

# **Resettlement and Ethnic Minorities Development Plan**

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

**Subproject: Upgrading the Cham Canal and  
Management Road of the South primary canal of Nha  
Trinh - Lam Cam Irrigation System, NinhThuan Province**

## CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)

Exchange rate on 14<sup>th</sup> June, 2016: \$1 = 22,270

## ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	Affected Household
APs	-	Affected Persons
APMB	-	Agricultural Project Management Board
CARB	-	Compensation Assistance and Rehabilitation Board
CPC	-	Commune Peoples' Committee
CPMU	-	Central Project Management Unit
CSB	-	Commune Supervisory Board
	-	Department of Agriculture and Rural Development
DARD		
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
	-	Integrated Rural Development Sector Project in Central Provinces
IRDSPCP		
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
PCARB	Provincial Compensation, Assistance and Resettlement Board
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 Minorities Development 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 finalisation 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

Income restoration program	<p>social base.</p> <p>- 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</p>
Land acquisition	<p>- 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.</p>
Rehabilitation	<p>- 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.</p>
Relocation	<p>- This is the physical relocation of a DP from her/his pre-project place of residence and/or business.</p>
Resettlement and Ethnic Minorities Development Plan (REMDP) Replacement cost	<p>- 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.</p> <p>- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs.</p>
Replacement Cost Study	<p>- This refers to the process involved in determining replacement costs of affected assets based on empirical data.</p>
Resettlement	<p>- This includes all measures taken to mitigate any and all adverse impacts of a project on DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.</p>
Severely affected households (SAH)	<p>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</p>
Vulnerable groups	<p>- 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.</p>

## **NOTE**

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## EXECUTIVE SUMMARY

- Introduction:** This Resettlement and Ethnic Minority Development Plan (REMDP) is prepared for the subproject “Lining Cham Canal and Management Road of the Southern Main Canal, Nha Trinh – Lam Cam irrigation system” Ninh Phuoc district, NinhThuan province which is one of the proposed subprojects of the Integrated Rural Development Sector Project in the Central Provinces (IRDSPCP) (Additional Financing). The subproject will (i) upgrade and rehabilitate Cham canal with the total length of 4,635km after adjusting route. The upgrading and rehabilitation plan includes: adjusting route, covering rectangular canal with reinforced concrete M200, upgrade 4,635km of Cham canal by gravel soil to be favorable for management combined with rural road; (ii) newly- constructed 63 works with reinforced concrete structure on the canal including sluice, bridge over canal, siphon and spillway; (iii) concreting management road surface of South main canal with the length of 11.0km, including four sections: section 1 is about 5.0 km long, section 2 is about 2.5 km long, section 3 is about 3.0 km, section 4 is about 0.5km long. The REMDP 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 subproject area with the participation and consultation with different stakeholders, including affected people.
- Subproject location and scope of impacts:** This subproject is situated in four (04) communes, namely: PhuocHau, Phuoc Thai, Phuoc Vinh and Phuoc Son of NinhPhuoc district, NinhThuan province. According to DMS results, no affected household will be relocated. There are total of 124households and 02 organizations (CPCs of PhuocHau and Phuoc Son) to be affected by the subproject, but only 108 Ahs with affected land and assets on land, remaining 16 Ahs will be affected on crop and tree only. Total 99,427.5m<sup>2</sup> of land will be acquired by this sub-project, broken down into: 60,667.3 m<sup>2</sup> of agricultural land (54,496.9m<sup>2</sup> of agricultural land of 108 households and 6,170.4 m<sup>2</sup> agricultural land of 02 CPCs: PhuocHau and Phuoc Son commune) and 38,760.2 m<sup>2</sup> of public land (irrigation, transportation and un-used land). There will be 7,143 trees of all types of 43 affected AHs and about 45,749.25m<sup>2</sup> of annual crops of 97 affected HHs. 31 AHs would have structures to be affected. Of 124 Ahs, 42 AHs of them who are classified as belonging to vulnerable group and 48 Ahs out of 108 Ahs losing land are severely Ahs by subproject.
- 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 REMDP 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.
- 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 LFDC and CPCs and continue in February 2016 after the approval of the replacement cost for subproject by NinhThuan Provincial Peoples’ Committee (PPC). Design, project 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.

5. **Vulnerable and Ethnic Minority Issues:** The subproject area is mainly Cham and Raclay ethnic minority people, which accounted for 38.4% of total population of the four (4) communes. DMS results in terms of EM population among the AHs, revealed that only eight (8) of the total 124 AHs are Cham (07 EM Ahs in Phuoc Thai commune) and Raclay (01 EM Ahs in PhuocVinh commune). Among the vulnerable group affected with total 42 VAHs, 19 AHs (43.2%) of these are female-headed AHs, 11 Ahs (25%) are poor households, 8 AHs (18.2%) are EM AHs and another 6 AHs (13.6%) are under preferential treatment policy, (*Phuoc Thai commune has 7 Ahs who are ethnic minority. Among 7 ethnic Ahs, there are poor 02 EM Ahs*). The DMS data, therefore, implies that the investment in the implementation of the subproject is consistent with the poverty reduction targets for ethnic minority groups living in NinhThuan province. Gender mainstreaming strategy as described in this REMDP 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.

6. **A Gender Action Plan (GAP)** was prepared to ensure women's participation in subproject 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, grievance resolutions, among others. The gender monitoring indicators are also built and women will participate during the internal monitoring of the REMDP.

7. **Income Restoration plan:** Of total 124 Ahs, 48 AHs out of 108 AHs losing land are classified of severely AHs (SAHs). They will be fully provided funding support in terms of compensation payments to all affected assets and allowance in term of income restoration and other supports for vocational training, borrowing money from policy bank with promoted interest as well as finding new job as their desire. The vulnerable group will have additional assistance and other allowances in accordance with subproject's policy, which are fully indicated in the subproject's entitlement matrix.

8. **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 REMDP. CPMU will cooperate with NinhThuanPPC 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 REMDP. The Land Fund Development Center (LFDC) is belong to NinhPhuoc District to implement the compensation, assistance and resettlement process. During resettlement implementation, the Loan Implementation Consultant (LIC) recruited by CPMU will conduct semi-annual monitoring missions to ensure compensation is implemented in line with approved REMDP.

9. **Implementation schedule:** the final REMDP 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 REMDP is approved. CPMU will make sure that construction work will not be implemented by contractors unless NinhThuanPPMU 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 the Ahs is expected to be paid compensation for their affected assets beginning June 2016 and site clearance will be completed by the end of June, 2016.

10. **Monitoring and Evaluation:** Monitoring of REMDP 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 REMDP 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.

11. **Total resettlement cost:** NinhThuan PPC is responsible for distributing counterpart fund for land acquisition and resettlement to NinhPhuoc DPC or District Land Fund Development Center so that the payment will be made directly to affected households. Total cost are estimated to be about **VND 7,866,472,062** equivalent to **USD 353,232**. In which: (i) compensation amount for land is VND 1,973,983,000; (ii) compensation amount for affected structure is VND 467,242,790 (iii) compensation amount for affected crops and tree is VND 544,377,300 (iv) *Restore livelihoods and incomes allowance* is VND 305,424,000; (v) *Job training/Creation allowance* is VND 3,516,038,000 (vi) allowances to vulnerable group amount to VND 594,320,000; (vii) bonus allowance to Ahs handing over the land on time is VND 295,750,000 and (viii) Management and Implementation Cost is VND 153,942,702.

## I. INTRODUCTION

### A. Background

12. The subproject (SP) of lining Cham canal and management road of the South main canal under Nha Trinh - Lam Cam irrigation system, NinhThuan province is implemented in NinhPhuoc district, NinhThuan province. The SP is located in NinhPhuoc district, and comprised of four (4) communes, namely: PhuocHau, Phuoc Thai, PhuocVinh and Phuoc Son.

13. Nha Trinh - Lam Cam is a huge irrigation system, which was constructed over 100 years ago. The system's command area is 12,800 has, located in three districts of NinhThuan province, in which the south main canal has a total designed irrigation area of 6,800has and a canal length of 29kms.

14. Besides the upgrade and rehabilitation of the canal system, on-farm service road network is also rehabilitated and upgraded. However, the quality of the service road is still low and roads along the south canal have a width of  $b=3\div 4m$  with fine texture soil surface. The fine texture of the soil causes landslide to the canal's bed and is also waterlogged and muddy during the rainy season, which makes it difficult to traverse the road.

15. Cham is a category 1 canal of the south main canal under Nha Trinh – Lam Cam irrigation system. The Cham canal directly gets water from the south main canal at K4+500m, which currently has total length of 5.521kms. The Cham canal and branch canals of category I and II are nature earth canals. Out of the 50 kms. Total length of the earth canal system, only some canals of category II have some sections lined such as Muong Chai (2.5kms), MuongGiang (542m), and Ho Tam (360m). The capacity of the Cham canal to supply water is quite high and water is abundant. It is capable of meeting present and future demands for irrigation water supply. But due to its long time use and the effect of many floods, the canal system is deformed, heavily silted with sediments, which reduced its water conveyance capacity. Presently, only 1,500-2,000 ha is the annual irrigated area out of the total 2,800 ha of land areas in need of irrigation water.

### B. Subproject location and affected area

16. The SP is located in PhuocHau, Phuoc Thai, PhuocVinh and Phuoc Son communes, NinhPhuoc district, Ninh Thuan province. NinhPhuoc district is adjacent to Ninh Son district in the North and West, adjacent to Phan Rang – Thap Cham city in the Northeast and adjacent to Thuan Nam district in the South and West and adjacent to East sea in the East. The total area of NinhPhuoc district is 341,033.7 km<sup>2</sup> with 135,146 persons. PhuocHau commune has a total land area of 1,460.37 ha with a total population of 3,740 households in 2013 and 19,182 persons. Phuoc Thai commune has a total land area of 11,889.79 ha with a total population of 2,377 households in 2013 and 11,764 persons. Phuoc Vinh commune has a total land area of 4,584.42 ha with a total population of 3,316 households in 2013 and 9,031 persons. Phuoc Son commune has a total land area of 1,432.12 has with a total population of 3,470 households in 2013 and 15,212 persons.

17. Canal and work items on the canal: All of the current canal routes are made of earth canals. The canal sides are mainly planted with bamboo, which limits visibility of people. The water flow has a natural curved shape and there is no management road so it is difficult to undertake annual dredging of the canal system and operating it. The cross section of the canal has expanded due to erosion and landslide. It is observed that water seepage occurs daily which leads to low irrigation efficiency. There are 63 temporary work items on the canals initiated and undertaken by farmer water users. The canal passes over a newly - concreted inter-commune bridge.

18. Management road of the south main canal: the upgrading and rehabilitation of the south main canal subproject has existing constructed management roads along the south canal with a

width of b=3÷4m, and whose surface is made of fine texture soil. The canal management road, aside from its use for irrigation purposes, also serves as a road which links Phuoc Hau, Phuoc Thai, Phuoc Vinh and Phuoc Son communes. During the annual harvest time, the canal management road is the main road used by farmers in transporting their agricultural products to the markets. Since the road is only made of gravel and not concreted, this has been degraded due to rains which then resulted in floodings. Moreover, with the mechanization of agriculture in the subproject area, more farm equipment and other vehicles traverse the road, which contributed to its serious degradation.

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

19. Lining the southern main canal and management road of Nha Trinh - Lam Cam irrigation system, Ninh Thuan province is constructed based on the existing route. 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 REMDP. PIB will be regularly distributed to the AHs and local governments, as needed, following ADB's concurrence of the subproject REMDP. 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.

20. 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 and Ethnic Minority Development Plan**

21. This REMDP 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.

22. This document established a plan for affected ethnic minority (EM) groups whose objectives are to design and implement the subproject by considering and giving respect to all aspects of EMs' human rights, livelihood systems, and cultural characteristics. Thus, the ethnic minority groups will (i) receive the economic, social and cultural benefits in a suitable manner; (ii) will not suffer from adverse impacts of the subprojects, and (iii) will actively participate in subproject implementation which causes the impacts on their lives and assets.

23. In addition, the REMDP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB's Involuntary Resettlement and Indigenous Peoples Policies with National and Ninh Thuan provincial government 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 REMDP is prepared based on the results of the detailed measurement survey (DMS), replacement cost, SES and consultations. Construction activities will only start once CPMU will have identified the volume of compensation and other assistance provided to affected households.

## II. SUBPROJECT IMPACTS

25. Detailed Measurement Survey (DMS) was conducted in August 2015 by Land fund Development Center of NinhPhuoc DPC, based on the approved investment subproject. Results of the DMS are summarize as follows:

### A. Permanent impact:

#### 1. Affected households:

26. Per DMS Result, the subproject will impact on assets of 126 affected households/organizations consisting of 124 households and 02 organizations (Phuoc Hau and Phuoc Son CPC). Of the 124 affected households, 108 Ahs are affected on land and assets, 16 Ahs are affected on crop and tree only. Out of 108 Ahs have acquired land, 48 Ahs are severely affected households (losing more than 10% of agriculture land). There is no relocated AH. Of 124 AHs, 08 HHs are ethnic minorities (07 Cham Ethnic Ahs living in Phuoc Thai commune and 01 Raclay Ethnic AH living in Phuoc Vinh commune and remaining Ahs (116) are Kinh HHs.

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

**Table 1: Number of affected households**

Commune	Severely AHs (Losing 10% or more productive land)	EM HHs	Vulnerable HHs	Total		Note	
				AHs	APs	AH loss land and asset	AH loss asset only
PhuocHau	10		11	37	138	25	12
Phuoc Thai	2	7	7	7	42	7	
PhuocVinh	12	1	9	27	104	26	1
Phuoc Son	24		15	53	189	50	3
Total	48	8	42	124	473	108	16

Source: DMS, 2016

#### 2. Vulnerable Group:

28. Of the 124 affected households, 42 of them belong to vulnerable group, account 35.5% of total affected household in which 19 Ahs are female-headed households; 6 VAHs under preferential treatment policy; Eleven (11) households are poor households as per CPC's certification; Eight (08) households which belong to EM group.

