of the Government of Vietnam on mechanism and policy of forest development associated with the policy on sustainable and rapid poverty reduction and assistance to ethnic minorities for the period 2015 – 2020.

79. With regard to land acquisition in Thua Thien Hue province, Thua Thien Hue PPC has promulgated the Decisions, letters for compensation, assistance and resettlement policy when land is acquired by the State in Thua Thien Hue province as follow.

- (vi) Decision No. 46/2014/QĐ-UBND dated on 5th August 2014 by Thua Thien Hue PPC on promulgating compensation, assistance and resettlement policy when land is acquired by the State in Thua Thien Hue province;
- (vii) Decision No. 75/2014/QĐ-UBND dated on 22th December 2014 by Thua Thien Hue PPC on promulgating price unit for types of land in period of 2015-2019 in the territory of Bthua Thien Hue province.
- (viii) Decision No. 67/2015/QĐ-UBND dated on 22th December 2015 by Thua Thien Hue PPC on promulgating price unit for trees/ crop/livestock in the territory of Thua Thien Hue province;
- (ix) Decision No.3020/QĐ-UBND dated on 28<sup>th</sup> November 2016 by Thua Thien Hue PPC promulgating regulation for compensation price unit for affected land by subproject “Upgrading Dai Giang River Dike system” in Phu Loc district;
- (x) Decision No.2723/QĐ-UBND dated on 3<sup>rd</sup> November 2016 by Thua Thien Hue PPC promulgating regulation for compensation price unit for affected land by subproject “Upgrading Dai Giang River Dike system” in Huong Thuy town;
- (xi) Decision No.2162/QĐ-UBND dated on 16<sup>th</sup> September 2016 by Thua Thien Hue PPC promulgating regulation for compensation price unit for affected land by subproject “Upgrading Dai Giang River Dike system” in Phu Vang district.

## **B. Asian Development Bank’s Policy**

80. ***Involuntary Resettlement Policy (SPS 2009)***: Covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of

land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary.

81. Projects financed and/or administered by ADB are expected to observe the following policy principles:

- i. Screen the project early to identify past, present, and future involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- ii. Carry out meaningful consultations with DPs, host communities, and concerned non-government organizations. Inform all DPs of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the DPs' concerns. Support the social and cultural institutions of displaced persons and their host population.
- iii. Improve, or at least restore, the livelihoods of all DPs through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- iv. Provide physically and economically DPs with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- v. Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- vi. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status<sup>1</sup>.
- vii. Ensure that DPs without title to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets.
- viii. Prepare a resettlement plan elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

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<sup>1</sup> ADB involuntary resettlement safeguards is applicable to negotiated settlements if expropriation would result upon the failure of negotiations. Negotiated settlement should be based on meaningful consultation with affected persons, including those without legal title to assets. In doing so, the borrower is required to offer adequate and fair price for land and/or other assets. The borrower is also required to engage an independent external party to document the negotiation and settlement processes. Refer to paragraph 25, Appendix 2 (involuntary resettlement) of ADB SPS (2009).

- ix. Disclose both the draft and final resettlement plan in a form and language understandable to DPs and other stakeholders.
- x. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- xi. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- xii. Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

82. Calculation of full replacement cost will be based on the following elements: (i) fair current market value at the time of compensation; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, structures will be compensated at replacement costs without deduction for the value of salvageable materials. It is expected that qualified and experienced experts will undertake the valuation of acquired assets.

83. Persons or households without legally recognized rights to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

### **C. Reconciliation of Government and ADB Policies on Resettlement**

84. The similarity between regulations of The Government of Vietnam and ADB Safeguard Policy is the entitlement for beneficiaries/eligible ownership. The current regulation stipulates guidance on (i) identifying market price/replacement cost and compensation payment, assistance for different types of affected assets; (ii) land compensation plan and cash compensation assistance; (iii) relocation support during transitional period; (iv) allocating land and house with use right certificate; (v) additional support to severely affected households and vulnerable household; (vi) assistance to livelihood restoration and training ; and (vii) information disclosure, consultation, grievance redress mechanism.

85. Land law 2013 (No.45/2013/QH13) stipulates regulations on information disclosure (Article 67) and publication of compensation plan to affected people (Article 69). Accordingly, affected people should be informed in advance at least 90 days for agricultural land and 180 days for non-agricultural land prior to land recovery. Compensation plan should be disseminated to affected people and posted at CPC Office before submission for approval

86. However, ADB Safeguard Policy does not consider the absence of legal rights of APs on acquired land as an impediment to receiving compensation for non-land assets and for rehabilitation assistance. No business license is registered by affected people is also not an impediment for them to receiving business restoration assistance. Engagement of an independent external party to document negotiation and settlement process is required under ADB Policy.

