

Due Diligence Report for Land Acquisition and Resettlement

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VIE: THE INTEGRATED RURAL DEVELOPMENT SECTOR PROJECT IN THE CENTRAL PROVINCES – ADDITIONAL FINANCING

**Subproject: Canal N24- Van Phong Canal system,
Binh Dinh province**

**Prepared by Ministry of Agriculture and Rural Development for the Asian
Development Bank**

CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)
Exchange rate on 14th August 2016: \$1 = 22,270

List of Abbreviations

ADB	Asian Development Bank
AHs	Affected Households
APs	Affected Persons
APMB	Agriculture Project Management Board
CPC	Commune Peoples' Committee
CPMU	Central Project Management Unit
CSB	Commune Supervisory Board
DARD	Department of Agriculture and Rural Development
LFDC	Land Fund Development Centre
DMS	Detailed Measurement Survey
DPC	District Peoples' Committee
EM	Ethnic Minority
EMDP	Ethnic Minority Development Plan
GAP	Gender Action Plan
GoV	Government of Vietnam
HHs	Households
HIV-AIDS	Human Immuno Virus-Acute Immune Deficiency Syndrome
IOL	Inventory of Losses
IPP	Indigenous Peoples' Plan
IRDSPCP	Integrated Rural Development Sector Project in Central Provinces
IRMR	Internal Resettlement Monitoring Report
LIC	Loan Implementation Consultant
LURC	Land Use Registration Certificate
MARD	Ministry of Agriculture and Rural Development
N-T-P	Notice-to-Proceed
ODA	Official Development Assistance
O&M	Operation and Maintenance
PIB	Project Information Booklet
PPC	Provincial Peoples' Committee
PPMS	Project Performance Monitoring System
PPMU	Provincial Project Management Unit

REMDF	Resettlement and Ethnic Minority Development Framework
REMDP	Resettlement and Ethnic Minority Development Plan
RP	Resettlement Plan
ROW	Right-of-Way
SAH	Severely Affected Household
SES	Socio-Economic Survey
SP	Subproject
SPS	Safeguards Policy Statement
VND	Vietnamese Dong
VWU	Vietnamese Women's Union
WUGs	Water Users Groups

NOTES

The Due Diligence Report for Land Acquisition and Resettlement is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or Staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

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GLOSSARIES

- Affected Persons (APs) - Any persons, households, firms or public or private institutions who, on account of a development project, would have their (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house, land (including residential land, land for business, agricultural, forestry activities, making salts or land for growing stocks, water resource or any intangible and fixed assets to be acquired, occupied, limited or adversely impacted, partly or wholly, temporarily or permanently; and/or (iii) business establishments, working area or living area or environment adversely affected to be relocated or not relocated. For the case of households, the term “affected persons” refer to all member in the households acting as an independent economic unit, adversely affected by the project or its components.
- Detailed Measurement Survey (DMS) - With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
- 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.
- 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
- Entitlement - A range of various activities including compensation, assistance in income restoration, shift in occupation, relocation, etc, provided to affected people based on the type and level of impact which aims to restore their socio-economic conditions.
- Eligibility - Means any persons who lived in the area before the cut-off date and (i) lose residential area (ii) suffer from asset loss or access ability to that assets, temporarily or permanently (iii) loss of income or livelihood, dislocation will have eligibility to receive compensation and/or assistance.
- Income Restoration Programme - 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 APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life
Relocation	-	This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
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 Survey	-	This refers to the process involved in determining replacement costs of affected assets based on empirical data
Resettlement	-	This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement (RP)	-	Is an action-plan including schedule, budget, strategies, objectives, eligibility, actions, responsibilities, monitoring.
Severely affected household (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 group	-	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who have no other means of support, (v) landless, and (vi) ethnic minorities.

I. General information

1.1 Sub-project's description

1. Detailed design of the component of Van Phong irrigation canal system in Binh Dinh was approved by Binh Dinh PPC under the Decision no. 2559/QD-UBND dated 06 October 2009 with cost estimate of VND 478.857 million for a construction of 167.20 km of canals irrigating 10,815 ha of cultivation land and 57 facilities on canals, from government bond. Currently, the construction is completed and 149.90km is put into use. Remaining 17.301 km of canal is under the SP of “Canal N24- Van Phong irrigation canal system”.
2. The subproject “Canal N24- Van Phong irrigation canal system” is approved by Binh Dinh PPC under the Decision no. 189/QD-UBND dated 23 January 2015 and the detailed design is approved under Decision no. 4643/QD-UBND dated 23 December 2015.
3. Objectives of the subproject: the subproject will help to enhance quality of life and reduce poverty for 42,326 people in Binh Thuan, Tay An communes, Tay Son district; Nhon My, An Nhon town; Cat Tan commune, Phu Cat district, Binh Binh province by investing in construction of 17.301 km of primary canal and branch canals (category II and III) of canal N24 and facilities on canal – Van Phong irrigation canal system to irrigate 727 ha of agricultural and and meet other demands of the locality.
4. Subproject location: Binh Thuan and Tay An communes, Tay Son district; Nhon My commune, An Nhon town; Cat Tan commune, Phu Cat district, Binh Dinh province;
5. Scope work: construct 17.301 km canal including 9 routes with rectangular cross section. Construct 240 facilities on canal including 5 siphons, 13 aqueducts, 22 drain sluices, 19 bridges over the canal; 17 sluices through the road, 139 offtakes, etc. The canal is through Cat Tan commune.