**Table 2: Profile of Ahs belong to Vulnerable Group by commune**

Commune	Vulnerable Group					Percentage per total of VAH by commune
	Female-headed	Family under preferential treatment policy	Poor household	Ethnic Minority Household	Total	
PhuocHau	2	2	7		11	26.19%
Phuoc Thai*			2	7	7	16.67%
PhuocVinh	7		1	1	9	21.43%
Phuoc Son	10	4	1		15	35.71%
<b>Total</b>	<b>19</b>	<b>6</b>	<b>11</b>	<b>8</b>	<b>42</b>	
Percentage by type of vulnerable	<b>43.2%</b>	<b>13.6%</b>	<b>25.0%</b>	<b>18.2%</b>		

Source: DMS, 2016

(\*) Phuoc Thai commune has 7 Ahs who are ethnic minority. Out of 7 ethnic Ahs, there are poor 02 EM Ahs

### 3. Affected land:

29. According to DMS Result, The subproject (SP) of lining Cham canal and management road of the South main canal under Nha Trinh - Lam Cam irrigation system in 04 Communes of Ninh Phuoc District will permanently affect of total 99,427.5 m<sup>2</sup>. In which 60,667.3 m<sup>2</sup> of agricultural land, (of which 54,498.9 m<sup>2</sup> belongs to 108 households and 6,170.4 m<sup>2</sup> is land of organizations (PhuocHau and Phuoc Son CPC) and 38,760.2 m<sup>2</sup> of other land, consist of irrigation land (37,859.8 m<sup>2</sup>); transportation land (764.6 m<sup>2</sup>); un-used land (15.8 m<sup>2</sup>). Of 60,667.3 m<sup>2</sup> of agricultural land, 55,536.8 m<sup>2</sup> is annual crop land, 5,130.5 m<sup>2</sup> is perennial plant land. No residential land will be required. The following tables summarizes affected land:

**Table 3: Affected land by type of land and ownership**

Unit: m<sup>2</sup>

Ownerships	Agricultural land			Other land				Total
	Annual crop land	Perennial land	Total agricultural land	Irrigation land	Transportation land	Un-used land	Total other land	
Household	49,366.4	5,130.5	54,496.9					54,496.9
Public land	6,170.4		6,170.4	37,859.8	764.6	135.8	38,760.2	44,930.6
<b>Total</b>	<b>55,536.8</b>	<b>5,130.5</b>	<b>60,667.3</b>	<b>37,859.8</b>	<b>764.6</b>	<b>135.8</b>	<b>38,760.2</b>	<b>99,427.5</b>

Source: DMS 2016

**Table 4: Affected land by commune and number of Ahs**

Communes	Annual crop land				Perennial land		Other land (m <sup>2</sup> )				Total	
	Ahs		CPC	Total area (m <sup>2</sup> )	Ahs		Irrigation land	Transportation land	Un-used land	Total area of other land	Area (m <sup>2</sup> )	Number of Ahs
	Number of Ahs	Area (m <sup>2</sup> )	Area (m <sup>2</sup> )		Number of Ahs	Area (m <sup>2</sup> )						
Phuoc Hau	25	7,489.0	4,858.8	12,347.8	1	13.4	7,741.0	222.1		7,963.1	20,324.3	25
Phuoc Thai	7	3,511.4		3,511.4			4,255.2		135.8	4,391.0	7,902.4	7
Phuoc Vinh	26	10,704.8		10,704.8	8	3,065.3	8,401.4			8,401.4	22,171.5	26
Phuoc Son	50	27,661.2	1,311.6	28,972.8	5	2,051.8	17,462.2	542.5		18,004.7	49,029.3	50
<b>Total</b>	<b>108</b>	<b>49,366</b>	<b>6,170</b>	<b>55,537</b>	<b>14</b>	<b>5,131</b>				<b>38,760</b>	<b>99,427.5</b>	<b>108</b>



Source: DMS 2016

Note: (\*) PhuocHau commune: 02 AHs loss 02 type of land  
 (\*\*) PhuocVinh commune: 01 AHs loss 02 type of land;  
 (\*\*\*) Phuoc Son commune: 03 AHs loss 02 type of land

#### 4. Status of land use rights of affected households

**Table 5: Table of status of land use rights of Ahs**

Commune	Annual crop land				Total
	With LURC	In process of acquiring LURC	Non-titled	Rent	
Phuoc Hau	22	3	0	12	37
Phuoc Thai	7		0		7
Phuoc Vinh	18	8	0	1	27
Phuoc Son	39	11	0	3	53
<b>Total</b>	<b>86</b>	<b>22</b>	<b>0</b>	<b>16</b>	<b>124</b>
<b>Percentage</b>	<b>69.35%</b>	<b>17.74%</b>	<b>0.00%</b>	<b>12.90%</b>	

Source: DMS 2016

30. According to DMS survey, 69.4% (86 AHs) of total 124 AHs with land use registration certificates (LURCs) while 17.74% (22 AHs) said they are in process of acquiring LURCs, remaining 16 AHs (12.9%) rent agriculture land from CPC and other AHs. No AHs don't have LURC.

#### 5. Affected crops and trees

31. Permanent agricultural land acquisition will have impacts on crops and trees of people in the subproject area. It is expected that total of 45,749.25 m<sup>2</sup> affected annual crops owned by 97 AHs will be affected and 43 AHs that own 7143 quantities of affected perennial trees when construction work will commence. Almost annual crop is rice, some of them are potato, onion, vegetable. Affected fruit trees include banana, saboche, mango, guava, jack-fruit, melon, dragon, tamarind, apple, star apple, star fruit, rambutan, lemon, coc, avocado, papaya. Small area of annual crop land is grass for livestock. Affected perennial tree are Acacia, sung, nem, gao, bamboo. Table below summary quantity of annual crops and trees by commune.

**Table 6: Affected crop and tree**

Communes	Affected crop/tree			
	Annual crop		Perennial tree	
	Affected HH	Area (m <sup>2</sup> )	Ahs	Tree
Phuoc Hau	26	10377.05	15	1561
Phuoc Thai	7	3511.4	3	4
PhuocVinh	17	7265	17	2335
Phuoc Son	47	24595.8	28	3243
<b>Total</b>	<b>97</b>	<b>45749.25</b>	<b>63</b>	<b>7143</b>

#### 6. Affected houses and structures:

32. As DMS results, 13 types of structures of 31 AHs will be affected and the table below is the specifications of each type of structure as follows:

**Table 7: Profile of the types of affected Structures in Subproject communes**

Affected Structures	Area (m <sup>2</sup> )	Length/Diameter (meters)	Quantity (no.)
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Affected Structures	Area (m <sup>2</sup> )	Length/Diameter (meters)	Quantity (no.)
Mesh fencing B40 wooden pole		303.3	
Animal Cages	118.3		
Trellis, wooden pole	2448.2		
Concrete yard	2		
Digging Well		8	
Drilling well UNICEP			2
Electricity Poles made of bamboo, wood or cement			16
Ponds	295.9		
Water Pumps			2
Temporary bridges made from bamboo		23.5	
Water pipeline		20	
Temporary houses	21.1		
Electric meters			3
<b>Total</b>	<b>2885.5</b>	<b>354.4</b>	<b>23</b>

Source: DMS, 2016

## 7. Affected historical or cultural heritages

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

### B. Temporary impacts

34. During construction, some 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

35. The population in NinhPhuoc district, including Phuoc Dan town and eight communes of PhuocHau, Phuoc Thai, Phuoc Son, An Hai, PhuocHuu, PhuocThuan and PhuocVinh in 2013 was 135,146 people. Average population density was 396people/km<sup>2</sup>. People are mainly concentrated in Phuoc Dan town.

36. General information of sub-project communes is present in table below.

**Table 8: General information on the initially identified subproject area**

Commune	Area (ha)	Population		Poor HH		Ethnic Minority HH	
		HH	Person	Number	Poverty rate (%)	Number	Ratio of EM HHs
PhuocHau	1,460.37	3,686	19,501	283	7.7%	2183	59.2%
Phuoc Thai	11,889.79	2,541	12,237	309	12.2%	1854	73.0%
PhuocVinh	4,584.42	2,435	10,861	194	8.0%	392	16.1%

Phuoc Son	1,432.12	3,485	15,211	60	1.7%	66	1.9%
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Source: NinhPhuocDistrict data, 2016

37. Agricultural production is the main economic activity of people living in the subproject communes. Thus, agricultural production is also the source creating income for local people in general and affected people in particular. Besides agricultural production, people also participate in small trading service or wage earning.

38. In the subproject area, travelling in these communes especially during the rainy season is difficult because the canal and management road system is degraded. Therefore, it is envisaged that with the upgrading and rehabilitation of Cham canal and management road of South main canal under Nha Trinh – Lam Cam irrigation system, smooth and easy mobility of local people will be realized within the communes while also resulting in an improved access of local people to basic social services thereby contributing to an increase in agricultural production and household income and ultimately rural poverty experienced by people will be alleviated.

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

39. The socio-economic survey (SES) was conducted in February 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. Of the 124 AHs, 66 affected household heads, consist of 48 severely Ahs were tapped as sample respondents to the SES using an interview questionnaire prepared by LIC and jointly administered with CPC, PPMU and CPMU resettlement staffs. Of these, the gender ratio is 50.42% are males while 49.58% are females. The average household size of the consulted/surveyed households is 4.38 members/household.

**Table 9: Number of Ahs in SES**

Commune	Number of AH		Number of consulted people	HH size (people/ HH)	Gender Ratio (%)		
	Total AH	Number of AH in SES survey			Of consulted people		
		Number			Percentage	Male	Female
PhuocHau	37	23	62.16%	86	3.74	55.81	44.19
Phuoc Thai	7	6	85.71%	36	6	55.56	44.44
PhuocVinh	27	13	48.15%	50	3.85	44	56
Phuoc Son	53	24	45.28%	86	3.58	45.31	54.69
<b>Total</b>	124	<b>66</b>	53.23%	<b>258</b>	<b>3.9</b>	50.42	49.58

Source: SES survey in 2016

40. The following are the results of the survey:

### 1. Socio-Economic Status of Consulted Households:

41. The SES data on socio-economic status of consulted households indicate that a 3/4th of the total household or about 78.8 % of them are classified as belonging to the average households that imply these are neither rich nor poor. They are within the so-called middle class. Remaining 14 households or 21.2 % of them disclosed that they are poor. This shows that the poverty incidence in the subproject communes is not high, albeit there are still some poor households that experience the impacts of poverty, likely those classified as vulnerable group.

**Table 10 Socio-Economic Status of Affected Households**

Socio-Economic Status	Frequency (number of HHs)	Percentage
Rich	0	0.0%
Well-off	0	0.0%

Average	52	78.8%
Poor	14	21.2%
Under poverty line	0	0.0%
Total	66	100.0

Source: SES, DMS, 2016

## 2. Gender of Affected headed houses:

42. There were 48 or 72.7% male household heads interviewed as against 18 (27.3%) females. The gender data infer that seemingly, men are still formally recognized as household heads over women. It is likely that women assume household headship once they become widowed, divorced/separated or as single women but with children who depend on them. The following table below shows the gender data on HH heads:

**Table 11: Gender Ratio of HH heads**

Gender	Number of HH heads	Percentage
Male	48	72.7%
Female	18	27.3%
<b>Total</b>	66	

Source: SES, DMS 2016

## 3. Ages of AH heads

43. As to ages of HH heads interviewed, 48.9% (29) belong to the 60 years old and above or the elderly sector while another 37.9% (25) are within the ages 41-60 or the economically active group. Another 18.2% (12) of total interviewed household heads have ages ranging from 21-40 years old. None of the survey respondents are from the youth sector 20 years old and below. The data suggest that heads of the households are mostly belonging to the elderly who along with the youth and children are, likely, to be dependent now upon the economically active groups whose ages range from 21-60 years old. See table below for data on age brackets of surveyed household heads.

**Table 12: Age bracket of HH heads**

Age Bracket	Number	Percentage
20 years old and below	0	0.0%
21-40 years olds	12	18.2%
41-60 years olds	25	37.9%
60 years old and above	29	43.9%
Total	66	

Source: SES, DMS 2016

## 4. Educational Attainment

44. SES data on educational attainment of household heads indicate that a majority of them at 39.9% (26 AHs) completed and/or within primary school level, second is 21AHs (31.8%) in secondary levels, another 8AHs (12.1%) had high school education, same level with respondents never attended school, whereas a few at 3.03% (2 AHs) in higher education and 2 AHs (1.5%) had college.

**Table 13: Educational Levels of headed Ahs**

Educational Levels	PhuocHau		Phuoc Thai		PhuocVinh		Phuoc Son		Total	
	No	%	No	%	No	%	No	%	No	%
Did not attend school	0	0.0%	5	20.8%	0	0.00%	3	23.08%	8	12.12%

Primary	8	34.8%	10	41.7%	4	66.67%	4	30.77%	26	39.39%
Secondary	11	47.8%	4	16.7%	1	16.67%	5	38.46%	21	31.82%
High School	3	13.0%	3	12.5%	1	16.67%	1	7.69%	8	12.12%
College/Vocational School	0	0.0%	1	4.2%	0	0.00%	0	0.00%	1	1.52%
University/Higher Education	1	4.3%	1	4.2%	0	0.00%	0	0.00%	2	3.03%
<b>Total</b>	<b>23</b>		<b>24</b>		<b>6</b>		<b>13</b>		<b>66</b>	

## 5. Sources of Income of headed households:

45. A majority of the households at 83.3% (55 AHs) of the total 66 consulted households cited agriculture and forestry as their main source of income while a few at 9% (6 AHs) said they are employed while 3% (2 AHs) respondent said the family income mainly comes from non-agriculture and 4.55% (3 AHs) more respondents said they only rely on support and assistance of other people. The findings suggest that with the completion of the subproject, a majority of the households who are involved in agriculture will enjoy immense benefits with an increase in farm produce because of stable, adequate and reliable irrigation water.

**Table 14: Source of Income of headed AHs**

Income Source	PhuocHau		Phuoc Thai		PhuocVinh		Phuoc Son		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Agriculture/Forestry	21	91.30%	6	100.00%	10	76.90%	18	75.00%	55	83.33%
Employment	0	0.00%	0	0.00%	2	33.30%	4	16.67%	6	9.09%
Non-agriculture	1	4.30%	0	0.00%	0	0.00%	1	4.17%	2	3.03%
Relying on support/assistance	1	4.30%	0	0.00%	1	16.70%	1	4.17%	3	4.55%
<b>Total</b>	<b>23</b>		<b>6</b>		<b>13</b>		<b>24</b>		<b>66</b>	

Source: SES, DMS, 2016

46. Average Monthly Income of headed AHs: The average monthly income of 66.70% (44 AHs) of total HH consulted ranges from 2 Million VND and above which suggest that the subproject beneficiaries are not mostly belonging to the poor sector notwithstanding some households at 6.1%(4 AHs) and 6.1%(4 AHs) respectively who seemingly are quite poor whose average monthly incomes range from 1.001-1.5 Million VND and below 1 Million VND There are also those households at 21.2% (14) whose average monthly income is from 1.5 to 2 Million VND. These households will be the ones that will greatly benefit from the subproject when this is completed, managed and operated again.