87. Policy framework and regulations to address resettlement impacts for sub-project “Upgrading Dai Giang River Dike system” are prepared on the basis of relevant policies and laws of Vietnam and ADB Safeguard Policy Statement (SPS 2009)

88. Decree No.16/2016/ND-CP on management and utilization of official development assistance (ODA) and concessional loan from donors stipulates that compensation and assistance and resettlement for programs and projects funded by ODA should be in compliance with current regulations and international conventions on ODA and concessional loan, which the Socialist Republic of Vietnam is an official member. In case of discrepancy between the Laws of Vietnam and International Conventions, the International Conventions will prevail. Similarly, the Article 87 of the 2013 Land Law requires the projects using loans from foreign and international organizations for which the State of Viet Nam has committed to a policy framework for compensation, support, resettlement, such framework shall be applied.

89. Due to some discrepancies between the Policy of the Government of Vietnam and ADB Policy, a project policy framework is prepared to ensure these discrepancies are properly reconciled. The table below shows the differences and presents project policy to address these discrepancies.

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

91. The following table provides a comparison of ADB’s Policy (SPS 2009) and those of the Government on key areas of involuntary resettlement, and regulates the implementation of the resettlement issues under the subproject.

**Table 10 Discrepancies between Vietnam Regulations and ADB SPS (2009) and SP Policy**

<b>Issues</b>	<b>Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP</b>	<b>ADB SPS (2009) Policy</b>	<b>SP Policy</b>
<b>Severely impacted APs losing productive land</b>	<b>Decree 47/2014/ND-CP, Article 19, Item 3:</b> APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.	APs that are (i) physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating) are considered severely impacted.	APs losing 10% or more of their productive assets shall be considered as severely affected.
<b>APs without LURC</b>	<b>Land Law 2013, Article 77, item 2 and article 92:</b> Persons who have used land before 1 <sup>st</sup> July 2004 and directly involved in agriculture production on the acquired land without LURC will be compensated for the acquired land area but not exceed quota of agricultural land allocation.  But no compensation for non-land assets in the following cases: (i) the	APs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost, if created before the cut-off date. Safeguards cover involuntary restrictions on land use or on access to legally designated parks	APs without legal or recognizable legal claims to land acquired, will be equally entitled to participate in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before the cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	SP Policy
	assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, clause 1, article 64 and items b, d, clause 1, article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	and protected areas. Covers temporary and partial losses.	improve or at least restore their pre-project living standards and income levels.
<b>Compensation for structures</b>	<p><b>Land Law 2013, Article 89, item 1:</b> houses/structures used for living purpose will be compensated at replacement cost.</p> <p><b>Decree 47, article 9:</b> Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.</p> <p><b>Land Law 2013, Article 92:</b> Land-attached assets which are illegally created or created after the notice of land recovery by a competent state agency takes effect will not compensated</p>	<p>Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p> <p>Structures constructed on land with no LUCR before the cut-off date will still be compensated.</p>	<p>Full compensation at replacement cost will be paid for all affected structures (including structures constructed on land with no LUCR before the cut-off date) without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p>
<b>Monitoring</b>	No monitoring requirement	Monitoring is required. In case of significant or sensitive impacts, an external monitoring organization should monitor RP and EMDP implementation	The EA must undertake internal monitoring of RP and EMDP. Anticipated negative impacts from the project are minor. No need to recruit an external monitoring organization.
<b>Third-party validation of consultation related to land donations</b>	Not required.	The borrower is required to engage an independent third-party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donation involving marginal portions of land, the LIC will verify and report on the negotiation and settlement processes. A voluntary donation form signed by the landowners, witnesses, and village leaders will be attached to the RP or REMDP



92. To address the discrepancies between ADB SPS (2009) and relevant GOV regulations as described in the table above, the subproject principles on resettlement policy are as follows:

- i) Involuntary resettlement and impacts on land, structures and other fixed assets shall be avoided or minimized where possible by exploring all alternative options.
- ii) Compensation and assistance shall be calculated based on the principle of replacement cost at the time of acquisition.
- iii) Severely affected household (SAH) is considered when they are losing 10% or more of the household's productive land or other assets (generating income) or are physically displaced from their shelters.
- iv) Affected households (AHs) without title or any recognizable legal rights to land are eligible for resettlement assistances and compensation for non-land assets at replacement cost.
- v) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to AHs.
- vi) Meaningful consultation will be carried out with the AHs and concerned groups and ensure participation from planning to implementation stage. The comments and suggestions of the AHs and communities shall be taken into account.
- vii) The RP shall be disclosed to AHs in forms and languages understandable to them prior to submission to ADB. RP shall be disclosed on the ADB's website.
- viii) Resettlement identification, planning and management shall ensure that gender concerns are incorporated.
- ix) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled people, the elderly, landless and people living below the generally accepted poverty line.
- x) Existing cultural and religious practices shall be respected and preserved, to the maximum extent practical.
- xi) Culturally appropriate and gender-sensitive social impact assessment and monitoring shall be carried out in various stages of the project.
- xii) Resettlement transition stage should be minimized. Restoration measures shall be provided to AHs before the expected construction commencement date in the specific location.
- xiii) Budget for payment of compensation, assistance, and resettlement and support shall be prepared sufficiently and made available during project implementation and by the project provinces.
- xiv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of resettlement should be carried out by PPMU and CPMU. Monitoring reports shall be disclosed on the ADB website.
- xv) The CPMU shall not issue notice of possession to contractors until the PPMUs have officially confirmed in writing that (i) payment has been fully disbursed to the AHs and rehabilitation measures are in place; (ii) already-compensated, assisted AHs

have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.