1.2 Objectives of Due Diligence Report

6. In the subproject of “Canal N24- Van Phong irrigation canal system”, compensation and assistance payment for AHs was completed in May 2015 from the state budget according to the compensation policies applied for the whole Van Phong irrigation canal system subproject which was approved by

Binh Dinh PPC under the Decision no. 1527/QD-CTUBND dated 5 July 2007 and Decision no. 3460/QD-UBND dated 16 October 2014 of Binh Dinh PPC on approval of the invested project and adjusted components: compensation, relocation, and resettlement in Van Phong irrigation area, of the component of Van Phong irrigation area, Binh Dinh reservoir project.

7. The decision of approval the subproject of “Upgrading Van Phong canal system” becomes effective from 23 January 2015, after the additional loan covenant takes effect. This means that the compensation, assistance and resettlement for this subproject have to comply with updated resettlement policy framework (uREMDF). Therefore, this report will consider whether (i) implementation, assistance and resettlement of the sub-project of “Canal N24-Van Phong irrigation canal system” matches with policies and regulations of land acquisition and social issues; (ii) compensation, assistance and resettlement implementation of this subproject follows regulations in the uREMDF approved by ADB, and (iii) in case of considerable gap between actual implementation of resettlement and objectives of the Government on resettlement and the social safeguard document approved by ADB, a corrective action plan should be made with the agreement of Binh Dinh PPC to conduct appropriate compensation, assistance and resettlement.

8. As of 23 May 2016, 359 households and 4 organizations (CPCs) received compensation and assistance amount under the following approved decisions of amount for compensation, assistance within Van Phong irrigation system:

- Decision no. 7150/QD-UBND dated 17 November 2014 of Tay Son DPC;
- Decision no. 5298/QD-UBND dated 22 December 2014 of An Nhon town People’s Committee;
- Decision no. 2513/QD-UBND dated 27 November 2014 of Phu Cat DPC.

9. Total amount for paid compensation and assistance is VND 5,999,204,837 (USD 269,385) (of which: compensation and assistance amount is VND 5881,573,370 (USD 264,103) and cost for implementation of land acquisition is VND 117,631,467 (USD 5,282). This paid amount is from state budget.

10. Land permanently acquired: 82.380 m² (of which: annual crop land is 74.589 m²; land for perennial trees is 7,208 m²; residential land is 583 m²).

II. Methodology

11. Due diligence assessment was conducted in May 2016 in 4 communes in 2 districts and 1 town including Binh Thuan and Tay An communes in Tay Son district; Nhon My commune in An Nhon Town; Cat Tan in Phu Cat district, Binh Dinh province. The team includes one resettlement specialist and one gender and community development specialist, monitoring and evaluation specialist. The team collected data, interviewed and surveyed 55 AHs (account for 15% of AHs), including 100% SAHs and VAHs (16 SAHs and 28 VAHs) and consulted with Van Phong PMU, that is in charge of DMS, compensation and land acquisition of SP and representatives from CPCs, AHs of 4 communes. Main activities include:

- (i) Collect data and legal documents related to compensation, assistance, and resettlement in Binh Dinh PPMU and Van Phong project management unit.
- (ii) Work with 4 communes: Binh Thuan and Tay An communes in Tay Son district; Nhon My commune in An Nhon Town; Cat Tan in Phu Cat district on implemented activities related to compensation, assistance and resettlement for AHs and affected organizations;
- (iii) Consult with affected households in each commune;
- (iv) Interview and survey 15% AHs.

12. Contents in consultation meetings as below:

- (i) Cooperate with local authorities, concerned parties (district, commune and AHs) to review information dissemination;
- (v) Discuss with Van Phong PMU in terms of DMS, establishment of compensation price, preparation of compensation plan, and payment for AHs;
- (vi) Review complaints and grievance redress process;
- (vii) Evaluate impacts and implemented strategies to recover income for SAHs;
- (viii) Interview, consult local authorities, AHs who received compensation and assistance on compensation prices, participation in DMS, compensation plan and information dissemination forms delivered to them;

(ix) Interview and conduct questionnaire to 55 AHs to collect their feedbacks and evaluation of AHs on compensation, assistance and resettlement for AHs within the subproject. Evaluate the socio-economic condition of AHs on changing living condition and status of AHs after land acquisition;

(x) Compare applied policies with approved updated compensation, assistance and resettlement policy framework and analyze difference.

13. Meetings, discussions with Van Phong project management unit and representatives of CPCs and AHs in each commune on compensation, assistance and resettlement for SP are conducted with involvement from representatives of Binh Dinh PPMU. Feedbacks and list of participants are attached with meeting minutes and public consultation minutes for each commune. **Annex 1** is a sample minute from one commune. Minutes of other communes will be submitted if required.

14. Below is a summary of contents in meetings with concerned parties:

Table 1 Summary the content of public consultation meetings

No.	Organizations/ Units	Discussed issues	Results
1	PPMU, Van Phong PMU, and CPCs	Issues related to compensation, assistance and land acquisition	<ul style="list-style-type: none"> (i) Contents in information dissemination documents, participations of related parties and number of participants are presented in information dissemination minutes including comments from AHs and response from the local authorities; (ii) DMS, and making of compensation plan is involved by AHs; (iii) Van Phong project management unit screened all AHs with loss of more than 30% of agricultural land, exclusive of AHs with loss from 10-30% and the vulnerable group according to uREMDF. Binh Dinh PPMU screened each commune; (iv) Compensation price is decided by Binh Dinh PPMU with consultation from AHs and AHs also agreed with this price; (v) Detailed compensation plan is open to public, agreed by AHs before approval; (vi) Compensation was paid from 1 October 2015 to 10 May 2015. (vii) Some complaints during DMS were already solved;

No.	Organizations/ Units	Discussed issues	Results
			(viii) Impacts of land acquisition on people's life are marginal due to small affected land area; (ix) The locality does not have land fund, therefore AHs are compensated in cash.
2	AHs	(i) Information dissemination of the SP and issues related to land acquisition; (ii) DMS, making price and compensation plan; (iii) Comments of AHs on price and compensation plan; Grievance redress procedure	(i) AHs were aware of this SP via local broadcast system and meetings; (ii) AHs were informed about DMS schedule and invited to the meetings on compensation and assistance plan. AHs agreed with compensation prices and plan; (iii) Some recommendations that the design in phase I is not appropriate. During the construction, the SP should adjust to fit with water demand of the local area. (iv) Some recommendations on returning clear areas after the construction because at present, some areas in phase I have not been cleared; (v) People wish the SP to be implemented soon for cultivation, as they cannot grow anything because of lacking water.