**Table 15: Average Monthly Income of Consulted headed Households AHs**

Average Monthly Income	PhuocHau		Phuoc Thai		PhuocVinh		Phuoc Son		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Below 1 Million VND	2	8.7%	0	0.0%	1	7.7%	1	4.2%	4	6.1%
1.001-1.5 Million VND	3	13.0%	0	0.0%	0	0.0%	1	4.2%	4	6.1%
1.501 M-2Million VND	2	8.7%	2	33.3%	3	23.1%	7	29.2%	14	21.2%
2 Million and above VND	16	69.6%	4	66.7%	9	69.2%	15	62.5%	44	66.7%
<b>Total</b>	<b>23</b>		<b>6</b>		<b>13</b>		<b>24</b>		<b>66</b>	

Source: SES, DMS, 2016

## 6. Monthly Family Expenses:

47. The data found from SES results state that 63.6% (42 AHs) of total household consulted spend about 1.6 Million VND or more per month. This finding seem to suggest that these are those belonging to average households in terms of socio-economic status as cited in preceding discussion. Some 3% (2 AHs), likely poor households, spend about below 500,000 VND while another 6.1 % (4) households have monthly family expenses, which range from 500,000-1 Million VND. 10.6% (7 AHs) household spend every month about 1,001 Million to 1.25 Million VND and remaining 16.7% (11 AHs) consulted households spends more at a range of 1,26 M-1,5 Million VND.

**Table 16: Monthly Family Expenses of headed AHs**

Monthly Family Expenses	PhuocHau		Phuoc Thai		PhuocVinh		Phuoc Son		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Below 500,000 VND	2	8.7%		0.0%		0.0%		0.0%	2	3.0%
500,000-1 Million VND	1	4.3%		0.0%	1	7.7%	2	8.3%	4	6.1%
1,001 Million to 1,25 Million VND	2	8.7%	1	16.7%		0.0%	4	16.7%	7	10.6%
1,26 M-1,5 Million	3	13.0%	1	16.7%	2	15.4%	5	20.8%	11	16.7%
1,6 M and above M VND	15	65.2%	4	66.7%	10	76.9%	13	54.2%	42	63.6%
Total	23		6		13		24		66	

48. Household Debt: Apparently, although a majority of the consulted households in subproject communes are not poor, many still have household debts where 28.8 % or 19AHs said they have existing debt. On the contrary, 47 households or 71.2 % said their households do not incur debts.

**Table 17: Profile of headed Households with Debts**

Yes		No	
No.	Percentage	No.	Percentage
19	28.8%	47	71.2%

Source: SES, DMS, 2016

## 7. Household assets

49. Type of Housing: From the findings, it is inferred that most consulted households have good types of housing which are mostly brick houses with tiles or galvanized iron (metal roofing). Another two (2) household own concrete houses. However, there are still some households, likely, those belonging to the vulnerable group whose types of houses are made of light materials like bamboo and earth walls and one (1) who has no house but it is not known where and how this household live.

**Table 18: Type of Housing**

Type of House	No.	Percentage
Concrete house (cement)	2	3.0%
Brick house with tiles or galvanized iron roofing (metal roof)	52	78.8%
Stilt house/traditional house with tiles	5	7.6%

or galvanized iron roofing (metal roof)		
Stilt house with asbestos cement roof	3	4.5%
House made of light materials like bamboo and earth walls	4	6.1%
No house	0	0.0%
<b>Total respondents</b>	66	

Source: SES, DMS, 2016

50. **Household Assets Owned:** From the SES data, it is deduced that households in subproject area have good access to telecommunication and information facilities because a majority of them own telephone/mobile phones (81.7%), and television sets (83.3%). Motorbikes (71.7%) are the common means of transport to and from the communes by households in the subproject communes. These assets are household necessities. Since all households are connected to power facilities through the national power grid, household appliances like air-conditioning units, refrigerators, and washing machines are common in most households. In terms of farm assets, water buffaloes and cows are the most common use of farmers in tilling the paddy fields whereas a few households, likely those who are average in terms of socio-economic status own farm machines and farm truck. It is worth noting that only one (1) household has a savings bank account. This finding could be correlated with the variable on household debt wherein a majority has existing debts. Savings consciousness seems to be not practiced by a majority of consulted households.

**Table 19: Household Assets Owned by Consulted headed HHs**

Assets Owned	Frequency	Percentage
1. Buffalo/cow/horse	12	20.0
2. Pig/Goat	11	18.3
3. Generator	0	0.0
4. Farm machine	2	3.3
5. Farm truck	1	1.7
6. Motorbike	43	71.7
7. Air condition/Refrigerator	16	26.7
8. Computer	2	3.3
9. Washing Machine, Gas stove	20	33.3
10. Telephone, mobile phone	49	81.7
11. Television/DVD (video)	50	83.3
12. Savings Account passbook	1	1.7

Source: SES, DMS, 2016

## 8. Occupation of headed AHs:

51. Agriculture/ Forestry is the predominant occupation among the headed AHs, which accounts for 85% (56 Ahs) of total 66 AHs in surveyed. Other unspecified occupations were cited by 10% while 1.5% said they are workers and officers likely of both government and private firms. Another 6.1% (4 Ahs) disclosed they are employed as freelance laborers/employees while 7.6% are into others (business/ service,...). This data seem to imply that the subproject will directly benefit subproject beneficiaries who are involved in agriculture notwithstanding indirect benefits to those who are involved in other occupations since there will be positive socio-economic impacts on all the four (4) subproject communes and NinhPhuoc district.

**Table 20: Occupational Profile of headed AHs**

Occupation	PhuocHau		Phuoc Thai		PhuocVinh		Phuoc Son		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Agriculture/Forestry	21	91.30%	5	83.30%	12	92.30%	18	75.00%	56	84.85%
Freelance	0	0.00%	0	0.00%	1	7.70%	3	12.50%	4	6.06%

Labor/Employee										
Worker/Officer	0	0.00%	0	0.00%	0	0.00%	1	4.17%	1	1.52%
Others, specify	2	8.70%	1	16.70%	0	0.00%	2	8.33%	5	7.58%
<b>Total</b>	<b>23</b>		<b>6</b>		<b>13</b>		<b>24</b>		<b>66</b>	

Source: SES, DMS, 2016

## 9. Access to Infrastructures Utilities and Health and Sanitation Facilities:

52. Infrastructures/ social services in these communes are linked by inter-commune road and inter-regional road, which facilitate easy travelling of people and in the exchange and trading of goods. Residential areas in the subproject communes have good access to the telecommunication and power system. As per the socio-economic survey (SES) results during DMS, it was found out that of the total 66 AH heads who were tapped as respondents to the SES, all of them have electricity in their homes where 62 or 93.94 % of these said that their source of electricity is the national power grid while remaining 6.0% (4 AHs) said they their source of electricity is from mini electric power generator that they own. Table below shows in detail data on the sources of electricity of AHs:

**Table 21: Sources of Electricity of Households**

Sources of Electricity	Number of AHs	Percentage
1. National Power Grid	62	93.94%
2. Mini electric generator for family	4	6.06%
3. Not using any electricity	0	0.00%
Total	66	

Source: SES, DMS, 2016

53. In terms of telecommunication facilities, all of the subproject areas enjoy good signals for mobile phones. The SES results indicate that of the total 60 AHs respondents about 49 AHs (81.7%) said they own either a telephone and/or a mobile phone.

54. Access to Domestic Water Source: There seems to be good access to clean domestic water of consulted households in the area because a majority at 62.12% (41 AHs) of total sample HHs said that they access clean water from water taps or from individual household taps distributed likely by a local water supply authority. Another 22.7% of HHs (15 AHs) get their water from wells while 7.58% (5 AHs) from public water tanks supplied likely by the commune authorities. But 4.55 % (3 AHs) households said that they convey water by themselves but the water source is unknown. Remaining two (2) households draw domestic water from rains and from stream. These households are likely located far from any water supply facility or located in higher ground where it is not possible to build a well because the water table is too deep.

**Table 22: Source of Domestic Water**

Clean Water Source	Frequency (No.)	Percentage
Tap water	41	62.12%
Public water tank	5	7.58%
Self-conveyed water	3	4.55%
Well	15	22.73%
Rainwater	1	1.52%
Water from pond/stream/river	1	1.52%
<b>Total</b>	<b>66</b>	

55. Access to Health and Sanitation facilities: Household Ownership of a bathroom and toilet facilities: Majority of the consulted households disclosed that they have bathrooms (83.3%) and



toilet (81.7%) facilities in their houses. But it cannot be concluded whether these facilities are clean and sanitary.

56. AHs' Preferred Compensation Types for affected assets: In terms of preferred compensation types of affected assets, 66 out of the total 66 HHs SES respondents prefer cash for affected assets

### C. Ethnic Minorities profile in subproject area

57. The subproject area "Upgrading and rehabilitation of Cham canal and management road of the South main canal, Nha Trinh – Lam Chan irrigation system" included four communes of PhuocHau, Phuoc Thai, PhuocVinh and Phuoc Son with population of 12,147 HHs (57,810 persons). The number of ethnic minority households in the four communes was 4,495 ones (equivalent to 19,705 persons), which accounted to 37.0% of total commune population. They are mostly Cham, Rac Lay households.

**Table 23: Population of EM households of the sub-project commune.**

No.	Communes	Number of HH	Population	Number of EM HHs	EM population	Ratio % of ethnic minority HHs
1	PhuocHau	3,686	19,501	2183	9,504	59.2%
2	Phuoc Thai	2,541	12,237	1854	8,115	73.0%
4	PhuocVinh	2,435	10,861	392	1868	16.1%
3	Phuoc Son	3,485	15,211	66	218	1.9%
<b>Total</b>		<b>12,147</b>	<b>57,810</b>	<b>4,495</b>	<b>19,705</b>	<b>37.0%</b>

Source: NinhPhuoc District report in 2016

58. In subproject area, of 124 AHs, 08AHs are ethnic minorities (07 Ethnic Ahs living in Phuoc Thai commune are Cham EM HHs and 01 AHs in PhuocVinh is Raclay EM AHs and remaining Ahs (116) are KinhAHss.

59. Each ethnic minority group has distinct characteristic of their society, their customs and traditions, which make their cultures rich and diverse. The aforementioned ethnic minority groups have village patriarchs whose positions and roles do not exercise economic and political power but are means to foster harmony of relationship among the ethnic minority community, Kinh people and local authorities during activities to promote socio- economic development in the area.

60. Each ethnic minority group speaks both their local language (Language of Malayo - Polynexia (Nam Dao family) and the Vietnamese language in communicating with other people as well as with the Kinh majority. These EM groups co-exist peacefully and have good relationship with Kinh people and commonly share their experiences in agricultural production. Despite differences in culture, no conflicts arise between the EMs and the Kinh. Thus, agencies involved in subproject information dissemination and in the resolution of resettlement issues may not be encountering difficulties in communicating with the EMs and Kinh in subproject communes because both speak the Vietnamese language and have good relationship.

61. The main occupation of the ethnic minority people living in the subproject area is mainly from agriculture and some others along handicraft and wage-earning (Cham and Raclay people).

62. The Cham and Raclay families are basically matriarchal although at present, this is not strictly observed anymore unlike in the past. Currently, gender equality between male and female is enhanced. During the DMS survey, it was found out that in families of Cham and Raclay people, both men and women share responsibilities in domestic works. However education of female is lower than male.

63. Most ethnic minority households in the subproject area receive government assistance from poverty reduction programs which re-allocate land for ethnic minority community and provide free health insurance card for them.

#### **D. Gender issues and Ethnic Minority**

##### **1. Gender issues:**

64. Women participate in local government: The gender ratio between women and men participating in local government affairs commune level seemed imbalance with more men occupying key positions than women. Women working in CPC are only about 19.2% of the total CPC work force. Among CPC officials, women comprise a low 20.8% of total CPC officials. The gender situation in the Executive Council at commune level is also favorable to men where women only account for 18.6% of total members of the council. 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. By and large, there are more men than women occupying key leadership positions in the communes and in concerned agencies/departments in the province and district.

65. The participation of women in the subproject, included: (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 biological make-up associated with strength and more time available to community activities even during nighttime when women cannot go out at night and in far away places in the area; (ii) Community still believes that housework is the main responsibility of women, which explains why women take charge of 90% of housework and, therefore, are unavailable in community and other subproject activities. Accordingly, women's contributions to housework are not valued and they are not paid for this activity. Due to these domestic activities, women do not have time for leisure and to participate in 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- esteem and self-confidence.

66. Consequently, because of the above-mentioned situations: (i) women with well-qualified education and high absorptive 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 as well as attend to their family's needs and concerns , thereby, resulting in their lack of self-confidence and losing the chance to become leaders occupying key decision-making tasks alongside men in the communes..

67. Women representation Decision-making in the household: This gender concern was also explored during the SES where as found out, both husband and the wife jointly make decision along house building, business investment, in purchasing household appliances/facilities, children's schooling, ancestor worshipping and on meetings and community participation. On the contrary, women solely make decisions on matters concerning management of family finances/expenses, being the financial managers of the household. Other household members rarely decide on households' concerns. The above data suggest that in the subproject communes, there are now emerging concerns and sensitivity by men of women's gender

constraints in the households. This goes to show that the gender mainstreaming efforts of the local authorities are making headway.

**Table 24: Household Decision-Making**

Household Activities	Husband		Wife		Both H &W		Others	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Building House	9	15.0	11	18.3	35	58.3	5	8.3
Business Investment	13	21.7	11	18.3	30	50.0	6	10.0
Purchasing Household appliances/facilities	9	15.0	13	21.7	33	55.0	5	8.3
Children's schooling	4	6.7	16	26.7	35	58.3	5	8.3
Health Care	4	6.7	14	23.3	37	61.7	5	8.3
Management of family finances/expenses	8	13.3	25	41.7	22	36.7	5	8.3
Meetings/community participation	17	28.3	14	23.3	24	40.0	5	8.3
Ancestor worshipping/religious rituals	19	31.7	12	20.0	25	41.7	4	6.7

Source: SES, DMS, 2016

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

69. **Women participate in mass organizations.** Findings indicate that women participate more in activities of the Vietnamese Women's Union (VWU), which is expected, being solely, concerned with women's issues and activities. But very few women participate in other mass organizations likely because the veteran's union is an organization mostly of men who are war survivors, while the farmers' union usually comprised of men farmers and women farmers become registered members only when they are classified as female-headed farming household. Girls do not participate in the youth union due to some culture-related notions that girls must be protected and their main concern is to help their mother in housework.