- xvi) Cut-off date is the date of notification on land recovery for the subproject by the competent State agency. The notification is sent to every land user whose land is recovered, publicized in meetings with APs and posted at offices of the commune-level PC, and common public places.

## **VII. Entitlements, Assistance and benefits**

### **A. Eligibility**

93. Eligibility will be determined about the cut-off date. The DPs will be informed of the cut-off date for each subproject component, and any person who settled or any assets created in the project area after the cut-off date for the specific subproject will not be entitled to compensation and/or assistance under the subproject.

94. The cut-off date of SP “Upgrading Dai Giang river dyke system” is 10<sup>th</sup> June 2016 in Huong Thuy Town, July 18<sup>th</sup> 2016 in Phu Loc district and May 16<sup>th</sup> 2016 in Phu Vang district, which are the issuance dates of announcement on land acquisition by districts for this SP.

95. In addition, legal rights to the concerned land determine the extent of eligibility for compensation about that land. There are three types of AHs:

- (i) Persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially;
- (ii) Persons whose occupied land is entirety or partially acquired by the SP but do not currently possess a LURC, however, have claims that are recognized under national laws, or;
- (iii) Persons whose occupied land is entirety or partially acquired by the SP and do not have recognized claim to that land.
- (iv) AHs included under items i) and ii) above shall be compensated for the affected land and assets upon land. AHs included under iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they will have to be relocated.

96. Unforeseen impacts: Should there be additional APs/AHs during SP implementation process, the SP’s compensation and/or assistance will also be applied to them.

### **B. Entitlement Matrix**

97. Households or individuals with sufficient basis for compensation will be compensated for affected land and other assets at market price of such land and assets. Those without sufficient legal rights are also assisted as described in the entitlement matrix below.

98. Assistance to affected people aims to reduce subproject impacts on local residents’ life and restore their livelihood and rehabilitation to better or at least the same as pre-subproject conditions. This will ensure that affected people will be compensated for the losses caused by the subproject and more opportunities will be available to them to improve their life conditions and economic status while they are able to adapt to the new conditions at a shortest period of time.

99. The unit prices and allowances stated in the entitlement matrix might be adjusted during the implementation of RP to reflect the current situation at the implementation time. However, the amount and adjusted unit price cannot be lower than those regulated in the entitlement matrix below.

100. For affected land of public organizations: No compensation for affected land but support equivalent to but not exceeding 75% of compensation value of the affected annual crop land; and cash compensation at current market prices for standing crops on the affected land. The compensation amount shall be paid to the account of the affected CPC and used for infrastructure improvement of the commune. No support or assistant is available to other kinds of public land such as irrigation land, transportation land or unused land as regulated in the Thua Thien Hue PPC's policy.

101. All vulnerable AHs will be assisted in cash as mentioned in entitlement matrix in table 17 below.

102. Cash assistance for poor AHs is calculated based on number of persons in the poverty certificate x 36 months. Other vulnerable AHs will be assisted with a minimum amount of VND 2,000,000 per household to improve their social and economic conditions.