15. There are total 217 people including CPC staffs and representatives from AHs. Number of participants by commune is presented in the following:

Table 2 Number of staff and AHs participating in meetings

No.	Town/communes	Number of participants		
		Total	Male	Female
1	Binh Thuan	18	14	4
2	Tay An	13	6	7
3	Nhon My	62	45	17
4	Cat Tan	124	84	40
	Total	217	149	68

III. Scope of impacts and implementation of compensation and assistance

3.1 Scope of impacts

16. Identification of affected households and DMS was conducted by Compensation and resettlement Council and task team of compensation and land clearance established from September 2014 in Tay Son, Phu Cat districts, and An Nhon town for SP. (Refer para. 22);

17. DMS results show that 82,380 m² of land is acquired for the SP, of which 65,281 m² of 359 households of 4 communes, and remaining 17,099 m² belonging to CPCs and hired by Ahs for cultivation. Below table show details of affected land by land types:

Table 3 Land acquired by types of the SP (m²)

Land users		Agricultural land		Non-agricultural land	Total
		Land for growing annual trees (Rice, crops)	Land for growing perennial trees	Residential land	
		Households	359 AHs	58,156	
Public land managed by CPC	Tay An commune	505			505
	Binh Thuan commune	1,492			1,492
	Cat Tan commune	12,475	666		13,141
	Nhon My commune	1,961			1,961
Total		74,589	7,208	583	82,380

18. 359 AHs (equivalent to 1,431 APs) and CPCs of 4 communes are affected due to land acquisition in 2 districts, and 1 town of Binh Dinh province. Of all 359 households, 28 vulnerable AHs including 17 are disable AHs and 11 are female headed households). There are 16 severely AHs and all of them losses less than 30% of their total agriculture land. Table 4 below summary the numer of AHs by type of impacts.

Table 4 Number of AHs in the SP districts and communes

District	Commune	AHs	APs	SAHs	Vulnerable AHs
Tay Son	Tay An	23	114	1	5
	Binh Thuan	34	99	3	5
Phu Cat	Cat Tan	212	850	10	12
An Nhon town	Nhon My	90	368	2	6
Total		359	1,431	16	28

19. Number of AHs by affected land and assets in the following table. Of all 359 AHs, 337 AHs have land and on-land assets affected, 22 AHs hire land from CPCs to cultivate and only have assets affected. Due to shortage of water and mostly cultivation area abandoned, only 29 AHs grow crops (mainly rice and glory morning). 69 AHs have their affected trees and 26 AHs with affected structures.

Table 5 Number of households by affected assets

District	Commune	AHs with affected land and assets	AH hiring land from CPC for cultivation (only assets affected)	AHs with affected annual crop	AHs with affected trees	AHs with affected structure
Tay Son	Tay An	23	0	0	0	0
	Binh Thuan	31	3	3	4	3
Phu Cat	Cat Tan	198	14	9	61	16
An Nhon town	Nhon My	85	5	17	4	7
Total		337(*)	22	29	69	26

Note: Out of 337 AHs with acquired land, 89 AHs have affected land and assets, 248 AHs have affected land only

20. Affected crops and structures are presented in the following table. Of all affected structures, there are 6 affected earth tombs and AHs get compensation and relocate tombs by themselves. Annual trees and crops are mainly rice and glory morning.

Table 6 Affected crops and structures

Commune	Well of all types (items)	Tombs (items)	Pond (m2)	Rice (m2)	Glory morning (m2)
Binh Thuan	1		163.5	401	119

Cat Tan	13	6	83	0	741
Nhon My	7			0	2,463
Tổng	21	6	246.5	401	3,323

21. Affected trees by commune: there are total 5,045 affected fruit trees and woods. Woods mainly include Eucalyptus, Bamboo, Chinaberry. Fruit trees include orchna trees, cashew, coconut and mango.

Table 7 Number of affected trees

Trees	Items	Communes			Total
		Binh Thuan	Cat Tan	Nhon My	
Eucalyptus	Tree	23	3,380	27	3,430
Bamboo	Tree	60	1,465	60	1,585
Chinaberry	Tree	4	13	2	19
Orchna	Tree	0	0	7	7
Cashew	Tree	0	1	0	1
Coconut	Tree	0	2	0	2
Mango	Tree	0	1	0	1
Total	Tree	87	4,862	96	5,045

3.2 Implementation of compensation, assistance and resettlement:

22. Detailed data of compensation, assistance and resettlement are made by Compensation and resettlement Council and task team of compensation and land clearance in Tay Son, An Nhon, Phu Cat. This council and task team are established by Van Phong PMU for whole Van Phong canal system project, in which Vice director of Van Phong PMU unit is assigned as Vice chairman of these Councils. Detail compensation plans applied for SP were approved by Town and district People's Committee under the Decision no. 7150/QD-UBND dated 17 November 2014 of Chairman of Tay Son DPC; Decision no. /QD-UBND dated 22 December 2014 of An Nhon Town People's Committee; Decision no. 2513/QD-UBND dated 27 November 2014 of Phu Cat DPC. Detailed compensation, assistance and resettlement is made and approved according to regulations mentioned in Section 4.1.