**Table 25: Women's participation in Mass Organizations**

Mass Organizations	Yes		No	
	No.	Percentage	No.	Percentage
Women's Union	17	25.8%	49	74.2%
Farmers' Union	9	13.6%	57	86.4%
Youth Union	0	0.0%	66	100.0%
Veterans' union	1	1.5%	65	98.5%
Others	1	1.5%	65	98.5%

Source: SES, DMS, 2016

## 2. Potential and negative impacts to women and the vulnerable groups caused by the implementation of subproject:

### Positive impacts:

- (i) The subproject "Upgrade and rehabilitate Cham canal and management road of the South main canal, Nha Trinh – Lam Chan irrigation system" contributes to several positive impacts which are: (i) minimize traffic jam during the rainy season eases the traffic burdens of local people and reduced travel time from house to markets, schools, health stations etc.; and (ii) improved access to basic social services such as health, school, market, etc.
- (ii) The completion of subproject will contribute to an improvement of the living standards of subproject beneficiaries particularly women and the vulnerable group due to an increase

in agricultural production that generates higher household income from agricultural products; reduction of farm losses caused by external factors such as flooding and; easy access to basic social services due to convenient traveling.

(iii) Women will not be burdened in the management of the household finances because there will be sustained increase in household income from agricultural production, thus will have enough budget for food security, healthcare and education of children.

(iv) Women's time consumed in housework will be reduced due to the gender awareness and sensitization seminars arranged by the project, thus they will have time for leisure and community activities, thus enhancing their self-esteem and build their self-confidence.

#### Negative impacts:

70. During the subproject implementation phase, some disruptions in people's daily living will be experienced and may have negative impacts to women and the vulnerable group, such as: dust, noise and air pollution from gas emissions of dump trucks and other construction equipment. Also possible road and traffic accidents because of the constant movements of construction equipment and unguarded stockpiles and quarries.

71. For these aforementioned impacts, Provincial Project Management Unit (PPMU) will request contractors to commit with local authority measures to minimize possible negative impacts such as strict compliance with the environment management plan, installing safety signals within construction routes and sites and scheduling construction times considering rest and sleeping periods of people located within and adjacent to construction sites.

#### Mitigation measures:

(i) Subproject detailed design requires participation of local authorities and local people including women and the vulnerable group. Local people would recommend appropriate sites for construction of canals, intake/outtake sluice and/or exact locations of junctions for convenience of traffic.

(ii) Contractors are recommended to utilize local work labors giving preference to women laborers in unskilled types of labor 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 cared of by contractors.

(iii) Local authorities will closely coordinate with related agencies/social organization to organize training workshops/seminars on: (i) gender awareness and sensitization; (ii) prevention of HIV/AIDS and social issues; also road safety awareness during construction; and (iii) environmental sanitation within and adjacent to the construction sites.

### **3. Impacts caused by subproject on ethnic minority Ahs and community:**

72. Most of the upgraded and repaired sections of the canal and management road will be implemented based on the existing right- of- way. For some adjusted sections, it will require acquisition of agricultural land and trees of affected households. According to DMS data, assets of seven (07) Cham ethnic minority households in PhuocVinh commune will be affected. Four (4) of them are also severe affected households with losing >10% productive land. However the portions of acquired land is from 17 to 21% and they have another income besides income from agriculture land then less impact on their income.

73. It is envisaged that the construction of the subproject will not cause any significant impact on the use and access of ethnic people to land and natural resources because land acquisition and impact on trees and crops are insignificant. Likewise, the subproject will not

have any negative impact on the culture of the EMs and their relationship with the Kinh, no adverse impact on their socio-economic status, livelihood and social security in the communes. However, to avoid and minimize potential impacts that may occur during subproject construction process, a specific plan is needed particularly on coordination among the affected EM households, the implementation units and local authorities to ensure that the ethnic minority households will be timely and adequately informed on the status of subproject implementation and they can participate during subproject implementation to ensure that they enjoy the socio-economic benefits accruing from the subproject.

#### **E. Mitigation and benefit measures:**

74. Adverse impacts on households belonging to ethnic minorities (EMs) are likely to be minimal, some households may be able to restore their living conditions, livelihoods and income levels as well as other assets are affected. However, the needs or conditions of EMs will be considered in the design and operation of the upgraded facilities. In addition, the following specific action will be conducted for EM Ahs as well as EM community:

- (i) PPMU and other relevant subproject implementation units should coordinate with local authorities in disseminating subproject information to ethnic minority groups preferably in their own local language in order for them to fully grasp policies, entitlements and benefits provided by the State in invested projects in the locality.
- (ii) Affected land and other assets must be timely, adequately measured and satisfactorily compensated.
- (iii) Training program on agricultural production technique and livelihood should be adequately carried out with participation of ethnic minority households in a manner congruent with their culture and language as well as existing level of absorptive capacities.
- (iv) During the construction period, the contractors should register with the local government the total numbers and names of their workers as part of their personnel management scheme. Construction contractors are obliged to disseminate information to their workers on EMs' culture, their customs and traditions in order for them to understand and respect them. Thus, resulting in a good cooperation and relations with them as well as ensuring security among EM's residing in the construction area.
- (v) Local authorities should closely coordinate with related agencies/social organization in organizing training workshops on gender and gender equity, health and sanitation of community and prevention of Human-Immuno Virus/ Acute Immune Deficiency Syndrome (HIV/AIDS) and other social issues to prevent ensuing issues between workers and ethnic minority people particularly women and girls. These social issues include male and female illicit relationships; prostitution, prohibited drugs, HIV / AIDS, Sexually - transmitted infections (STI), women and children trafficking and child labor.
- (vi) Ethnic minority groups should assign their representatives to participate in local commune supervisory board (CSB) during the construction period to ensure quality of the civil work and facilitate smooth construction activities and timely completion of the civil works
- (vii) Contractors are recommended to utilize local work labors tapping the services as unskilled laborers, women and EMs to create job opportunities and an increase in income for male and female alike. Both men and women unskilled laborers will be equally paid remunerations as well as ensure their safety while performing labor in construction sites.

75. Besides activities for Ethnic minority people mentioned above, the district will pay special attention to affected Ethnic minority households on their compensation and transaction. The adverse impacts on the ethnic minority households in the acquisition of their agricultural land will be appropriately mitigated. The losses will be compensated in cash based on the replacement cost, and will be offsetted by positive impacts as a result of the improvement of irrigation facilities through expansion and improvement of the agricultural land area. Thus reducing the perennial damages caused by floods and facilitating improved mobility of people and agricultural goods by easing traffic because of the upgraded canal and management road.

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

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

76. The objectives of information disclosure, consultation and community participation activities are to: (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 cooperation and participation of the affected people in the proposed activities related to the preparation and implementation of REMDP; (iv) Ensure that the affected people will directly participate and contribute to the identification, discussion and resolution of the issues directly affecting their income and living ; (v) Ensure transparency in land acquisition activity, compensation payment and other related activities.

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

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

78. A series of information disclosure has been conducted from beginning of subproject at 2014 and continue at DMS and SES time in 2015 and 2016. The final REMDP as approved by the PPC and ADB will publicly disseminate to AHs and other subproject beneficiaries, ethnic minority people in their local language through commune and village meetings in coordination with their traditional leaders. Furthermore, this REMDP, once approved, will be uploaded in ADB websites. Any updates or revisions to the final REMDP also be disseminated to APs and posted on the ADB website.

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

80. Affected Persons (APs) are notified in advance about resettlement activities, including: (i) community meetings about the scope of the subproject, site clearance plan and construction plan; (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 in the CPC offices or other easily accessible locations; letters, notices or small brochures are delivered individually to APs; and radio announcements.

##### **C. Public Consultation and participation during the REMDP preparation**

81. 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.

82. Comments and grievances of APs were reviewed with them during the consultation meetings. The REMDP 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.

## **1. Consultation and participation during the REMDP preparation**

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

83. Time and venue of the first consultation meeting: on 7th and 8th August 2014 in three commune: PhuocHau, Phuoc Thai and Phuoc Son.

84. Participant: Representatives of CPCs, village leaders, cadastral officials, representatives of local mass organizations (Representatives Commune Womens' Union; Commune Farmers' association; Father Front) and affected people in the subproject areas where 30% of the participants were women attended. Other participants included CPMU, PPMU and LIC consultants.

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

- (i) Feasibility design (Subproject features, its location, work items);
- (ii) Dissemination on resettlement policy of the subproject, those eligible for compensation and assistance;
- (iii) Proposed Subproject implementation plan;
- (iv) Issues related to ethnic minorities, gender, income restoration, livelihood and other support policies;
- (v) Compensation and assistance plan and entitlement of APs;
- (vi) Consult on the scale of impact and project impacts 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 meeting

### **During the DMS 2015**

86. A lot of meetings between LDFC and CPC and AHs with participate of PPMU staffs was organized during the DMS. AHs was informed and consulted of schedule, results of DMS as well as compensation plan for each Ahs including compensation prices and allowance

### **After replacement cost approved by PPC in 2016,**

87. Time and venue: Public consultation meetings was held in February 2016 in 4 project communes: PhuocHau, Phuoc Thai, PhuocVinh and Phuoc Son commune

88. Participants: local officials, representatives of mass organizations (Representatives Commune Womens' Union; Commune Farmers' association; Father Front). Other participants are from NinhThuan PPMU, CPMU and LIC.

89. These meetings focused on:

- (i) Detailed design of subproject

- (ii) The DMS, Sub-project impact, eligibility particularly on the cut-off dates for this sub-project,
- (iii) Mechanisms of payment, and grievance redress
- (iv) Consulting on the replacement cost, compensation payments and other entitlements of AHs as well as the additional assistance and allowances to the severely affected households, affected vulnerable group. Livelihood restoration
- (v) Implementation schedule;
- (vi) Gender, ethnic minority and vulnerable group issues.

90. For all public consultation meeting, the local authorities, communities and potentially affected households agreed on implementing of the subproject. All attendants were aware of project benefits and they will active participate during subproject implementation.

91. Opinions, suggestions and concerns of the communities and potentially affected households that was raised in the consultation meetings is summarized in table below:

92. Minutes of this consultation meetings is attached as Annex on Minutes of Consultation Meeting as well as the list of Participants in gender.

**Table 26: Consultation meetings information**

Commune	Number of participants			Summary feedback/opinion from participants
	Male	Female	Total	
<b>Public consultation meetings in IOL stage (August 2014)</b>				
PhuocHau	33	16	49	<ul style="list-style-type: none"> <li>- Agree on implementing of the subproject and all attendants were aware of subproject benefits</li> <li>- Local authority, organizations/unions and all of the affected HHs support the subproject implementation;</li> <li>- Detailed technical design must be carefully reviewed in order to minimize negative impacts of land acquisition;</li> <li>- Implementation schedule of compensation, assistance and resettlement must be informed timely and transparently;</li> <li>- Possibility of arranging "land for land" compensation in commune for affected agricultural land;</li> <li>- Concerns on compensation cost (propose to equal to market price)</li> </ul>
Phuoc Thai	30	17	47	
Phuoc Son	11	5	16	
<b>Public consultation meetings in February 2016</b>				
PhuocHau	12	4	16	<ul style="list-style-type: none"> <li>- Agree with compensation policy of subproject and agree with compensation unit price issued by the PPC for subproject thatr eflec replacement cost;</li> <li>- Severely affected HHs agree to receive compensation and assistance in cash in accordance with the subproject's policy;</li> <li>- Ensure security as well as environment during the construction;</li> <li>- Affected households must be informed of land</li> </ul>
Phuoc Thai	10	4	14	
PhuocVinh	13	7	20	
Phuoc Son	15	5	20	



				<p>acquisition as soon as possible – at least 6 months before the acquisition – so that the households do not cultivate on the affected land;</p> <ul style="list-style-type: none"> <li>- Require contractor to restore the site to its original status after construction;</li> <li>- Construction activities must be implemented quickly in consistent with the schedule;</li> <li>- Propose to be employed by contractor to do suitable work during the construction process</li> </ul>
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#### D. Public consultation and participation in REMDP implementation

93. During the REMDP implementation stage, the PPMU, jointly with LFDC and CPCs, will be responsible for information dissemination on status of subproject information to AHs/APs and other beneficiaries using various media such as organizing workshops, presentations, and public meetings where affected people and beneficiaries are invited to participate. During these activities participants are freely to give feedbacks/comments on the technical specifications of the subproject, its impacts and the different alternatives to address the impacts as well as the expected resettlement and compensation options.

94. Local people will have the right to monitor and provide their feedbacks on the construction of the sub-projects and the implementation of the REMDP. Representatives of AHs and beneficiaries may join the Commune Supervisory Board (CSB) to perform participatory monitoring of the implementation process. They can articulate their grievances if they find any inappropriate/illegal actions of contractors and subproject implementers during the REMDP in particular and sub-project implementation in general following the subproject's grievance redress mechanism presented in the following section of this REMDP.

#### V. GRIEVANCE REDRESS MECHANISM

95. 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 APs during the consultation meetings. APs can send questions and grievances to implementation agencies about their rights in relation to their entitlement to compensation, compensation policy, rates, land acquisition, resettlement, allowance and assistance in income restoration. Furthermore, APs will not pay any fee for resolving the grievance and complaints at any level and in trial courts. Grievances will be transmitted through three (3) levels of arbitration/resolution beginning at commune to the district and at the province level prior to submission to the Court for litigation as a last resort when grievances and complaints are not resolved in the three (3) levels of arbitration/mediation. The executing agency (EA) will shoulder all administrative and legal fees that might be incurred in the resolution of grievance and complaints.

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

**First Stage, Commune People's Committee (CPC):** The aggrieved affected household can bring his/her complaint in writing or verbally to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days and a maximum of 60 days after the lodging of the complaint to resolve the complaint, however, depending on whether it is a complicated case or case comes

from a remote area, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

**Second Stage, District People's Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days after the lodging of the complaint to resolve the case, however, depending on whether the case is complicated case or case comes from remote area, to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the LFDC of any decision made and the LFDC is responsible for supporting DPC to resolve AH's complaint. The DPC must that the complainant is notified of the decision made.

**Third Stage, Provincial People's Committee (DPC):** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision made on his/her complaint, the affected household may bring the case, either in writing, to any member of the PPC. The PPC has 30 days or maximum of 70 days to resolve the complaint to the satisfaction of all concerned. However, depending if the case is complicated case or from remote area, to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping the files of 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 affected household does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, 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 favour of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favour of PPC, then the complainant will receive compensation approved by PPC.

97. 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. For the meantime, as the grievance is in the process of redressing, 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 and may at any given level elevate his/her complaints to the appropriate local peoples' court for arbitration/mediation of his/her grievance/complaints.