**Table 11 Entitlement matrix of households affected by the subproject**

Entitled Persons	Type & level of impact	Compensation Policy	Implementation Issues
<b>A. AGRICULTURAL LAND</b>			
<b>A.1: Temporarily Affected Agricultural Land- Number of AHs and area of temporary affected land will be determined during the construction phase and Construction Contractors are to pay rent for any land temporarily required for construction work;</b> PPMU is in charge of monitoring on restoration of the affected land.			
<b>A.2 Permanently affected agricultural land:</b> 2,120 m2 of agricultural land (1,285.6 m2 annual crop land; 609.7 m2 aquaculture land and 224.7 m2 garden land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Losing less than 10 percent of total productive landholding 2,120 m2 of 14 AHs;	a/ Cash compensation at replacement cost for affected portion; if the remaining land is not viable cash compensation at replacement cost for the entire affected land parcel; and b/ Compensation for standing crops at market price; and c/ Job training/creation assistance equal to 2 times of acquired land value.	- HHs affected on land will be noticed about land acquisition at least 90 days in advance and fully receive the compensation at replacement cost before site clearance at least 01 (one) month in advance. - Implemented by LFDCs
Public organizations	04 CPCs with total area of 9,560 m <sup>2</sup>	a/ No compensation for affected land but support equivalent with not exceeding 75% of compensation value of the affected land; and b/ Cash compensation at current market prices for standing crops on the affected land, If any.	The compensation amount must be paid to account of the affected CPCs and used for infrastructure improvement of the commune
<b>A.3. Permanently Affected Residential and/or Non-Agricultural Land</b>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding with and without houses and structures built thereon. (22.3 m2 of 02 AHs); 02 AHs with 21.8 m2 tomb land	APs will be entitled to: (i) Stay and rebuild their houses/structures on the remaining land if viable, and (ii) Cash compensation at replacement cost for the affected land area and the affected house/structures without depreciation of salvable materials, (iii) Package of rehabilitation and relocation allowances (see D)	If affected landholding is under dispute: Compensation money is held in escrow account until land dispute is resolved
<b>B. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE</b>			
<b>B.1. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.</b>			
Owners of temporary house	55.1 m2 temporary house of 02 AHs	Cash compensation at replacement cost for the affected land area and the affected house/structures without depreciation of salvable materials,	
Owners of structures	Partially or totally affected structures or other property 23 AHs with other structures including affected tombs	Cash compensation at full replacement cost for materials and labor and with no deduction for depreciation or salvageable materials; OR Cash assistance to repair of property to original or better	AHs of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for

Entitled Persons	Type & level of impact	Compensation Policy	Implementation Issues
		condition.	the structures. Costs for repairing the remaining house/structure will be negotiate with AH. CPCs will support AHs to remove affected tombs with consultation to AHs
<b>C. COMPENSATION FOR AFFECTED CROPS AND TREES</b>			
Owners of crops and/or trees	Loss of annual crops 1,088 m2 of 7 AHs with affected crop	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.	HHs with affected crop will be informed minimum of 3 months' to harvest crops; and are entitled to compensation regardless of whether they possess land use rights. Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years.
	Loss of 390.9 m2 of 2 AHs with affected aquaculture product	Cash compensation at replacement cost	HHs with affected aquaculture will be informed minimum of 3 months
	Loss of perennial crops, fruit and timber trees and tree fences 34 AHs with 4,072 affected trees	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Calculation of compensation for trees is based on the age and diameter of the tree. APs have the right to use salvageable trees.
<b>D.PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE</b>			
<b><i>D 1 Economic Rehabilitation Assistance</i></b>			
AH losing agriculture land	Job training/Creation allowance for 11 AHs with annual crop land and aquaculture land	Cash assistance equal to 2 times of compensation value for affected annual crop and aquaculture land area; equal to 1,5 times compensation value for affected garden land	Assistance according to policy of Thua Thien Hue province  Implemented by LFDCs
	<i>Assistance for AHs having garden land adjacent residential land of 3 AHs</i>	<i>Cash assistance equal to 50% of value for affected residential land area</i>	

## VIII. INCOME RESTORATION AND REHABILITATION

103. None of the affected households is classified as severely affected, thus no income restoration program for this SP is required.

## IX. COST ESTIMATES AND RESETTLEMENT BUDGET

### A. Replacement cost

104. According to subproject policy and Land law of Viet Nam, compensation price for affected assets by the subproject is paid at replacement cost. During the DMS time, subproject DPC conducted an assessment on the price of affected land and proposed the compensation prices for the subproject, which has been approved by Thua Thien Hue PPC in Decision No.3020/QD-UBND dated on 28<sup>th</sup> November 2016 for Phu Loc district; No.2723/QD-UBND dated on 3<sup>rd</sup> November 2016 for Huong Thuy town and No.2162/QD-UBND dated on 16<sup>th</sup> September 2016 for Phu Vang district. In line with this decision, the coefficient of compensation price for agriculture land is 1.0 and residential land is 1.05; The proposed compensation price is summarized in table 8.

105. This replacement cost for land as well as for other non-land assets have been verified and consulted with local authorities and affected households by LIC in October 2016. AHS agreed with this proposed compensation prices. From the verification of proposed compensation prices for this SP and consultations with AHS, LIC confirms that compensation prices to be applied for this subproject reflect replacement costs.

### B. Resettlement budget

106. Cost for implementation of compensation, assistance and resettlement for the subproject includes:

- Cost for compensation and allowance;
- Cost for implementation;
- Provisional cost.

107. **Resettlement costs** consist of: (i) compensation and assistance; (ii) management and implementation cost (iii) Contingency cost.