23. As of 23rd May 2016, compensation and assistance was paid to 359 AHs and 4 CPCs. Total budget for compensation and assistance for the whole SP is VND **5,881,573,370, equivalent to USD 264,103;**

Table 8 Compensation and amount paid to AHs by commune

District	Commune	Compensation amount				Assistance for job training and creation	Total amount
		Land	Trees	Crops	Structures		
Tay Son	Tay An	106,887,000	0	0	0	189,534,000	296,421,000
	Binh Thuan	192,954,000	1,470,400	2,451,800	11,312,500	318,672,000	526,860,700
Phu Cat	Cat Tan	1,279,159,820	59,831,000	7,111,480	42,505,500	1,891,988,580	3,280,596,380
TX An Nhon	Nhon My	614,221,000	2,608,200	23,226,090	16,702,000	1,120,938,000	1,777,695,290
Total		2,193,221,820	63,909,600	32,789,370	70,520,000	3,521,132,580	5,881,573,370

IV. Policies and legal documents applied for compensation and assistances in the subproject

- Pursuant to Land Law 2013 dated 29 November 2013;
- Pursuant to Decree No. 43/2014/ND-CP dated 15 May 2014 of the Government detailing a number of articles of the Land Law.
- Pursuant to Decree No. 44/2014/ND-CP dated 15 May 2014 of the Government on land prices.
- Pursuant to Decree No. 47/2014/ND-CP dated 15 May 2014 of the Government on compensation, assistance, and resettlement when the state acquires land.
- Pursuant to Circular No. 36/2014/TT-BTNMT dated 30 June 2014 of MONRE on land pricing method; compilation of and adjustment to land price lists; determination of specific land prices and consultancy on land pricing;
- Pursuant to decisions issued by Binh Dinh PPC regarding payment of compensation, assistance and site clearance of the SP: **“Canal N24- Van Phong irrigation canal system - Binh Dinh Province”**:
 - Decision issued by Binh Dinh PPC on approval of the SP in accordance to Decision No. 189/QĐ-UBND dated 23 January 2015 and Construction Drawing design in accordance to Decision No. 4643/QĐ-UBND dated 23 December 2015;
 - Decision No. 40/2013/QĐ-UBND dated 16 December 2013 by PPC on unit price for compensation for affected crop and trees when the state acquires land in the province.

- Decision No. 41/2013/QĐ-UBND dated 16 December 2013 by PPC on unit price for compensation for affected houses and structures when the state acquires land in the province.
- Decision no. 42/2013/QĐ-UBND dated 18 December 2013 by PPC on issuance of price for land types in Binh Dinh province in 2014;
- Decision No. 50/2012/QĐ-UBND dated 20 December 2012 by PPC on issuance of policy on compensation, assistance and resettlement when the state acquires land in the province.
- Decisions No. 1527/QĐ-CTUBND dated 5 July 2007 and No. 3460/QĐ-UBND dated 16 October 2014 by the Chairman of Binh Dinh PPC on the approval of investment project and approval of adjusted investment subproject: Compensation, relocation and resettlement in Van Phong Irrigation Area under the component of Van Phong Irrigation component, Dinh Binh Reservoir Irrigation Project.
- Document No. 972/UBND-NN dated 2 April 2008 by PPC on planning on compensation, assistance and resettlement of the component of Van Phong Irrigation Area.
- Document No. 674/UBND-NN dated 9 March 2010 by PPC on review and approval of plan on compensation, assistance and resettlement for site clearance for Van Phong Irrigation area component (including SP).
- Decision No. 1866/QĐ-UBND dated 10 September 2014 by the Chairman of CPC of Phu Cat Commune on consolidation of Council and mission team of compensation, site clearance for constructing of Canal N24- Van Phong irrigation canal system Subproject in Phu Cat District;
- Decision No. 3627/QĐ-UBND dated 18 June 2014 by the Chairman of CPC of Tay Son Commune on consolidation of Council and mission team of compensation, site clearance for constructing of Canal N24- Van Phong irrigation canal system Subproject in Tay Son District;
- Decision No. 221/QĐ-UBND dated 27 February 2013 by the Chairman of PC of An Nhon Town on establishment of Council of Site Clearance for the construction of Canal N24- Van Phong irrigation canal system in An Nhon Town;
- Decisions on approval of compensation plan:
 - Tay Son District: Decision No. 7150/QĐ-UBND dated 17 November 2014

- An Nhon Town: Decision No. 5298/QĐ-UBND dated 22 December 2014;
- Phu Cat District: Decision No. 2513/QĐ-UBND dated 27 November 2014

V. Main findings

5.1 Implementation procedures

24. Van Phong PMU cooperated with Tay Son, Phu Cat Districts and An Nhon Town to establish the Council and task team of Site Clearance Compensation for the construction under the investment project of Van Phong irrigation area component for each commune/town to carry out activities related to compensation/assistance, site clearance including SP. Deputy Director of Van Phong PMU is assigned as Vice Chairman of these Councils;

25. Activities related to compensation, assistance, site clearance under the subproject is presented in chronological order as below:

Table 9 Procedures to implement activities related to land clearance of the SP

No.	Contents of work	Implementation time	Note
1	Decision No. 189/QĐ-UBND dated 23/1/2015 on Approval of investment project on construction work, subproject of Canal N24- Van Phong irrigation canal system.	Decision No. 189/QĐ-UBND dated 23/1/2015.	
2	Invited local people to participate in meeting on information dissemination of the subproject and consulted people living in the subproject area (Community consultation)	20/9/2014 - 25/9/2014	
3	Measurement unit: Conducted measurement, set up landmarks of land acquisition scope for each HH and investigated the list of affected HHs as well as area affected by the subproject	05/10/2014 - 20/11/2014	
4	Invited HHs together with Site clearance Board to visit the site to conduct DMS for affected assets within the land acquisition scope	10/10/2014 - 20/11/2014	
5	Reviewed and investigated at CPC to identify: Type of land, location, origin and proportion of lost land.	15/10/2014 - 25/11/2014	
6	Fixed a price for compensation: for land,	15/10/2014 - 25/4/2014	

	cash crop and structural items		
7	LFDC directly provided compensation plan for affected HHs and publicly posted the plan at locality	10/11/2014 - 03/12/2014	
8	Decision No. 4643/QĐ-UBND on Approval of construction drawing design and total cost estimate for construction works of subproject of Canal N24- Van Phong irrigation canal system.	Decision No. 4643/QĐ-UBND dated 23/12/2015.	
9	Approved compensation plans and compensation fund	17/11/2014 - 22/12/2014	
	Decision No. 7150/QĐ-UBND dated 17/11/2014 issued by Tay Son CPC on Approval of total amount for compensation and assistance under subproject of Canal N24- Van Phong irrigation canal system		Tay Son District
	Decision No. 2513/QĐ-UBND dated 27/11/2014 issued by Phu Cat CPC on Approval of total amount for compensation and assistance under subproject of Canal N24- Van Phong irrigation canal system.		Phu Cat District
	Decision No. 5298/QĐ-UBND dated 22/12/2014 issued by An Nhon CPC on Approval of total amount for compensation and assistance under subproject of Canal N24- Van Phong irrigation canal system.		An Nhon Town
10	Issued Decision on detailed compensation for each affected HH	17/11/2014 - 22/12/2014	According to the approved Decision
11	Organized community meeting to give Decision on land acquisition and compensation and conducted compensation payment for each affected HH		
12	Affected HHs agreed to receive compensation amount and signed on commitment minutes on handing over the site on regulated deadline.	10/1/2015 - 10/5/2015	Date of compensation payment

5.2 Process of information disclosure, public consultation and participation:

26. Meetings and process of information dissemination were carried out in compliance with regulations of Government of Vietnam and Binh Dinh PC, including: Consultation on information disclosure about the subproject, DMS results, giving compensation plan as well as on price frame for compensation that was implemented in communes. The result of survey through questionnaires revealed that 100% of affected HHs participated in the meetings.

27. During DMS, AHs were informed and invited to take part in the DMS. Although a small number of households was not participated in the DMS as they were not in the commune at the time of DMS, but they were informed about DMS schedule and results. Finally, all of AHs agreed and signed in the DMS minutes. Rate of households participating in DMS is presented in the following table:

Table 1 Number of participation rate in DMS and compensation plan

No.	Commune	Number of AHs informed about DMS		Number of AHs participating in DMS	
		Yes	No	Yes	No
1	Cat Tan	26	2	23	5
2	Nhon My	17	0	12	5
3	Tay An	4	1	2	3
4	Binh Thuan	5	0	4	1
Total		52	3	41	14
Rate		94.55%	5.45%	74.55%	25.45%

28. The result of DMS on affected assets and compensation amount for households were publicly posted at the office of communes and all AHs received the compensation plan.

29. Survey on understanding of affected HHs of compensation plan showed that: Most AHs (89%) understood compensation plan that they received. Among surveyed households, some households did not clearly understand because of not learning about that (9%), other some households did not know who to ask (1.8%). However, during the public consultation meetings, no AHs had complaints and they agreed to receive the compensation money.

Table 10 Evaluation of understanding of AHs on compensation plan

No.	Commune	Yes	No (Reason)			Total
			Vague dissemination	Not learn about	Not know who to ask	
1	Cat Tan	26	0	1	1	28
2	Nhon My	15	0	2	0	17
3	Tay An	3	0	2	0	5
4	Binh Thuan	5	0	0	0	5
Total		49	0	5	1	55
%		89.09%	0.00%	9.09%	1.82%	

5.3 DMS process

30. Based on the information provided by households in survey, most of the affected people were satisfied with the measurement of affected assets (including land and assets). A few people who did not agree with the result of measurement but they was explained by Compensation Council and finally they agreed with the result. All of the acquired assets were measured by the Council and task teams with the participation of some households;

5.4 Eligibility for compensation for land and assets

31. All affected HHs with LURCs, in process of acquiring LURC, or whose land can be legalized were be compensated for land and assets on land. AHs with affected land which is illegal or cannot be legalized were not be compensated for land but they were be compensated for assets on land. In conclusion, the eligibility for compensation for land and assets complies with National law, provincial regulation and safeguard policy of ADB.

5.5 The satisfaction of AHs on compensationprices

32. Compensation and assistance policies was applied for SP according to policy of Binh Dinh province in Decision No. 50/2012/QĐ-UBND, dated December 20th 2012. At the time of payment (from January to May 2015), the new Provincial Decision to guide how to implement the New Land Law 2013 (Land Law No. 13/2013) was not established. This decision was only effective from July 7th 2015 (Decision No. 13/2015/QĐ-UBND dated July, 2015).

33. Compensation price for land and asset are used based on Decisions of Binh Dinh province as below. These prices have been consulted with AHs and they agreed with these prices.

- Compensation for land: Compensation price is calculated in accordance to Decision No. 42/2013/QĐ-UBND dated 18 December 2013 by Binh Dinh PPC.
- Compensation for affected annual crops and trees is based on regulations on Decision No. 40/2013/QĐ-UBND dated 16 December 2013 by Binh Dinh PPC;

- Compensation for affected houses and structures is calculated in accordance to Decision No. 41/2013/QĐ-UBND dated 16 December 2013 by Binh Dinh PPC.