## VI. LEGAL FRAMEWORK AND ENTITLEMENT POLICY

98. 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 NinhThuan Province, and policies of ADB are outlined, then if difference between these policies (of Vietnam and of ADB) exist, reconciliation is done to establish policies and principles to be applied under this subproject.

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

99. 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) Law on Land 2013 (No. 45/2013/QH13) dated 29/11/2013.
- iii) Decree No.38/2013/NĐ-CP on management and use of Official Development Assistance (ODA) and Concessional Loan of Donors.
- iv) Decree No. 43/2014/NĐ-CP dated 15 of May 2014 on detailing a number of articles of the land law 2013.
- v) Decree No. 44/2014/NĐ-CP dated 15 of May 2014 on Regulations on Land prices.
- vi) Decree No. 47/2014/NĐ-CP dated 15/05/2014 of the Government of Vietnam on Regulations on compensation, assistance, and resettlement upon land recovery by the State.
- vii) Decree No. 38/2013/ND-CP issued by the Government on April 23, 2013 on "management and utilization of Official Development Assistance (ODA) and concessional loans from donors.
- viii) Circular No. 36/2014/TT-BTNMT on land pricing method ;
- ix) Circular No. 37/2014/TT-BTNMT on Guidelines in implementation of Decree No.47/2014/NĐ-CP
- x) 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;
- xi) Decree No. 75/2015/NĐ-CP dated 09/9/2015 of the Government of Vietnam on Mechanism and policies on forest protection and development in combination with sustainable and fast poverty alleviation and support for ethnic groups during 2015 – 2010

100. With regard to ethnic minorities (EMs) Viet Nam's constitution (2013) mandates the State to "Implement a policy on equality, unity and support for all ethnic groups in the development of a civilized society, and respect benefits, traditional cultures, languages and religions of ethnic minority groups (Article 5). Related to this, a ministerial-level government body, Committee for Ethnic Minority Affairs (CEMA) is tasked for developing and overseeing policies and programs to promote the welfare of EMs.

101. Programs that target EMs are numerous and diverse and cover a wide range of issues including poverty reduction, resettlement and settled agriculture, productive and residential land allocation, education, health and communication, cash subsidies on land reclamation, improvement of commune and village infrastructure, etc. Following are key regulations involving EMs in Viet Nam.

2011	Decree No. 80/2011/NQ-CP on sustainable poverty reduction, period of 2011-2020
2011	Decree No. 05/2011/NĐ-CP on the work of ethnic minority.
2010	Decree No. 82/2010/ND-CP of government, dated 20 July 2010 on teaching and learning of ethnic minority languages in schools.
2008	Resolution No. 30a/2008/NQ-CP of government, dated 27 Dec. 2008 on support program for rapid and sustainable poverty reduction for 61 poorest districts
2008	Decree No. 60/2008/NĐ-CP dated 9-May-2008 of the government on the functions, tasks, authorities and structure of the Committee for Ethnic Minorities and Mountainous Areas Affairs.
2007	Decision no. 112/2007/QĐ-TTg of the Prime Minister dated 05 March 2007 on the policy of assistance for relocation and agriculture for Ethnic Minorities from 2007 to 2010.
2007	Decision no. 33/2007/QĐ-TTg of the Prime Minister dated 20 July 2007 on the policy of assistance to improve knowledge of laws as a program of 135, phase 2.
2007	Decision no. 01/2007/QĐ-UBND dated 31 May 2007 of the Ethnic Minorities Committee on the recognition of communes, districts in the mountainous areas
2007	Decision no. 05/2007/QĐ-UBND dated 06 September 2007 of the Ethnic Minorities Committee on its acceptance for three regions of ethnic minorities and mountainous areas based on development status
2007	Circular no. 06 dated 20 September 2007 of the Ethnic Minorities Committee guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the decision 112/2007/QĐ-TTg
2007	Decision no. 06/2007/QĐ-UBND dated 12 January 2007 of the Ethnic Minorities Committee on the strategy of media for the program 135-phase 2
1998 2003	Decree no. 59/1998/ND-CP dated 18 Jul 1998 prescribing lump-sum allowance regime applicable to relatives of people with meritorious services to the revolution who had died before January 1, 1995 - And Decree no. 51/2003/ND-CP, amending and supplementing a number of articles of decree no. 87ND-CP of December 19, 1996 detailing the assignment of responsibilities for managing, drafting, implementing and settling the state budget

102. With regard to Land acquisition in NinhThuan province, NinhThuan PPC has promulgated the Decisions, letters for compensation, assistance and resettlement policy when land is acquired by the State in NinhThuan province as follow. However, upto now (April 2016) NinhThuan province is still using Decision on compensation, assistance and resettlement that was issues in 2010 with some decisions, letter for supplement some article of this decision. By consulting NinhPhuoc LFDC, NinhThuan PPC has instruction to relevant agencies for preparing new Decision on on compensation, assistance and resettlement according to Land Law 2013. It is expected that new Decision will be approved by NinhThuan PPC on May 2016.

- (i) Decision No. 2380/2010/QĐ-UBND dated on 21th December, 2010 by NinhThuan PPC on promulgating compensation, assistance and resettlement policy when land is acquired by the State in NinhThuan province
- (ii) Decision 38/2012/Q-UBND dated August 8<sup>th</sup> 2012 by NinhThuan PPC for remending and supplementing some arcfiles in Decision No. 2380/2010/QĐ-UBND dated on 21th December 2010.
- (iii) Decision No. 204/2010 dated on 4<sup>th</sup> March 2010 by PPC on promulgating price unit for trees and crop in the territory of NinhThuan province. Decision 2374/QĐ-UBND dated December 16<sup>th</sup> 2010 for adding annex 1 to table of crop, tree of Decision No. 204/2010 dated on 4<sup>th</sup> March, 2010 and Decision No. 39/2011 by PPC on adjusting price unit for trees and crops promulgated with attachment of Decision No. 204/2010 by NinhThuan PPC.

- (iv) Decision No. 17/2015 dated on 12<sup>th</sup> March, 2015 by PPC on promulgating compensation price unit for affected structures in the territory of NinhThuan province.
- (v) Decision No. 106/2014/QĐ-UBND dated on December 29<sup>th</sup> 2014 by NinhThuan PPC on promulgating price unit for types of land in period of 2015-2019 in the territory of NinhThuan province.
- (vi) Letter 3042/UBND-NC dated July 31<sup>st</sup> 2015 on implementation the compensation and land acquisition for projects in NinhThuan province;
- (vii) Letter No. 4417/UBND-QHXD dated November 12<sup>th</sup> 2015 for application detailed compensation price for land for this subproject.

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

103. ***Indigenous Peoples Policy (SPS 2009)***: The Indigenous Peoples Policy states that safeguards are triggered if a project/subproject directly or indirectly affects the dignity, human rights, livelihood systems, or a culture of Indigenous People own, use, occupy, or claim as an ancestral domain or assets. The term Indigenous People is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; customary cultural, economic social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.

104. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy. Projects financed and/or administered by ADB are expected to observe the following policy principles related to indigenous people:

- i) Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely
- ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples
- iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns
- iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of

Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples

- v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared
- vi) Prepare an Indigenous Peoples' Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures
- vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders
- viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands
- ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

105. ***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.

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

- i. Screen early to identify 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.
- 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 programme. 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.

107. 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

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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).

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<sup>2</sup>.

108. Persons or households without formal legal rights nor recognised or recognisable claims 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**

109. 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

110. Law on land 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 land recovery. Compensation plan should be disseminated to affected people and posted at CPC Office before submission for approval

111. 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.

112. With regards to ethnic minority, there is a difference in definition of affected people, Laws of Vietnam do not have any specific requirement to development projects having impact on ethnic minority

113. Policy framework and regulations to address resettlement impacts and ethnic minority issues for sub-project “Lining Cham Canal and Management Road of the Southern Main Canal, Nha Trinh – Lam Cam irrigation system” are prepared on the basis of relevant policies and laws of Vietnam and ADB Safeguard Policy Statement (SPS 2009)

114. Decree No.38/2013/ND-CP on management and use of official development assistance (ODA) and concessional loan of 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.

115. 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

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<sup>2</sup>Refer to paragraph 10, Appendix 2 (Involuntary Resettlement) of ADB SPS (2009).



reconciled. The table below shows the differences and presents project policy to address these discrepancies.

116. 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.

117. 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 27: Discrepancies between Vietnam Regulations and ADB SPS (2009) and Project Policy**

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
<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 who 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 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.	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 and protected areas. Covers temporary and partial losses.	APs without legal or recognisable 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 improve or at least restore their pre-project living standards and income levels.
<b>Compensation for structures</b>	<b>Land Law 2013, Article 89, item 1:</b> houses/structures used for living purpose will be compensated at replacement cost. <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. <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	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. Structures constructed on land with no LURC before the cut-off date will still be compensated.	Full compensation at replacement cost will be paid for all affected structures (including structures constructed on land with no LURC 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.
<b>Monitoring</b>	No monitoring requirement	Monitoring is required. In case of significant or sensitive impacts, an external monitoring	The EA must undertake internal monitoring of RP and EMDP. Anticipated negative

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
		organization should monitor RP and EMDP implementation	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

118. 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 will be avoided or minimized where possible by exploring all alternative options.
- ii) All subprojects will be screened in terms of impacts related to involuntary resettlement. Safeguards due diligence for existing facilities and previous resettlement activities conducted in anticipation of the Project will also be conducted and corrective action will be prepared in case of non-compliance.
- iii) Compensation and assistance will be based on the principle of replacement cost at the time of acquisition.
- iv) 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 housing.
- v) Displaced persons (AHs) without title or any recognizable legal rights to land are eligible for resettlement assistances and compensation for non-land assets at replacement cost.
- vi) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to AHs.
- vii) Meaningful consultation will be carried out with the AHs and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the AHs and communities will be taken into account.
- viii) The RP/REMDP will be disclosed to AHs in a form and language(s) understandable to them prior to submission to ADB. RPs/REMAHs will be disclosed on the ADB website.
- ix) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- x) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- xi) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- xii) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- xiii) Resettlement transition stage should be minimized. Restoration measures will be provided to AHs before the expected starting date of construction in the specific location.

- xiv) Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the project provinces.
- xv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of resettlement and ethnic minority development plan should be carried out by PPMUs and CPMU. Monitoring reports will be disclosed on the ADB website.
- xvi) The CPMU will not issue notice of possession to contractors until the CPMU are 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.
- xvii) 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 PCs, and common public places.
- xviii) All subprojects will be screened for presence of ethnic minorities in the subproject area and impacts on ethnic minorities (EMs). Subprojects with significant adverse impacts on EMs will be excluded.
- xix) Local patriarchs (zialang) will be engaged in the conduct of consultations for the preparation of the subproject. In case there are potential adverse impacts (including minor land acquisition), an REMDP will be prepared. For subproject with only positive impacts on ethnic minorities, the subproject preparation and implementation will include measures for ensuring their participation and inclusion in subproject benefits as elaborated in the Project Administration Manual.

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

### **A. Eligibility**

119. Eligibility will be determined with regards to the cut-off date. The DPs will be informed of the cut-off date for each subproject component, and any person who settled or 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.

120. The cut-off data for “Lining Cham Canal and Management Road of the Southern Main Canal, Nha Trinh – Lam Cam irrigation system subproject” in NinhPhuoc district, NinhThuan province is 30/6/2015 that is date of Decision for land acquisition for this sub-project issued by NinhPhuocDPC.

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

- (i) Person with Land Use Rights Certificates (LURCs) to land lost in entirety or partially
- (ii) Persons who lost land they occupy in its entirety or partially but do not currently possess a LURC, however, have claims that are recognized under national laws, or;
- (iii) Persons who lost land they occupy in its entirety or partially who do not have recognized claim to that land.
- (iv) AHs included under 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.

122. Unforeseen impacts: If there are any person or household affected arising during the process of implementation of the subproject, compensation and/or assistance will be also applied to them according policy of the project.

123. The unit prices and allowances stated in the entitlement matrix might be adjusted during the implementation of REMDP 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.

## **B. Entitlement Matrix**

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

125. Assistance to affected people aims to reduce subproject impact on their 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 subproject and more opportunities will be available for 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.

126. The unit prices and allowances stated in the entitlement matrix might be adjusted during the implementation of REMDP 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.

**Table 28: Entitlement matrix of households affected by the subproject**

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>A. AGRICULTURAL LAND</b>			
<p><b>A.1: Temporarily Affected Agricultural Land- Number of Ahs and area of temporary affected land will be determined during the construction phase and contractor to pay rent for any land temporarily required for construction work;</b>                      PPMU is in charge of monitoring on restoration of the affected land.</p>			
<b>A.2 Permanently affected agricultural land</b>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Losing 10 percent or more of total productive landholding 48 Ahs	a/ Cash compensation at replacement cost for land and at market price for standing crops; and tree  b/ Economic rehabilitation package (see D, below); and job training/creation assistance equal to 2 times of acquired land value.	<ul style="list-style-type: none"> <li>- Hhs affected on land will fully receive the compensation and allowances before site clearance.</li> <li>- Subproject will acquire the entire affected land parcel and compensate at replacement cost.</li> <li>- If the viability of the remaining land is less than the minimum viable unit size as per provincial norms, then the entire parcel of land would be acquired and compensated. (01 AH).</li> <li>- The type of training assistance will depend upon the need and priority of the APs and will be designed in consultation with the APs</li> </ul>
	Losing less than 10 percent of total productive landholding 60 AHs	a/ Cash compensation at replacement cost for affected portion; if the remaining land is not viable cash compensation at replacement cost for 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.	<ul style="list-style-type: none"> <li>- Hhs affected on land will be noticed about land acquisition at least 90 days before and fully receive the compensation at replacement cost before site clearing at least 01 (one) month.</li> <li>- Implemented by LFDC</li> </ul>
User with lease	16 Ahs with lease	a/ No compensation for land but cash compensation for standing crops at market price (if any); and b/ Cash compensation for the remaining value of investment in the affected land and value of the remaining contract.	Implemented by LFDC