108. Cost for land acquisition implementation is equal to 2% of total cost for compensation and allowance and contingency cost. Total resettlement cost under this SP is VND **647,588,094**, equivalent to USD **29,079**. In which: (i) compensation amount is VND 341,549,158 (ii) Assistance amount is VND 235,624,205; (iii) Management and Implementation Cost is VND 11,543,467 and (iv) Contingency is VND 58,871,683. The table below summarizes the above mentioned costs:

**Table 12: Summary of compensation and assistance cost**

No	Type of cost	Amount	Note
		(VND)	
<b>A</b>	<b>Compensation and assistance cost =A1+A2</b>	<b>577,173,363</b>	
<b>A1</b>	<b>Compensation cost (1-3)</b>	<b>341,549,158</b>	
1	Land compensation	49,022,860	16 Ahs
2	Compensation for structure	204,181,370	23 Ahs
3	Compensation for crops	2,917,248	7 Ahs
4	Compensation for trees	84,309,680	34 Ahs
5	Compensation for aquaculture	1,118,000	2 Ahs
<b>A2</b>	<b>Allowances (1-3)</b>	<b>235,624,205</b>	
1	<i>Job training/Creation allowance</i>	106,672,000	11 Ahs

2	<i>Assistance for garden land adjacent residential land (equal to 50% of value for affected residential land area)</i>	9,802,000	3 Ahs
3	<i>Assistance for public land of CPCs (Equal to 75% of compensation value of the affected land)</i>	115,117,005	4 CPCs
4	<i>Assistance for area &gt;2.5 m<sup>2</sup> according to PPC's Decision No. 46/2014/QD-UBND</i>	4,033,200	6 Ahs
<b>B</b>	<b>Implementation cost (2%xA)</b>	<b>11,543,467</b>	
<b>C</b>	<b>Contingency (10% x (A+B))</b>	<b>58,871,683</b>	
<b>D</b>	<b>Total (A+B+C) in VND</b>	<b>647,588,513</b>	
	<b>Total in USD</b>	<b>29,079</b>	

## X. INSTITUTIONAL ARRANGEMENT

### A. National Level

109. Ministry of Agriculture and Rural Development (MARD) shall entrust to the Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB) as its authorized project management unit responsible for:

- (i) Providing overall management plan, coordination and supervision of project implementation;
- (ii) Coordinating with executing agency to implement all components of project.
- (iii) Recruiting resettlement specialists to support for resettlement implementation of the project;
- (iv) Screening and appraising safeguard policy issues of sub-projects with the assistance of LIC;
- (v) Supporting PPMU in the preparation and updating RP of subproject's components to be submitted to PPC and ADB for approval;
- (vi) Preparing reports on project progress regarding land acquisition and resettlement prepared by PPMU to be submitted to relevant agencies and ADB.
- (vii) Supervision of resettlement activities implementation and preparing semi-annual monitoring report to submit to ADB for review.

### B. Provincial Level

110. Provincial People's Committee (PPC) is the executing agency of sub-project. PPC is responsible for appraisal and approval of RP. PPC is responsible for issuance of decisions and approvals related to RP implementation which include relevant categories of RP implementation, official selection, compensation unit price submitted by the independent appraiser, notice and approval to undertake information disclosure, land acquisition and compensation payment, decision on allocation of replacement land (if available) and grievance redress. PPC is responsible for establishment of Land Evaluation and Pricing Committee and authorize responsibilities of agencies at commune and district levels.

111. PPC entrusts to the Department of Agriculture and Rural Development (DARD) the monitoring of the progress of land acquisition, resettlement. Department of Agriculture and Rural Development as per its competence established the PPMU to implement project components and internal monitoring of RP implementation progress. PPMU's specific responsibilities are:

- (i) Supervision of all the activities of LFDCs during RP implementation. PPMU is responsible for:

- (ii) Preparation, updating, supervision and monitoring of status of RP implementation of subproject;
- (iii) Guide LFDCs to implement resettlement activities in accordance with approved RP; and addressing any failure or shortcoming identified through internal resettlement monitoring to ensure that the objectives of resettlement plan are achieved and to financially and technically support LFDCs and Commune Measurement Team with adequate facilities.
- (iv) Coordinate with LFDCs and CPCs to implement information dissemination activities and consultation with stakeholders based on Project Implementation Guideline;
- (v) Coordinate with other relevant agencies to ensure that restoration and rehabilitation measures are timely provided to affected people;
- (vi) Internal monitoring of Resettlement progress, establishment and maintenance of database on affected people for each subproject component in compliance with project procedures and preparation of reports to be submitted to CPMU through LIC;
- (vii) Timely implementation of mitigation measures following results of internal monitoring.

### **C. District Level**

112. District People's Committees (DPCs) will require Land Fund Development Centres (LFDCs) for implementation of RP; also approves compensation plan as authorized by PPC; and redressing complaints and grievances of affected people.

113. LFDCs in coordination with PPMU/CPCs and under the direction of PPMU implements subproject activities, particularly:

- (i) Public information disclosure and other documents to ensure that site clearance and resettlement procedures are understood by all affected people.
- (ii) Planning and implementation of the Detailed Measurement Survey (DMS) and disbursement for compensation.
- (iii) Identification of affected people and severely affected households; prepare and provide them restoration measures.
- (iv) Assistance in locating resettlement area and new agricultural land for APs who have to relocate.
- (v) Support CPCs in grievances redress.