34. All surveyed households confirmed their satisfaction with the compensation for agricultural land because of three reasons: (i) there is no business of agricultural land in locality so that there is no market price; (ii) currently, agricultural land is not favourable for cultivation due to lack of water so the compensation level is reasonable, and (iii) after upgrading this subproject, productivity on their remaining agricultural land may increase thanks to irrigation capacity. Thus, most of affected HHs agree with compensation prices.

35. Evaluation of the satisfaction level of affected households in terms of compensation price through SES shows that all AHs agreed with compensation price: 91% AHs satisfied with compensation price; 9% AHs said that compensation price was acceptable.

Table 11 Evaluation of the satisfaction level of AHs on compensation price

Commune	Satisfaction with compensation unit price			Total
	Acceptable	Dissatisfied	Satisfied	
Cat Tan	4		24	28
Nhon My	0		17	17
Tay An	0		5	5
Binh Thuan	1		4	5
Total	5	0	50	55
Proportion	9.09%	0.00%	90.91%	

5.6 Allowances

36. According to the policy of Binh Dinh province and policy applied to payment for affected households in the subproject, AHs with agricultural land affected by the subproject received allowance for training on occupational changing equal to two times of value of affected land. All affected HHs have received this allowance.

37. However, all 16 severely affected households by SP loss from 10% to 30% of total their agricultural land lost that have not been identified by Van Phong PMU. No households are affected with more than 30%.

38. Van Phong PMU also has not identified affected households which are listed as vulnerable households yet in accordance with the uREMDF. Vulnerable households have been identified by Binh Dinh PPMU in June 2016. There are 28 vulnerable households in total, including 17 are disable AHs and 11 are female headed households.

39. In conclusion, compared to the uREMDF, assistances are not mentioned: (i) assistance for life stabilization of all 16 SAHs (lossing from 10% to 30% of their allocated agricultural land) with amount in cash equivalent to 30kg of rice for each household member in 3 months; (ii) assistance for 28 vulnerable AHs amount in cash equivalent to VND 2,000,000/household to improve their socio-economic conditions.

5.7 Livelihood rehabilitation

40. According the DMS results, 16 households with 10% to 30% of allocated agricultural land are affected and no household with more than 30% affected. Through consultations, all affected households stated that their livelihood and income have not been much affected after land acquisition due to they have other income from freelance labor.

41. In other hand, through consultations with SAHs on some options for income strategy, such as vocational training, agriculture extension, or borrowing money from social policy bank with promoted interest for small business. AHs gave their opinion that they would not continue with agriculture-based livelihood as being aware of drought and the scarcity of water (with 01 crop per year) then they prefer to get cash assistance and arrange new job by themselves.

5.8 Grievance redress mechanism

42. A grievance redress mechanism with detailed procedures (4 steps) based on the Complaint Law No. 02/2011/QH13 was applied for SP. It is suitable with uREMDP of the project. AHs was consulted this procedures.

43. According to Van Phong PMU, during DMS, compensation planning, some households queried the amount and value of compensation. However, the Council of Compensation and task team explained and gained consensus from households. Some households with less than 200m² of agricultural land are

classified as land for acquisition on request by the households. Van Phong PMU has worked with those households and no household made request.

44. During assessment, no complaint or grievance was put in.

VI. Socio-economic information of affected HHs

45. During compliance assessment, socio-economic survey has been carried out among 55 affected households in 4 communes; the number of surveyed households in each commune as below:

Table 12 Number of affected households in socioeconomic survey

Commune	Number of AHs			Number of AH members			Average of AH members
	Total	Number of AHs in socioeconomic survey		Total	Male	Female	
		Quantity	%				
Cat Tan	212	28	13.21%	96	45	51	3.43
Nhon My	90	17	18.89%	59	27	32	3.47
Tay An	23	5	21.74%	11	5	6	2.20
Binh Thuan	34	5	14.71%	25	15	10	5.00
Total	359	55	15.32%	191	92	99	3.47

46. Age of headed AHs in socioeconomic survey: most of headed AHs (61.8%) are at the age of above 60, the rest is at the age of 41 to 60.

Table 13 Age of headed Ahs by commune

No.	Commune	Age of HH head			
		21-40	41-60	>60	Total
1	Cat Tan	0	13	15	28
2	Nhon My	0	5	12	17
3	Tay An	0	0	5	5
4	Binh Thuan	0	3	2	5
Total			21	34	55
%			38.18%	61.82%	

47. Results of level of education of AH heads show that most affected household heads only completed primary school; some of them did not attend school and some completed secondary and high schools. No one attended collage or above.

Table 14 Table of education level of household heads

Level of education	Cat Tan		Nhon My		Tay An		Binh Thuan		Total	
	Quantity	%	Quantity	%	Quantity	%	Quantity	%	Quantity	%
No schooling	3		0	-	0	-	0	-	3	5.45

		10.71								
Primary school	12	42.86	9	52.94	5	100.00	3	60.00	29	52.73
Secondary school	8	28.57	5	29.41	0	-	2	40.00	15	27.27
High school	5	17.86	3	17.65	0	-	0	-	8	14.55
College/vocational school	0	-	0	-	0	-	0	-	0	-
University	0	-	0	-	0	-	0	-	0	-
Postgraduate	0	-	0	-	0	-	0	-	0	-
Total	28		17		5		5		55	

48. SES results show that main career of the HH heads is farming (81%), some others are employees or freelancer.

Table 15 Main occupation of AH heads

Main occupation	Cat Tan		Nhon My		Tay An		Binh Thuan		Total	
	Quantity	%	Quantity	%	Quantity	%	Quantity	%	Quantity	%
Agriculture	20	71.43	16	94.12	4	80.00	5	100.00	45	81.82
Livestock	0	-	0	-	0	-	0	-	0	-
Salaried employee	2	7.14	0	-	0	-	0	-	2	3.64
Hired labor/freelancer	5	17.86	0	-	0	-	0	-	5	9.09
House wife/husband	0	-	0	-	0	-	0	-	0	-
Small business	1	5.56	1	5.88	1	20.00	0	-	3	5.45
Total	28		17		5		5		55	

49. Due to mostly farming, main income of AH heads is from agricultural production, some AHs have salary or benefits from small-scale business.