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
Public organizations	02 CPCs (PhuocHau and Phuoc Son with total area of 6,170.4 m2):	a/ No compensation for affected land but support equivalent with not exceeding 100% 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 affected commune and used for infrastructure improvement of the commune
<b>B. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE</b>			
<b>B.1. Main Structures (Houses)</b>			
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used  01 Ah with temporary house with 21.1 m2 (including other structure affected)	a/ Cash compensation at replacement cost for affected portion with no deduction for depreciation or salvageable materials; and	
<b>B.2. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.</b>			
Owners of structures	Partially or totally affected structures or other property  31 HHs of affected structures	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 condition.	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 the structures.  Costs for repairing the remaining house/structure will be negotiate with AH.
<b>C. COMPENSATION FOR AFFECTED CROPS AND TREES</b>			
Owners of crops and/or trees	Loss of annual crops  97 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 perennial crops, fruit and timber trees and tree fences	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.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	43 Ahs with affected trees		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>			
Severely affected AHs losing 10% or more of their productive irrespective of tenure status.	<p>Assistance to restore livelihoods and incomes following acquisition of agricultural land 48 AHs in which: 32 AHs losing from 10% to 30% of total agricultural land holding</p> <p>12 AH losing more than 30% to 70% of total agricultural land holding</p> <p>4 AH losing more than 70% of total agriculture land holding.</p>	<p>AHs directly cultivating on the affected land entitled:</p> <p>(i) Losing from 10% to 30% of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area;</p> <p>(ii) Losing more than 30% to 70% of total agriculture land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;</p> <p>(iii) Losing more than 70% of total agriculture landholding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND</p> <p>(iv) In-kind assistance to be decided in consultation with eligible AHs. Forms of assistance may include agricultural extension assistance, and training for non-agricultural occupations.</p>	<p>Value of in kind assistance will be determined during REMDP implementation.</p> <p>If necessary, vocational assistance or combination with current programs of the locality and with the active involvement of the AHs.</p> <p>Price of rice is the market price at the time of DMS equal to VND 11.200 per kg.</p>
	<p>Job training/Creation allowance</p> <p>108 AHs</p>	<p>Cash assistance equal to 2 times of compensation value for affected land area.</p> <p>If AHs requests for training, he/she will be entitled to a free training course</p>	



Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>D.2 Special allowance for social and economically vulnerable households</b>			
<p>Vulnerable households: (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.</p>	<p>Assistance to poor and vulnerable households to improve their social and economic conditions.</p> <p>11 AHs are eligible households are classified as poor AHs.</p> <p>8 AHs are Ethnic minority</p> <p>19 AHs are women headed AHs.</p> <p>6 AHs are under preferential treatment policy (there are two households which are both ethnic minority and poor household)</p>	<p>a/ Poor households, cash assistance equal to 30kg of rice (at market rice) per each family member per month for at least 36 months, according to Decree 17/2006/ND-CP.</p> <p>b) Other vulnerable households: assistance of minimum VND 2,000,000 per household to improve their social and economic conditions or based on regulation per province, whichever is higher</p> <p>c) Participation in income restoration program regardless of severity of impact</p>	<p>Income and Livelihood Restoration Programs will target the needs of both men and women from poor and vulnerable groups.</p> <p>Price of rice is the market price at time of compensation equal to VND 11.200 per 1 kg</p>
<b>E. Bonus</b>			
<p>AHs on land</p>	<p>Affected HHs hand over their land to the subproject before the deadline.</p> <p>96 AHs</p>	<p>The bonus for earlier clearance base on NinhThuan PPC's policy</p>	<p>AHs will receive cash after early handing over the land</p> <p>Implemented by LFDC during payment time.</p>

## VIII. INCOME RESTORATION AND REHABILITATION

127. In Chapter II, it was reported that 48 households (196 people) will be severely affected by losing 10% or more of their productive asset, which are all agricultural land (i.e., paddy rice, vegetable gardens fruit-bearing trees or perennials). Of the 48 SAHs, 32 SAH lose from 10 to 30% their productive land, 10 SAH is from 30 to 70%. Only 4 SAHs losing >70% including: one (01) AH is to lose entire productive land (97%) - the remaining productive land is no longer economically viable for agriculture production), others (03) Ahs loss from 70% to 80% of their productive land. Replacement agricultural land is scarce and extremely difficult to find according to most communal officials interviewed. Since most of four (4) SAHs are farmers then loss of these lands will directly reduce their capacity to produce commodities for their sustenance. Table below summary the number of affected households losing productive land.

**Table 29: Number of AH by Percentage of Productive Land Affected**

Commune	Number of severe affected household			
	10-30%	30-70%	>70%	Total
PhuocHau	3	5	2	10
Phuoc Thai	2			2
PhuocVinh	8	2	2	12
Phuoc Son	19	5		24
<b>Total</b>	<b>32</b>	<b>12</b>	<b>4</b>	<b>48</b>
<b>Percentage</b>	<b>66.7%</b>	<b>25.0%</b>	<b>8.3%</b>	

128. The socio-economic survey (SES) had been conducted for 100% SAH's (48 SAHs) on their socio-economic condition as well as alternative livelihood preferences and type of support they would like to be provided to them. Public consultation meeting, focus group discussion and direct interview with severely affected households, that is organized in 2016 by CPMU/LIC, PPMU with support of CPCs.

129. According to SES and consultation meeting, for SAHs, main occupation of SAHs from agriculture (account 87.5 %), some of them with non-agriculture job (Freelance Labor/Employee) or worker. Their income is mainly from agriculture. Almost SAH has low education level: 20 SAH (41.1 %) of them with education attainment in secondary school level and 25 SAH (52.1 %) completed primary school. No SAH reach to college or higher education. With these conditions, it is constrains to them to think about vocational training. In the mean time, by interviewing and consultation with some of the participants, they would not continue with agriculture-based livelihood as being aware of drought and the scarcity of suitable replacement land. Others (4 SAHs with losing >70% their productive land) that would have significant portion of their agricultural lands recovered by subproject, is open to venture into other livelihood means. All 4 SAHs with total affected land >70% of their total agricultural land was direct interviewed for alternative livelihood but they are not sure what alternative income generating activity they want as well as what vocational training that would bring free to SAH. Thus, most of them (91.7 %) prefer to get cash assistance and arrange new job by themselves for income rather than to attend vocational training courses would be arranged by the subproject. Some of them express their desires of borrowing money from social policy bank with promoted interest for small business. Table below present the preferred Income Restoration alternatives of SAH:

**Table 30: Preferred Income Restoration alternatives**

Income Restoration Assistance	PhuocHau		Phuoc Thai		PhuocVinh		Phuoc Son		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
1. Attendance to vocational training that would be arranged by the subproject	0		0		0		0		0	
2. Receive cash and arrange new job by oneself	10	100.0%	2	100.0%	11	91.7%	21	87.5%	44	91.7%
3. No answer					1	8.3%	3	12.5%	4	8.3%
Total	10	100%	2	100%	12	100%	24	100%	48	100

Source: SES, DMS, 2016

130. According to subproject policy, compensation for the loss of land and non-land assets, cash allowance for life stabilization and job changing/ creation will be provided to SAHs. This package will include a restore livelihood and incomes allowance equivalent to 30 kg of rice per month for each household member, for at least three months and maximum of thirty-six months (depending on the portion of acquired land and relocation condition of SAHs). In case of AHs want to attend the vocational training for finding new job after one year of land acquisition, the subproject will facilitate and support to SAH with applications at a training centre within the district/ province. This training cost will be included in provisional budget of total compensation and allowance cost of this REMDP. SAHs can free register with the CPC/LFDCs. The training centres, social organizations of communes/district will help them identify employment opportunities after training.

131. In addition, given the objective of this REMDP which is to restore, or preferably improve, pre-project living standards and productive incomes of APs, additional assistance will be made available to these SAHs by some kind assistance including some or all of the following to SAHs:

- Agricultural extension to strengthen existing cultivation practices with sustainable production techniques to be provided through government programs;
- Improved access to agricultural and investment credit;
- Priority for borrowing money from social policy bank;
- Priority for employment on subproject construction.

132. Besides these negative impacts on the productive assets, the vulnerable population affected will need also full attention because some households will be at risk of getting poorer due to land acquisition and its consequences. According to DMS, 42 AHs are vulnerable households to be affected by subproject. Table 2 in chapter II showed the number of VAHs by communes and by type of vulnerable groups. They will get allowances as mentioned in Table 29 item D.2.

133. Out of 48 severe Ahs, 15 Ahs with portion of acquired land from 10 to 70% of total productive land, who belong to vulnerable group. (No one losing more than 70% of total productive land belong to vulnerable group). These Ahs will be assisted both allowances for severe Ahs (SAHs) and vulnerable Ahs (VAHs) and other in-kind assistance as mentioned above. In addition, they will be special paid attention for restoring their income. Indicators of monitoring will be included to see how these affected households are able to rehabilitate and improve their socio-economic conditions, to identify any difficulties faced and how to resolve it by PPMU and local authorities. Table below is number of SAH belong to vulnerable group:

**Table 31: Number of SAH belong to vulnerable group**

Commune	Number of severe affected household belong to vulnerable group							
	10-30%+Vulnerable		30-70% belong to vulnerable		>70%	Total SAH	Total SAH belong to vulnerable	Vulnerable group
	SAH	No. of SAH belong to vulnerable	SAH	No. of SAH belong to vulnerable				
PhuocHau	3	2	5	1	2	10	3	Women headed + poor
Phuoc Thai	2	1				2	1	Ethnic minority and poor
PhuocVinh	8	4	2	1	2	12	5	Ethnic minority and poor
Phuoc Son	19	5	5	1		24	6	Women headed+
<b>Total</b>	<b>32</b>	<b>12</b>	<b>12</b>	<b>5</b>	<b>4</b>	<b>48</b>	<b>15</b>	

## IX. COST ESTIMATES AND RESETTLEMENT BUDGET

### A. Replacement cost

134. According to project policy, compensation price will be replacement cost. At the time of DMS, replacement cost for land was conducted by independent appraiser that is competent agency (Land Fund Development Center of NinhPhuoc DPC) in November 2015 for 4 subproject communes (PhuocHau, Phuoc Thai, PhuocVinh and Phuoc Son commune) and to be approved by NinhThuan PPC according to letter No. 4417/UBND-KT, dated November 12<sup>th</sup> 2015. In line with this decision, the coefficient of compensation price for agriculture land is 1.0 (equal to VND. 35,000 per m<sup>2</sup>).

135. 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 February 2016. AHS agreed with this proposed compensation prices. From the verification of proposed compensation prices for this sub-project and consultations with AHS. LIC confirms that compensation prices to be applied for this subproject reflect replacement costs.

### B. Resttlemnt buget

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

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

137. Cost for compensation include: (i) compensation cost for land; (ii) compensation cost for structures, and; (iii) compensation cost for affected crops and trees. Allowance cost includes: (i) Restore livelihoods and incomes allowance; (ii) Job training/Creation allowance and Allowance to poor and vulnerable Ahs and bonus allowance for AHS who handing over land on time.

138. Cost for implementation land acquisition is equal to 2% of total cost for compensation and allowance and provisional cost. Total compensation and assistance cost Lining Cham Canal and Management Road of the Southern Main Canal, Nha Trinh – Lam Cam irrigation system

subproject is **VND 7,866,472,062**, equivalent to **USD 353,232**.. The table below summarizes the abovementioned costs:

**Table 32: Summary of compensation and assistance cost**

No	Type of cost	Amount (VND)	Note
<b>A.</b>	<b>Compensation and assistance cost =A1+A2</b>	<b>7,697,135,090</b>	
<b>A1</b>	<b>Compensation cost (1-3)</b>	<b>2,985,603,090</b>	
<b>1</b>	<b>Land compensation</b>	<b>1,973,983,000</b>	
<b>2</b>	<b>Compensation for structure</b>	<b>467,242,790</b>	
<b>3</b>	<b>Compensation for crops and trees</b>	<b>544,377,300</b>	
<b>A2</b>	<b>Allowances (1-3)</b>	<b>4,711,532,000</b>	
<b>1</b>	<b>Restore livelihoods and incomes allowance</b>	<b>305,424,000</b>	
	- 32 Ahs loss from 10 to 30% productive land (Equal to 30 kg of rice per month per household member for 3 months)	<b>126,000,000</b>	VND 11.200/1 kg rice
	- 12 Ahs loss from 10 to 30% productive land (Equal to 30 kg of rice per month per household member for 6 months)	<b>102,816,000</b>	
	- 4 Ahs loss >70% productive land (Equal to 30 kg of rice per month per household member for 12 months)	<b>76,608,000</b>	
<b>2</b>	Job training/Creation allowance for 108 AHS (Equal to 2 times of compensation value for affected land area)	<b>3,516,038,000</b>	
<b>3</b>	Assistance to poor and vulnerable Ahs (equal to 30kg of rice (at market rice) per each family member per month for 36 months for poor Ahs and VND 2,000,000 for other vulnerable Ahs)	<b>594,320,000</b>	11 poor Ahs and 27 other vulnerable
<b>4</b>	<b>Bonus Allowance for AHs handing over land on time</b>	<b>295,750,000</b>	Ninh Phuoc DPC's decision No.18 (dated 9/6/2016)
<b>B.</b>	<b>Implementation cost (2%xA)</b>	<b>153,942,702</b>	
<b>C.</b>	<b>Provision cost (10%x(A+B))</b>	<b>15,394,270</b>	
<b>D.</b>	<b>Total (A+B+C) in VND</b>	<b>7,866,472,062</b>	
	<b>Total in USD</b>	<b>353,232</b>	

Source: DMS, 2016

## **X. INSTITUTIONAL ARRANGEMENT**

### **A. National Level**

139. 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 REMDP 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**

140. Provincial People's Committee (PPC) is the executing agency of sub-project. PPC is responsible for appraisal and approval of REMDP. PPC is responsible for issuance of decisions and approvals related to REMDP implementation which include relevant categories of REMDP implementation, official selection, compensation unit prices 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.

141. 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 REMAHs implementation progress. PPMU's specific responsibilities are:

- (i) Supervision of all the activities of District Site Clearance Board during REMDP implementation. PPMU is responsible for:
- (ii) Preparation, updating, supervision and monitoring of status of REMDP implementation of subprojects.;
- (iii) Guide District Site Clearance Board to implement resettlement activities in accordance with approved REMDP; 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 District Site Clearance Board and Commune Measurement Team with adequate facilities.
- (iv) Coordinate with District Site Clearance Board and CPC 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**

142. District People's Committee (DPC) will establish Land Fund Development Centre (LFDC) for implementation of REMDP; also approves compensation plan as authorized by PPC; and redressing complaints and grievances of affected people.

143. LFDC in coordination with PPMU/CPC 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 CPC in grievances redress.

**D. Commune Level**

144. The CPC will assist the CARB in their resettlement tasks. Specifically, the CPC 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 REMDP;
- (ii) Cooperate with CARB 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 DPC;
- (iii) Assign Commune officials to assist the CARB in the updating of the REMDP 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**

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

146. 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.