### **D. Commune Level**

114. The CPCs will assist the LFDCs in their resettlement tasks. Specifically, the CPCs will be responsible for the following:

- (i) Cooperate with District level and with commune level local mass organizations in the mobilization of people who will be tasked to implement the compensation, assistance and resettlement policy according to the approved RP;
- (ii) Cooperate with LFDCs and Working groups in communicating the need for land acquisition to the people whose land be acquired for the subproject. Also, notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPCs;
- (iii) Assign Commune officials to assist the LFDCs in the updating of the RP and implementation of resettlement activities;
- (iv) Identify replacement land for affected households;
- (v) Sign the Agreement Compensation Forms along with the affected households;



(vi) Assist in the resolution of grievances.

## **XI. IMPLEMENTATION SCHEDULE**

115. ADB will not approve bidding and award of any civil works of the funded sub-project unless its final RP is updated based on DMS results.

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

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

**Table 13: RP Implementation schedules**

<b>Activities</b>	<b>Time</b>
Final RP to be approved by ADB	February, 2017
Public RP on ADB website and at locality	Mid of February, 2017
Compensation and assistance payment	End of February 2017
Land acquisition and site clearance	Beginning of March 2017
Bidding and award of civil works	Mid of March 2017
Internal monitoring of PPMU/CPMU	Beginning of September 2016
The next semi-annual report of LIC	Every 06 month from the first monitoring
Commencement of civil works	End of March 2017

## **XII. MONITORING AND EVALUATION**

### **A. Objectives of internal monitoring**

118. The Project will establish an internal monitoring and evaluation system. The main purpose of the monitoring and evaluation system is to ensure that matters related to involuntary resettlement are implemented in accordance with the policies and procedures of the RPs following ADB SPS 2009 and the uREMDF. Monitoring will be done by the PPMUs and the CPMU (assisted by its Loan Implementation Consultant). Engagement of external experts is not required for this project because only minor involuntary resettlement impacts are anticipated in the subprojects.

119. The objectives of internal monitoring is to: (i) report on the status and assess the compliance with the agreed RP; (ii) confirm the availability/handover of land to the proposed subprojects; (iii) monitor contractors' compliance to policy framework's provisions related to temporary land acquisition during civil works; (iv) ensure that the standards of living of affected households is restored or improved; (v) monitor the implementation process; (vi) assess the sufficient implementation of compensation, resettlement measures and social development assistance programs; (vii) identify problems or potential problems; and (viii) identify and implement quick response measures to mitigate emerging issues;

### **B. Responsible agencies for monitoring**

120. The PPMU will establish an internal resettlement monitoring system and prepare progress monitoring reports on all aspects of land acquisition and resettlement activities for this subproject. Internal reports of RP implementation will be initially prepared by the PPMUs and submitted to the CPMU, which then is transmitted to LIC for the preparation of the semi-annual Internal Resettlement Monitoring Report (IRMR) to be submitted by CPMU to ADB. Likewise, all

related information will be collected from the field to assess the progress of the RP implementation and included in the project's quarterly progress reports;

121. ADB will only issue a "No-objection letter" to the commencement of civil works for the subproject if the monitoring report prepared CPMU confirms that all compensation payments and allowances as regulated in the RP were completely provided and that there are no pending complaints on these payments.