Table 16 Main income of AH heads

Main income source	Cat Tan		Nhon My		Tay An		Binh Thuan		Total	
	Quantity	%	Quantity	%	Quantity	%	Quantity	%	Quantity	%
Agriculture	20	71.43	16	94.12	4	80.00	3	60.00	43	78.18
Hired labor/freelancer	5	17.86	0	-	0	-	2	40.00	7	12.73
Salaried employee	2	7.14	0	-	0	-	0	-	2	3.64
Business	1	3.57	0	-	0	-	0	-	1	1.82
Benefit recipient	0	-	0	-	0	-	0	-	0	-
Small business	0	-	1	5.88	1	20.00	0	-	2	3.64
Total	28		17		5		5		55	100.00

50. Domestic water is mainly from drilled well (96%). Survey revealed that due to drought there is a shortage of water during dry season. Local people have aspirations for timely commence of the project to ensure sufficient domestic and irrigation water

Table 17 Domestic water source of AHs

Water source	Cat Tan		Nhon My		Tay An		Binh Thuan		Total	
	Quantity	%	Quantity	%	Quantity	%	Quantity	%	Quantity	%
Tapping water	2	7.14	0	-	0	-	0	-	2	3.64
Drilled well/deep well water	26	92.86	17	100.00	5	100.00	5	100.00	53	96.36
Rain water	0	-	0	-	0	-	0	-	0	-
Total	28		17		5		5		55	

51. Survey results show that most of AHs have grade 4 houses or Fibrocement houses and house conditions remain unchanged after the land acquisition.

Table 18 House condition of headed AHs and evaluation after land acquisition

No.	Commune	Types of house					House condition after land acquisition		
		Multiple storey house	Flat roofed single storey house	Tile roofed brick house	Stilt house or asbestos sheet roofed house	Total	Better	Worse	Unchanged
1	Cat Tan	1	0	16	11	28	0	0	28
2	Nhon My	0	0	11	6	17	0	0	17
3	Tay An		0	5	0	5		0	5
4	Binh Thuan	0	0	3	2	5	0	0	5
Total			1	0	35	19	0	0	55
%			1.82	-	63.64	34.55		-	-

VII. Differences between applied policy in the subproject and the uREMDF of the project

52. Compared to the approved uREMDF of the project and applied compensation and assistance policies for affected people in the subproject - "Canal N24- Van Phong irrigation canal system", Van Phong PMU did not identify vulnerable AHs and severely affected households with productive land loss of 10% to 30%.

VIII. Conclusion

53. AHs by SP are almost with main agriculture occupation, under difficult living condition and low level education as well as facing the drought in many year. Thus, they do hope to have SP. In addition, households affected by the subproject “Canal N24- Van Phong irrigation canal system” deem themselves direct beneficiaries of the subproject; therefore they agree with land acquisition and compensation implementation.

54. As mentioned in item 5.2 above, the implementation of compensation, assistance and resettlement, including grievance redress mechanism in the subproject of “Canal N24- Van Phong irrigation canal system” is consistent in information dissemination, consultation with affected HHs and the process of DMS is carried out in accordance with the requirements of the Government of Vietnam and the province by informing to AHs and participating of AHs during the DMS.

55. The assistance for vulnerable AHs and severely affected households with allocated agricultural land loss of 10% to 30% which has not been covered will be supplemented to ensure the compliance with the rules, requirements and regulations of uREMDF of the project.

56. An corrective action plan with limited-time has been prepared by LIC and discussed with CPMU, Binh Dinh PPMU and Van Phong PMU to implement the corrective action plan for the subproject “Canal N24- Van Phong irrigation canal system”. Reason for implementing the corrective plan for the subproject is to ensure the consistency in implementing different components of the project.

VIII. Corrective Action Plan

57. The gap between applied implementation of compensation, resettlement and the rules, requirements and regulations of the government and Binh Dinh Province set for the subproject and the approved uREMDF has been discussed with CPMU, Binh Dinh PPMU.

58. DARD and PPMU of Binh Dinh province have agreed with the proposed corrective action plan and made commitment to implement the plan in September 2016 after this report is approved by ADB. Binh Dinh PPMU as

implementing agency will cooperate with Van Phong PMU and CPCs to implement corrective action plan.

59. The additional amount includes:

- Additional assistance for 16 AHs with 10% to 30% of allocated agricultural land affected. The total amount is: VND 56,272,500 equal to USD 2,527.
- Assistance for vulnerable group: 28 vulnerable AHs with total amount is VND 56,000,000, equal to USD 2,515.