147. 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 REMDP; (ii) resettlement implementation activities; and, (iii) independent monitoring activities

**Table 33: Implementation schedule of resettlement and compensation activities**

Activities	Time
Final REMDP to be approved by ADB	Beginning of June, 2016
Public REMDP on ADB website and at locality	End of June, 2016
Compensation and assistance payment	End of June 2016
Land acquisition and site clearance	Mid of July 2016
Bidding and award of civil works	End of July 2016
Internal monitoring of PPMU	End of May 2016
1 <sup>st</sup> Semi-annual monitoring of LIC (Due Diligence Report for ADB to issue non-objection letter for civil works)	Mid of July 2016

Activities	Time
The next semi-annual report of LIC	Every 06 month from the first monitoring
Commencement of civil works (NOTE: 1 part of the work does not require land acquisition. ADB has issued NOL on 10 May, 2016 for construction of this part of work where no land acquisition is required.	Beginning of August 2016

## XII. MONITORING AND EVALUATION

### A. Objectives of internal monitoring

148. The Project will establish systems for internal monitoring and evaluation. The main purpose of the monitoring and evaluation programme is to ensure that matters related to involuntary resettlement have been implemented in accordance with the policies and procedures of the RPs following ADB SPS 2009 and the uREMDF. Monitoring will be done by the PPMU 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.

149. The objectives of internal monitoring is to: (i) report on the status and assess the compliance with the agreed REMDP; (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

150. 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 REMDP implementation will be initially prepared by the PPMU 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 REMDP implementation and included in the project's quarterly progress reports;

151. 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 REMDP were completely provided and that there are no pending complaints on these payments.

### C. Indicators of monitoring

152. Table below is presented the Monitoring and Evaluation Indicators for this subproject.

**Table 34: Monitoring and Evaluation Indicators**

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

#### D. Preparing monitoring reports

153. The PPMU will conduct the internal monitoring of REMDP 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 REMDP implementation can be adjusted. Related information will be collected monthly from the field to assess the progress of REMDP implementation and included in the project's quarterly progress reports.

154. 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.

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



# **ANNEX: MINUTE OF CONSULTATION MEETINGS**

## **ANNEX 1: MINUTES PUBLIC CONSULTATION MEETINGS IN 2016**

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 HỢP THAM VẤN CỘNG ĐỒNG**  
Về Chính sách an toàn Tái định cư và Dân tộc thiểu số

Phước Hòa, ngày 11 tháng 2 năm 2016

Tên DATP: Nâng cấp kết cấu và đường giao thông kết  
hợp quản lý thuộc hệ thống Thủy lợi Nhà Trại - Lâm Canh  
Xã: Phước Hòa huyện Ninh Phước tỉnh NH-Đà Nẵng

I. Thành phần tham dự:

- |                                     |  |
|-------------------------------------|--|
| - Ông/Bà <u>Trần Bá Luật</u>        | Chức vụ <u>Cán bộ Ban QLDA tỉnh</u>        |
| - Ông/Bà <u>Nguyễn Thanh Hải</u>    | Chức vụ <u>Trưởng Dân tộc thiểu số LIC</u> |
| - Ông/Bà <u>Nguyễn Tiến Dũng</u>    | Chức vụ <u>Trưởng Tài chính LIC</u>        |
| - Ông/Bà <u>Nguyễn Thanh Dũng</u>   | Chức vụ <u>Trưởng Marketing LIC</u>        |
| - Ông/Bà <u>Hoàng Anh Tuấn</u>      | Chức vụ <u>Trưởng Giám sát đất đai LIC</u> |
| - Ông/Bà <u>Vũ Thanh Đào</u>        | Chức vụ <u>Chủ tịch UBND xã</u>            |
| - Ông/Bà <u>Trần Thị Thanh Thảo</u> | Chức vụ <u>Chủ tịch Hội Phụ nữ xã</u>      |
- 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 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 quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.

2.2 Tham vấn cộng đồng:

- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án;
- Tham vấn về Chính sách đền bù và quyền được đền bù của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và khả năng tiến hành các biện pháp phục hồi cuộc sống;
- Tham vấn các vấn đề về tái định cư, các tác động dự kiến, quyền lợi của người bị ảnh hưởng, các biện pháp giảm thiểu tối đa các tác động tiêu cực đến người bị ảnh hưởng.

- Thu thập các ý kiến khác liên quan đến công tác đền bù tái định cư và dân tộc thiểu số.

### III. Ý kiến thảo luận

Cải tiến theo GIDA tiếp thông báo vào được cuộc họp thông báo về dự án cải tiến quy mô xây dựng các đơn vị tư vấn. Từ các lần họp trước thông tin về phạm vi ảnh hưởng của DATP, chính sách đền bù của Dự án và các quyền lợi của người dân.

Từ các lần họp trước về quy trình khiếu nại và giải quyết khiếu nại để các bên tham gia cuộc họp thảo luận. Các bên tham gia cuộc họp đôi khi có một số ý kiến quy trình khiếu nại và giải quyết khiếu nại của Dự án.

Các bên tham gia cuộc họp cho biết Dự án gây ảnh hưởng không chỉ đến tài sản mà còn đến sinh kế của người dân bị di dời như năng suất công việc. DATP cần giải quyết ảnh hưởng đến đời sống người dân, không chỉ ảnh hưởng đến nhà ở mà không có kế hoạch di dời lương thực thực phẩm.

Dự án không giải quyết các vấn đề trước đây đang là các biện pháp giảm thiểu tác động đã được thực hiện bao gồm thiết kế nhà ở, nhà tắm, toilet tại chỗ và đảm bảo các biện pháp tái tạo ảnh hưởng đến sinh kế của người dân.

Các bên tham gia cuộc họp đồng ý về việc tái với chính sách đền bù của Dự án. Các bên tiếp tục hỏi các bên tham gia dự án về việc tái phân bổ.

Người dân biết dự án đền bù họ cũng đồng ý.



Thầy hướng dẫn của ở địa phương và mang niềm công  
trí xây dựng mang đến cho người dân

Đội sẽ đi tìm hiểu tình hình, cũng sẽ biết tham gia  
cuộc họp để biết tại sao đội bị cho kết quả các  
lần trước họ chưa được biết gì về việc đã được bằng giờ  
thì trước và đã phải chờ đợi các dự phí như thế

Đội với ban giám đốc và học mùa, địa phương của họ  
lần này đã phải chờ đợi dự phí như thế

Đội với ban giám đốc cũng đã qua, đội biết là cần tiền, mức  
gửi tiền của UBND tỉnh hàng năm dự phí như thế  
khoảng 50-50 triệu. Họ đã vận động dân dân địa  
phương họ hoàn toàn đồng ý về tiền gửi để bù cho tài  
sản của UBND tỉnh hàng năm cũng như dự phí cấp  
quả của UBND tỉnh qua các huyện như trước cấp 18 triệu

Người dân đã gửi tiền của họ bù và tài trợ cho  
các hoạt động khác của xuất hiện hàng năm tiếp

Người dân sẽ gửi có như, tiền pháp định của về một  
mức tương đương khi thi công. Họ mang niềm niềm công  
trí để có một phục vụ xã hội

Cuộc họp tham vấn kết thúc vào lúc 17h ngày 19 tháng 2 năm 2016

Đại diện Ban QLDA tỉnh

Đại diện UBND xã

CHỦ TỊCH



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Đại diện Cộng đồng

Đại diện tư vấn

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**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)

Được lập ngày 19 tháng 2 năm 2016

Tên DATP: Cải tạo nông cấp bình dân  
Xã: Phước Tân, huyện: Hình Phước, tỉnh: Tỉnh Phước

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Trần Văn Thanh	Nam	Thôn Hải Ninh	<i>[Signature]</i>
2	Hà Tấn Phước	Nam	Thôn Hải Ninh	<i>[Signature]</i>
3	Nguyễn Văn Diễn	Nam	Thôn Hải Ninh	<i>[Signature]</i>
4	Nguyễn Phái	Nam	nt	
5	Nguyễn Phái	Nam	nt	
6	Lê Xuân Nha	Nam	nt	<i>[Signature]</i>
7	Lê Văn Long	Nam	Thôn Hải Ninh	<i>[Signature]</i>
8	Nguyễn Văn Dương	Nam	Thôn Hải Ninh	<i>[Signature]</i>
9	Nguyễn Hữu Thiện	Nam	Thôn Hải Ninh	<i>[Signature]</i>
10	Võ Văn Tuấn	Nam	Thôn Hải Ninh	<i>[Signature]</i>
11	Nguyễn An	Nam	Thôn Hải Ninh	<i>[Signature]</i>
12	Nguyễn Thị Phương	Nữ	Thôn Hải Ninh	<i>[Signature]</i>
13	Võ Văn Dương	Nam	"	<i>[Signature]</i>
14	Võ Văn Tuấn	Nam	"	<i>[Signature]</i>
15	Nguyễn Thị Nhân	Nữ	"	<i>[Signature]</i>
16	Trần Văn Thi	Nam	"	<i>[Signature]</i>
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Đại diện Ban QLDA tỉnh

Đại diện Cộng đồng

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Đại diện UBND xã  
**CHỦ TỊCH**  
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Đại diện tư vấn

*[Signature]*

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

Phước Thái, ngày 21 tháng 2 năm 2016

Tên DATP: Cải tạo nâng cấp kênh chính và chỉnh quy hoạch  
lưu vực hợp lưu kinh tế vùng Thủy lợi Nhà Trù - Văn Công  
Xã Phước Thái, huyện Minh Phước, tỉnh Minh Thuận.

**I. Thành phần tham dự:**

- |                             |                                     |
|-----------------------------|-------------------------------------|
| - Ông/Bà Trần Chí Luật      | Chức vụ: Chủ tịch Ban QLDA-HĐ       |
| - Ông/Bà Nguyễn Tài Dũng    | Chức vụ: Tài chính TTC - LEC        |
| - Ông/Bà Nguyễn Thanh Thiên | Chức vụ: Tài chính DTTS - LEC       |
| - Ông/Bà Nguyễn Thanh Dũng  | Chức vụ: Tài chính HĐ Thủy - LEC    |
| - Ông/Bà Hoàng Anh Tuấn     | Chức vụ: Tài chính G&A - LEC        |
| - Ông/Bà Nguyễn Ngọc Trí    | Chức vụ: Phó CT UBND xã             |
| - Ông/Bà Lê Quang Hồng Thi  | Chức vụ: Phó Chủ tịch Hội Phụ nữ xã |
- 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 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 quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.

**2.2 Tham vấn cộng đồng:**

- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án;
- Tham vấn về Chính sách đền bù và quyền được đền bù của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và khả năng tiến hành các biện pháp phục hồi cuộc sống;
- Tham vấn các vấn đề về tái định cư, các tác động dự kiến, quyền lợi của người bị ảnh hưởng, các biện pháp giảm thiểu tối đa các tác động tiêu cực đến người bị ảnh hưởng.



- Thu thập các ý kiến khác liên quan đến công tác đền bù tái định cư và dân tộc thiểu số.

### III. Ý kiến thảo luận

Các hội ban QLDA tỉnh thành hoặc những người tham gia cuộc họp về kế hoạch triển khai thực hiện, địa phương, quy mô và các đặc điểm kỹ thuật của công trình sẽ nhận tài liệu và LDC thường báo về phạm vi ảnh hưởng của DNTD đối với tài sản và đất đai của người dân.

Từ văn TĐ = phôi kiến thường thì sẽ chi trả số tiền bù của Dự án cho các hộ và người BHH nhận được; cũng cấp quy trình thực hiện và giải quyết khiếu nại cho người dân và chính quyền cấp xã. Từ văn TĐ cũng đã cung cấp các thông tin liên quan đến định mức quyền lợi của người BHH đối với tài sản của mình.

Các hội tham gia cuộc họp không định địa chỉ ảnh hưởng không nghiên cứu địa chỉ sống và sự xuất của người dân; không có hộ nào BHH địa chủ ở, đất ở hay phân TĐC hoặc di chuyển chủ ở.

Các hội tham gia cuộc họp đồng tình và ủng hộ việc thực hiện địa chỉ tại địa phương vì cam kết tạo điều kiện thuận lợi cho thực hiện công trình.

Chính quyền địa phương và người BHH đã thông báo với chính quyền địa phương về địa chỉ và đồng ý với các quyền lợi đã được nêu ra hay không chấp thuận.

Do việc thực hiện Dự án tại địa phương đang diễn ra các ảnh hưởng không thuận lợi đã và đang xảy ra nhất là người dân, địa chủ cũ bị gia tăng.

Đồng ý thực hiện đầu tư và hỗ trợ theo đúng  
chính sách ưu đãi của Nhà nước và theo quy định của UBND  
tỉnh và các huyện liên quan. Người dân địa phương  
thông qua các tổ chức đoàn thể và hội đồng quản trị  
phòng và các tổ chức khác của địa phương tích cực  
hợp tác.

Đa số người dân đồng ý chấp thuận, tuân thủ các quy định  
của pháp luật về đất đai và các quy định khác của pháp luật  
có liên quan. Các hộ gia đình và cá nhân địa phương  
đồng ý đầu tư và hỗ trợ thực hiện các dự án đầu tư.

Người dân địa phương đồng ý chấp thuận, tuân thủ  
và chấp hành các quy định pháp luật về đất đai và  
các quy định khác của pháp luật có liên quan.

Người dân địa phương đồng ý chấp thuận và tham gia  
đồng ý các hộ gia đình và cá nhân địa phương  
đồng ý chấp thuận và tham gia các dự án đầu tư.