### C. Indicators of monitoring

122. The table below presents the Monitoring and Evaluation Indicators for this subproject.

**Table 14: Monitoring and Evaluation Indicators**

Type	Indicator	Examples of Variables
<b>INPUTS INDICATORS</b>	Staffing and Equipment	<ul style="list-style-type: none"> <li>Number of project dedicated PPMU staff</li> <li>Formation of LFDC</li> <li>Number of LFDC members and job function</li> <li>Adequate equipment for performing functions (including grievance recording)</li> <li>Training undertaken for all implementing agencies</li> <li>Construction Contractor meeting local employment targets for unskilled labor</li> </ul>
	Finance	<ul style="list-style-type: none"> <li>Resettlement budgets disbursed to LFDC and AHs in timely manner</li> </ul>
<b>PROCESS INDICATORS</b>	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>Distribution of PIB to all AHs</li> <li>RP available in all districts</li> <li>Translation at ethnic minority villages and for individual minority AHs in villages of other ethnicity</li> <li>Consultations and participation undertaken as scheduled in the RP</li> <li>Grievances by type and resolution</li> <li>Number of local-based organizations participating in subproject</li> </ul>
<b>OUTPUT INDICATORS</b>	Acquisition of Land	<ul style="list-style-type: none"> <li>Area of cultivation land acquired</li> <li>Area of residential land acquired</li> <li>Fishponds acquired</li> </ul>
	Buildings	<ul style="list-style-type: none"> <li>Number, type and size of private houses/structures acquired</li> <li>Number, type and size of community buildings acquired</li> <li>Number, type and size of government assets affected</li> </ul>
	Trees and Crops	<ul style="list-style-type: none"> <li>Number and type of private trees acquired</li> <li>Number and type of government/community trees acquired</li> <li>Number and type of crops acquired</li> <li>Crops destroyed by area, type and number of owners</li> </ul>
	Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>Number of households affected (land, buildings, trees, crops)</li> <li>Number of owners compensated by type of loss</li> <li>Amount compensated by type and owner</li> <li>Number and amount of payment paid</li> <li>Compensation payments made on time</li> <li>Compensation payments according to agreed rates</li> <li>Number of houses demolished</li> <li>Number of porches/kitchens dismantled</li> <li>Number of replacement houses built by AHs on the same plot</li> <li>Number of replacement houses built by AHs on other plots they own</li> <li>Number of replacement houses built by AHs on allocated plots</li> <li>Number of replacement businesses constructed by AHs</li> <li>Number of owners requesting assistance for additional replacement land</li> <li>Number of replacement land purchases effected</li> <li>Number of land titles issued</li> <li>Number of vulnerable groups provided additional assistance</li> <li>Number of AHs who received support under livelihood restoration program</li> </ul>
	Reestablishment of	<ul style="list-style-type: none"> <li>Number of community buildings repaired or replaced</li> </ul>

Type	Indicator	Examples of Variables
	Community Resources	<ul style="list-style-type: none"> <li>• Number of seedlings supplied by type</li> </ul>

#### **D. Preparing monitoring reports**

123. The PPMU will conduct the internal monitoring of RP implementation under support of LIC resettlement consultants to identify as early as possible the activities achieved and the cause(s) of problems encountered so that arrangements in RP implementation can be adjusted. Related information will be collected monthly from field to assess the progress of RP implementation and included in the project's quarterly progress reports.

124. CPMU, with supports of LIC, is required to prepare semi-annual monitoring reports for submission to ADB that will include progress in compensation payment as well as other resettlement activities.

125. The CPMU will incorporate the status of RP implementation in the overall Project progress report to submit to ADB.

ANNEXES

ANNEX 1: SAMPLE MINUTES PUBLIC CONSULTATION MEETINGS IN 2016

Dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung - Khoản vay bổ sung

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc lập - Tự do - Hạnh phúc  
DỰ ÁN PHÁT TRIỂN NÔNG THÔN TỔNG HỢP CÁC TỈNH MIỀN TRUNG  
(Khoản vay bổ sung- L3173)  
**BIÊN BẢN LÀM VIỆC**

Hôm nay, ngày 6 tháng 8 năm 2016, tại TP. TP. QĐ TX. Hoàng Giang  
+ UBND xã. Giang Phố

Chúng tôi gồm:

I. Đại diện BQL DATW nhóm Tư vấn LIC:

- Ông/Bà Phan Anh Nguyệt Chức vụ TV.TĐC KPMU
- Ông/Bà Diệp Minh Phương Chức vụ Cố vấn C&A PPMU
- Ông/Bà Chức vụ
- Ông/Bà Chức vụ

II. Đại diện

- Ông/Bà Phan Thanh Tùng Chức vụ Phó TP. TP. QĐ TX. Hoàng Giang
- Ông/Bà Vũ Xuân Đại Chức vụ Cố vấn
- Ông/Bà Ngô Xuân Chức vụ Bí thư Đảng ủy UBND xã
- Ông/Bà Lê Văn Anh Chức vụ CT UBND xã
- Ông/Bà Ngô Việt Minh Chức vụ Chủ tịch NHTĐ
- Ông/Bà Châu Văn Hùng Chức vụ CT UBND

A. Nội dung làm việc:

- Trao đổi với TP. TP. QĐ huyện về tiến độ thực hiện dự án về công tác triển khai, xây dựng gói thầu cho C&A, báo cáo tiến độ thực hiện, các vấn đề cần hỗ trợ giải quyết thực hiện.
- Tham vấn công việc chi tiết quản lý và kỹ thuật công trình của DMP tại xã Thủy Phố
- Thống nhất các nội dung

B. Tổng nhất/kết luận

- PPAW giữ lại TT khi sẽ đưa chính điều chuẩn làm các cứ liệu kê khai phân bổ lại ảnh hưởng
- TT sẽ được đẩy nhanh việc phê duyệt gói vay PAPP dự kiến 20/10/2014 có gói phê duyệt
- Chất lượng của phụ và ngân sách đầu tư vào dự án xây dựng dự án
- Một số hộ có mô hình đi chợ. Đề nghị sẽ kê khai để được đi chợ do hộ không cần đặt. Hộ về TPTP sẽ về PPAW để thay nhất làm việc lại với các hộ các điều kiện vay về đi chợ và kê khai để đi chợ.
- Một số hộ có ý kiến thắc mắc về các khoản vay thế hồ sơ có thể đi lại được để các hộ
- HTX của xã có ý kiến về điều chỉnh thiết kế đơn bán việc tài trợ hạn tại các TB của HTX
- OT MTTQ sẽ không đặt điều kiện PAPP về đi phụ trợ trước khai nhận của hợp và đi thay nhất. Việc hình thành và tạo chức năng trợ giúp trực tiếp công.