List of Annexes

Annex 1 Sample minutes Minutes of consultation with affected HHs

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

BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG

Về Chính sách an toàn Tái định cư và Dân tộc thiểu số

Xã Bình Thuận, ngày 31 tháng 5 năm 2016

Tên DATP: *Khu N24 Khu tái định cư*

Xã *Bình Thuận*, huyện *Tây Sơn*, tỉnh *Bình Định*

I. Thành phần tham dự:

- | | |
|------------------------------------|---------------------------------|
| - Ông/Bà <i>Lê Thị Mỹ Phương</i> | Chức vụ <i>TU GV - P.T.C</i> |
| - Ông/Bà <i>Phạm Văn Tuấn</i> | Chức vụ <i>TU TĐC</i> |
| - Ông/Bà <i>Y. Xue. Vu</i> | Chức vụ <i>CB Kỹ thuật PPMU</i> |
| - Ông/Bà <i>Nguyễn Minh Nhân</i> | Chức vụ <i>u</i> |
| - Ông/Bà <i>Trần Văn Hiến</i> | Chức vụ <i>CT UBND xã</i> |
| - Ông/Bà <i>Trần Thị Bích Ngọc</i> | Chức vụ <i>CT UBND xã</i> |
| - Ông/Bà <i>Bùi Văn Ngọc Tuấn</i> | Chức vụ <i>CB Địa Chính</i> |
| - Ông/Bà <i>Nguyễn Thị Ngọc</i> | Chức vụ <i>PCT UBND xã</i> |
- Đại diện những hộ bị ảnh hưởng: người.

(Xem danh sách đại biểu tham dự đính kèm)

II. Nội dung

2.1 Các nội dung phổ biến thông tin:

- Phổ biến thiết kế của dự án: các thông tin chung về dự án như mục tiêu, địa điểm, phạm vi xây dựng...
- Phổ biến thông tin về phạm vi ảnh hưởng và Khung Tái định cư và phát triển DTTS.
- Phổ biến tiến độ thực hiện, quy trình khiếu nại, giám sát, đánh giá,
- Phát tờ rơi thông tin dự án.

2.2 Tham vấn cộng đồng:

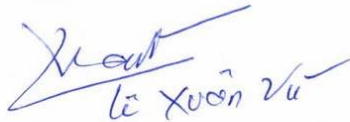
- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án, các vấn đề về tái định cư, các tác động dự kiến, các biện pháp giảm thiểu tối đa các tác động tiêu cực đến người bị ảnh hưởng.
- Tham vấn về giá thay thế, chính sách đền bù và quyền được đền bù, hỗ trợ của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và các biện pháp phục hồi cuộc sống phù hợp cho người bị ảnh hưởng;
- Thu thập các ý kiến khác liên quan đến công tác đền bù tái định cư.

III. Ý kiến thảo luận

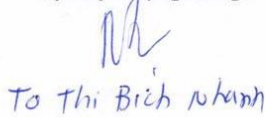
- Các hộ điều chỉnh tình hình dư thừa xây dựng địa chỉ và máy bơm nước, các công trình xây dựng do địa phương xây dựng rất thiếu nước.
- Một số hộ đề nghị chủ tịch xã hoặc thị trấn đề xuất có kế hoạch can thiệp do đất đai thu hoạch từ tháng 10 năm 2015.
- Các hộ đang ở với gia đình và phải ăn bữa thiếu.
- Một số hộ thiếu nước vì phân bón bị đổ bỏ, không có lại các công cụ, bình tưới, phân bón, UBND xã đã giải quyết phân bón và thêm để xã phê duyệt sau đó sẽ hoàn trả lại mặt bằng cho họ.
- Một số hộ đề nghị phân đất còn lại ở vị trí góc, khu canh tác, đề nghị địa phương xem xét. UBND xã đã xem xét và giải quyết các hộ có diện tích còn lại nhỏ hơn 200m² ở thu hoạch hết và sẽ xây nhà kho để họ nào có diện tích còn lại < 200m².
- Một số hộ phân rơm rạ ở đây vì thị trấn của giai đoạn 1 (giai đoạn thị trấn kinh tế với NSF) đang dọn dẹp và ảnh hưởng đến đất canh tác của họ.

Cuộc họp tham vấn kết thúc vào lúc ngày 21 tháng 5 năm 2016

Đại diện Ban QLDA tỉnh


Lê Xuân Vũ

Đại diện Cộng đồng


Tô Thị Bích Ngọc



Đại diện UBND xã


CHỦ TỊCH
CHỦ TỊCH
Nguyễn Tiến Dũng

Đại diện tư vấn


Phan Hải

DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP

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

(Danh sách đính kèm biên bản cuộc họp ngày 31 tháng 5 năm 2016 tại Ninh Thuận)

Tên DATP: Kinh NLU - Kinh Tươi - Văn Phong
 Xã: Bình Thuận, huyện: Đạ Són, tỉnh: Ninh Thuận

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Tào Thuận	Nam	Thuận Khanh	Thuận
2	Ca Long Cảnh	Nam	Thuận Hạng	Cảnh
3	Nguyễn Nhân	Nam	Thuận Hạng	Nhân
4	Ng. Thị Loan	Nữ	Thuận Hạng	Thị Loan
5	Phùng Liên	Nam	Thuận Hạng	Phùng Liên
6	Hồ Chí Yên	Nữ	Thuận Hạng	Yên
7	Đường Thị Hân	Nữ	Thuận Hạng	Thị Hân
8	Nguyễn Hoàng	Nam	Thuận Hạng	Hoàng
9	Nguyễn Đức	Nam	Thuận Khanh	Đức
10	Tào Hoàng	Nam	Thuận Hạng	Hoàng
11	Lê Đình Long	Nam	Thuận Hạng	Long
12	Lê Đình Thuận	Nam	Thuận Hạng	Thuận
13	Đuởng Hoàng	Nam	4	
14	Nguyễn Văn Lễ	Nam	4	
15	Nguyễn Thị Rau	Nữ	4	
16	Đuởng Văn	Nam	4	
17	Nguyễn Phong	Nam	4	
18	Nguyễn Ngọc Lát	Nam	11	Nguyễn
19				
20				
21				

Annex 2 Some consultation photos when establishing the assessment report



Consultation in Nhon My Commune



Consultation in Binh Thuan Commune



Consultation in Cat Tan Commune



Consultation in Tay An Commune



Canal section in Cat Tan



Canal section in Cat Tan