Thị trấn..., ngày 6 tháng 10 năm 2014

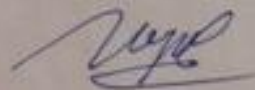
Biên bản này đã được xác nhận bởi đại diện các bên tham gia và được lập thành hai (...) bản; mỗi bên lưu giữ một bản.

Đại diện .....



PHÓ GIÁM ĐỐC  
CPV...

Đại diện tư vấn LIC



TRUNG TÂM  
PHÁT TRIỂN  
QUỸ ĐẤT



**DỰ ÁN PHÁT TRIỂN NÔNG THÔN CÁC TỈNH MIỀN TRUNG-KHOẢN VAY BỘ SÙNG-L3173**  
**(INTEGRATED RURAL DEVELOPMENT SECTOR PROJECT IN CENTRAL PROVINCES - ADDITIONAL FINANCING)**  
**DANH SÁCH THAM DỰ HỌP**  
**(LIST OF PARTICIPANTS OF MEETING ON COMPONENT 3-CBDRM)**

DATP: .....

Ngày (date): .....

Địa điểm (Location): .....

STT (Name)(No.)	Họ tên	Chức vụ (Position)	Cơ quan/ Đơn vị (Agency) (Signature)	Chữ ký	Điện thoại (Tel)	Ghi chú (Note)
1	Phạm Thanh Lương	TPP	Trung tâm TROP		0905354339	
2	Võ Minh Đại Nam	CV			0222 993 5539	
3	Ngô Tân	BT Đảng ủy	UB ND xã			
4	Lê Văn Anh	PC UBND xã	UB ND xã			
5	Ngô Việt Vinh	CT UBND xã	UB ND xã		0905101609	
6	Châu Văn Hùng	CT xã, ND	UB TP xã		0911162414	
7	Trần Văn Chương	CT Hội, CBS	UB ND xã			
8	Tô Văn Toản	Đội chính	UB ND xã			
9	U Trần	Giám đốc H&H	1002 phụ bài			
10	Ngô Thất Ngô Chấn	g đốc H&H T 06	102 Trung Hòa			



**DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP**

(Tham vấn cộng đồng về Chính sách an toàn Tài định cư và Dân tộc thiểu số)

(Danh sách đính kèm biên bản cuộc họp ngày 6 tháng 10 năm 2016 tại...Thị trấn...)

Tên DATP: Nội Cấy để Dự Đại Công

Xã Thị trấn huyện Thị trấn tỉnh T.T. Huế

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Nguyễn Thanh Sơn	Nam	Thôn 10	<i>[Signature]</i>
2	Trần Minh Hùng	Nam	"	<i>[Signature]</i>
3	Nguyễn Văn Túy	Nam	"	<i>[Signature]</i>
4	Nguyễn Hưng	Nam	"	<i>[Signature]</i>
5	Phan Khôi	Nam	"	<i>[Signature]</i>
6	Nguyễn Văn	"	"	<i>[Signature]</i>
7	Nguyễn Dũng	"	"	<i>[Signature]</i>
8	Nguyễn Khắc	"	"	<i>[Signature]</i>
9	Nguyễn Thị Thu	Nữ	"	<i>[Signature]</i>
10	Nguyễn Thị Văn	Nữ	"	<i>[Signature]</i>
11	Đỗ (Đào) Thái	Nam	"	<i>[Signature]</i>
12	Trần Điền	Nam	"	<i>[Signature]</i>
13	Trần Khắc Dũng	Nam	"	<i>[Signature]</i>
14	Nguyễn (Lâm) Văn	"	"	<i>[Signature]</i>
15	Lê Tôn	"	"	<i>[Signature]</i>
16	Trần Sơn	"	Thôn 8	<i>[Signature]</i>
17	Phạm Túy	"	Thôn 10	<i>[Signature]</i>
18	Trần Như Công	Nữ	"	<i>[Signature]</i>
19	Trần Như Anh	Nữ	"	<i>[Signature]</i>
20				
21				
22				



**ANNEX 2: SOME PICTURES OF PUBIC CONSULTATION MEETINGS AND SUBPROJECT AREA**



Public consultation meeting at Thuy Phu commune



Public consultation meeting at Vinh Thai commune



Public consultation meeting at Loc An commune



Affected temporary house in Loc An commune



Affected tomb in Vinh Thai commune



Land acquisition marker in Vinh Ha commune