Cuộc họp tham vấn kết thúc vào lúc ..... ngày 24 tháng 2 năm 2016

Đại diện Ban QLDA tỉnh

Đại diện UBND xã



Đại diện Cộng đồng

Đại diện tư vấn







**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)

Tên DATP: Cải tạo nâng cấp kênh Chánh và tưới tiêu vùng Lũ lụt, quố lộ 6  
Xã: Phước Thái, huyện M.Đ. Phước, tỉnh Ninh Thuận  
Phước Thái, ngày 24 tháng 2 năm 2014

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Đông Văn Bấy	Nam	CT Mặt trận tổ Quốc	Bấy Văn Bấy
2	Lưu Văn Thủy	Nam	CT UBND xã	Thủy
3	Nguyễn Ngọc Tường	Nam	Phó CT UBND xã	Nguyễn Ngọc Tường
4	Hải Văn Lô	Nam	Cán bộ địa chính xã	Hải Văn Lô
5	Lưu Dương Hồng Thái	Nam	PCT Hội Phụ nữ xã	Lưu Dương Hồng Thái
6	Thơ Tường Khôn	Nam	Chủ tịch Hội đồng dân	Thơ Tường Khôn
7	Nguyễn Tấn	Nam	Trưởng thôn Hòa Ni	Nguyễn Tấn
8	Hàn Thiệt	Nam	Thôn Hòa Ni	Hàn Thiệt
9	Tường Thái Hải	Nữ	nt	Tường Thái Hải
10	Hàn Thiệt	Nam	nt	Hàn Thiệt
11	Tường Đức	Nam	nt	Tường Đức
12	Hiệu Cui	Nam	nt	Hiệu Cui
13	Trương Nữ	Nam	nt	Trương Nữ
14	Đông Lương	Nam	nt	Đông Lương
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Đại diện Ban QLDA tỉnh

Đại diện Cộng đồng

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Đại diện UBND xã



Đại diện tư vấn

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Nguyễn Ngọc Tường

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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 HỢP THAM VẤN CỘNG ĐỒNG**

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

Phước Vĩnh, ngày 24 tháng 2 năm 2016

Tên DATP: Cải tạo nâng cấp kết cấu và tường giao thông kết  
hợp giải lý nước hồ tưới thay tại Nhà Trống Lâm Cảnh  
Xã Phước Vĩnh, huyện Ninh Phước, tỉnh Ninh Thuận

I. Thành phần tham dự:

- |                               |                                     |
|-------------------------------|-------------------------------------|
| - Ông/Bà Trần Bà Luật         | Chức vụ: Chủ tịch Ban EUPA DATP     |
| - Ông/Bà Nguyễn Đăng Khoa     | Chức vụ: Phó Chủ tịch UBND xã       |
| - Ông/Bà Nguyễn Thị Mỹ Phương | Chức vụ: Phó Chủ tịch Hội phụ nữ xã |
| - Ông/Bà Nguyễn Văn Dũng      | Chức vụ: Chủ tịch TTC - LLC         |
| - Ông/Bà Nguyễn Thanh Hòa     | Chức vụ: Chủ tịch TTC - LLC         |
| - Ông/Bà Nguyễn Thanh Dũng    | Chức vụ: Chủ tịch TTC - LLC         |
| - Ông/Bà Hoàng Anh Thuận      | Chức vụ: Chủ tịch TTC - LLC         |
- 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 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 quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.

2.2 Tham vấn cộng đồng:

- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án;
- Tham vấn về Chính sách đền bù và quyền được đền bù của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và khả năng tiến hành các biện pháp phục hồi cuộc sống;
- Tham vấn các vấn đề về tái định cư, các tác động dự kiến, quyền lợi của người bị ảnh hưởng, các biện pháp giảm thiểu tối đa các tác động tiêu cực đến người bị ảnh hưởng.

- Thu thập các ý kiến khác liên quan đến công tác đền bù tái định cư và dân tộc thiểu số.

### III. Ý kiến thảo luận

Cải tạo khu BLDK từ Miền Bắc. Tổng hợp từ việc thực hiện công tác, liên hệ trước Miền, 7 ay. n.đ. đ.đ. đ.đ. có cải tạo về kỹ thuật.

Từ năm 1980 phải phải thực hiện có phạm vi cải tạo, di chuyển khu vực này và quy trình thực hiện này và giải quyết khiếu nại. Thời gian về di chuyển phải là địa phương từ năm 1980 đi tái định cư, tham vấn người dân, hỏi người địa phương về các tài sản được chuyển từ cơ sở về phạm vi tái tạo. Tham vấn người dân về các loại cải tạo thực hiện và giải tập.

Cải tạo tham vấn người dân để biết họ có tái tạo khu vực này. Tất cả những người có tài sản đều phải đi và lấy ý kiến, nơi phải đi để họ tái tạo.

Đi tái tạo đây thì phạm vi nhỏ, và không gây ra các vấn đề, nhưng trong và không làm ảnh hưởng đến các công việc địa phương, vì các vấn đề của người dân.

Người đi ở ngoài, lấy quyền địa phương về các tài sản được chuyển từ cơ sở để tái tạo, họ phải nhất trí đồng ý với di chuyển từ khu vực này.

Người khác chi biết họ đang ở với địa phương, khi tái tạo đây về các tài sản bị ảnh hưởng họ UBND tỉnh Miền Trung ban hành.

Kết quả tham vấn cũng do Ủy ban nhân dân tỉnh, và các chi tiết sẽ về phía pháp lý từ địa phương. Các vấn đề địa phương cũng phải được ban hành bởi UBND tỉnh.



- Đa cải tạo hướng là không giống nhau, người dân  
đều phải điều chỉnh trục đường cũ và nhận các loại  
trước khi đi khai hoang trên mặt

- Chỉ đạo quản lý phương tiện ghi chú đầu tư và  
nhận trước khi công phải lập dứt đầu với chỉ quản  
xét để giải quyết các phát sinh trong quá trình thi

công  
- Người dân đã ghi chú đầu tư tham vấn hệ số thiết  
lực công trình và các địa điểm đặt công trình nước  
mới máy. Họ đã ghi đầu tư các loại phụ kiện  
công cụ như: tuốc nơ vít, lưỡi cưa, máy khoan (nếu  
có) trong quá trình thi công.

Chỉ đạo quản lý phương tiện quản đầu tư ghi chú  
mọi số liệu khi thi công để có cơ sở công trình  
nhưng sự lợi vượt lên nữa.

Cuộc họp tham vấn kết thúc vào lúc ..... ngày 24 tháng 2 năm 2016

Đại diện Ban QLDA tỉnh

Đại diện Cộng đồng

*F. Luna*  
Lê Duy Hùng

Đại diện UBND xã



PHÓ CHỦ TỊCH

NGUYỄN ĐĂNG KHOR

Đại diện tư vấn

*Nguyễn Văn Tuấn*  
Nguyễn Văn Tuấn



**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)

Tên DATP: Cải tạo vùng cấp 1 Phước Việt ngày 24 tháng 2 năm 2016  
 Xã: Phước Việt huyện: Núi Phước tỉnh: Ninh Thuận

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Lê Duy Hùng	Nam	Phước An 1 - Phước Việt	<i>[Signature]</i>
2	Nguyễn Thị Thuận	Nữ	Thôn 2 - xã Phước Việt	<i>[Signature]</i>
3	Nguyễn Thị Tý	Nữ	Thôn 2 - Phước Việt	<i>[Signature]</i>
4	Phạm Thị Hồng	Nữ	Thôn 2 - Phước Việt	<i>[Signature]</i>
5	Trần Thanh Lành	Nam	nt	<i>[Signature]</i>
6	Phạm Kim Sơn	Nam	nt	<i>[Signature]</i>
7	Nguyễn Phước Vũ	Nam	nt	<i>[Signature]</i>
8	Lữ Văn Trí	Nam	nt	<i>[Signature]</i>
9	Nguyễn Thị Thanh Hương	Nữ	nt	<i>[Signature]</i>
10	Phạm Quốc Ghi	Nam	nt	<i>[Signature]</i>
11	Nguyễn Việt Hùng	Nam	Phước Thuận 3 - Phước Sơn	<i>[Signature]</i>
12	Ngô Thị Đông	Nữ		<i>[Signature]</i>
13	Võ Long Thọ	Nam	Phước An 1 - Phước Việt	<i>[Signature]</i>
14	Võ Long Hoàng	Nam	Phước An 1 - Phước Việt	<i>[Signature]</i>
15	Lý Ngọc Hòa	Nam	nt	<i>[Signature]</i>
16	Nguyễn Đăng Khoa	Nam	Phước An 2 - Phước Việt	<i>[Signature]</i>
17	Lương Văn Thọ	Nam	Cán bộ gia đình	<i>[Signature]</i>
18	Lý Ngọc Hòa	Nam	Phước An 2 - Phước Việt	<i>[Signature]</i>
19	Ngô Thị Đông	Nữ	Phước An 2 - P. Việt	<i>[Signature]</i>
20	Tô Thanh Nhàn	Nam	Phước An 2 - P. Việt	<i>[Signature]</i>

Đại diện Ban QLDA tỉnh

KT. CHỦ TỊCH  
 CHỦ TỊCH  
 Đại diện UBND xã



NGUYỄN ĐĂNG KHOA  
 Đại diện tư vấn

Đại diện Cộng đồng

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

Phước Sơn, ngày 23 tháng 2 năm 2016

Tên DATP: Mạng cấp điện Châu và đường giao thông kết hợp quản lý  
thôn lữ nông Thủy lợi Nhà Trại - Làng Cơ sở  
Xã Phước Sơn, huyện Nhạc Phước, tỉnh Ninh Thuận

I. Thành phần tham dự:

- |                                    |   |
|------------------------------------|---|
| - Ông/Bà <u>Nguyễn Tấn Dũng</u>    | Chức vụ <u>Tại văn phòng dự án LTC</u>        |
| - Ông/Bà <u>Nguyễn Thanh Hải</u>   | Chức vụ <u>Tại văn phòng dự án LTC</u>        |
| - Ông/Bà <u>Nguyễn Thanh Dương</u> | Chức vụ <u>Tại văn phòng dự án LTC</u>        |
| - Ông/Bà <u>Hoàng Anh Tuấn</u>     | Chức vụ <u>Tại văn phòng dự án LTC</u>        |
| - Ông/Bà <u>Trần Bá Kiệt</u>       | Chức vụ <u>Cán bộ Ban QLDA Tỉnh</u>           |
| - Ông/Bà <u>Trần Thị Thu Thủy</u>  | Chức vụ <u>Phó Chủ tịch UBND xã Phước Sơn</u> |
| - Ông/Bà <u>Đo Thị Kiên Kiên</u>   | Chức vụ <u>Phó Chủ tịch Hội Phụ nữ xã</u>     |
- 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 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 quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.

2.2 Tham vấn cộng đồng:

- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án;
- Tham vấn về Chính sách đền bù và quyền được đền bù của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và khả năng tiến hành các biện pháp phục hồi cuộc sống;
- Tham vấn các vấn đề về tái định cư, các tác động dự kiến, quyền lợi của người bị ảnh hưởng, các biện pháp giảm thiểu tối đa các tác động tiêu cực đến người bị ảnh hưởng.



- Thu thập các ý kiến khác liên quan đến công tác đền bù tái định cư và dân tộc thiểu số.

III. Ý kiến thảo luận

Cán bộ Ban QLDA tỉnh Bình Thuận đã phổ biến thông tin về việc thực hiện DATP tại địa phương; Hưởng kiến nghị quy mô xây dựng, địa điểm xây dựng và các thông số kỹ thuật. Từ vấn đề LIC đã thông báo và phổ biến thông tin về phạm vi ảnh hưởng của DATP đến vai trò của người dân; phổ biến các chính sách đền bù và quyền lợi của người BDTT. Từ vấn đề LIC đã tiến hành tham vấn và phổ biến quy trình khiếu nại và giải quyết khiếu nại cho các hộ BDTT địa phương UBND xã, hương thôn và người dân địa phương để việc thực hiện TĐC chủ yếu là cải tạo và nâng cấp kết cấu hạ tầng để có nền phạm vi ảnh hưởng và tại đây của DATP đến vai trò của người dân là không nghiêm trọng.

Việc thực hiện DATP không gây ảnh hưởng đến việc đền bù và tái định cư của người dân, do vậy không có các tài liệu về đền bù hay tái định cư.

Đại diện Hội phụ nữ xã địa phương các thông tin về thực hiện DATP làm giảm phạm vi ảnh hưởng, số lượng và giá trị tài sản bị ảnh hưởng của người dân cũng như chính sách đền bù và bồi thường đủ bù đắp được các thiệt hại hay gia đình địa phương và hương thôn và như. Người phụ nữ trợ gia đình cũng đã được tham vấn và hiểu ý là việc thực hiện Dự án tại địa phương.

Từ vấn đề LIC thông tin về các quy định tỷ lệ ưu tiên tham gia trợ gia đình xã, trợ các cuộc họp và các cải thiện được báo từ tham gia của phụ nữ

thông qua hình thức liên kết. Dự án trợ địa phương.

Đại diện chính quyền địa phương, các tổ chức đoàn thể ở địa phương và các hộ BAH để nhất trí với vùng liên kết vùng liên kết Dự án; đồng ý với chính sách đầu tư của Dự án.

Những người BAH khi Dự án đã được triển khai và có phạm vi ảnh hưởng, các nhà lãnh đạo và thành viên địa phương mang lại cũng như các ý kiến liên quan đến công tác đầu tư. Các hộ BAH cũng sẽ nắm được quy trình làm việc và giải quyết khiếu nại.

Những hộ BAH đã biết họ đồng ý với chính sách đầu tư của Dự án, đồng ý với các hộ hộ tại Dự án. B

Đại diện đơn vị địa phương (như UBND xã, người dân địa phương) để biết được giá của tài sản và các hộ hộ liên quan để phân tích và giải thích về giá trị tương đương của tài sản.

Giá của tài sản (như tài sản, đất đai) đơn vị của tài sản hiện tại giá thay đổi từ 20-30%. Mặc dù vậy, người BAH cho biết họ đồng ý và chấp nhận đơn giá đầu tư của UBND xã.

Những hộ BAH sẽ gặp lại nhau các đơn vị hộ hộ các tài sản.

Cuộc họp tham vấn kết thúc vào lúc ..... ngày 23 tháng 2 năm 2016

Đại diện Ban QLDA tỉnh



Trần Thụy Thu Thủy

Đại diện Cộng đồng

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Đại diện tư vấn

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**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)

Phước Sơn, ngày 22 tháng 2 năm 2016  
 Tên DATP: Nâng cấp liên lạc và đường giao thông liên hợp quốc lộ  
 Xã: Phước Sơn, huyện: Ninh Phước, tỉnh: Ninh Thuận

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Trần Bá Đạt	Nam	Chủ tịch Ban QLDA tỉnh	<i>[Signature]</i>
2	Trần Thị Thu Thủy	Nữ	Phó CT UBND xã P. Sơn	<i>[Signature]</i>
3	Nguyễn Công Công	Nam	Trưởng thôn Phước Hòa	<i>[Signature]</i>
4	Trần Thị Anis	Nữ	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
5	Đào Thị Thanh	Nữ	Phước Thuận 2 - Phước Sơn	<i>[Signature]</i>
6	Đào Trung Dũng	Nam	Phước Thuận 1 - Phước Sơn	<i>[Signature]</i>
7	Nguyễn Đức Bình	Nam	Phước Thuận 3 - P. Sơn	<i>[Signature]</i>
8	Nguyễn Phi Hùng	Nam	Phước Thuận 2 - P. Sơn	<i>[Signature]</i>
9	Nguyễn Văn Tây	Nam	Phước Thuận 1 - P. Sơn	<i>[Signature]</i>
10	Trần Đai	Nam	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
11	Pho Văn Chế	Nam	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
12	Trần Văn Hiến	Nam	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
13	Nguyễn Văn Thọ	Nam	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
14	Thương Thị Hiền	Nữ	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
15	Trần Ai	Nam	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
16	Trần Thị Trang	Nữ	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
17	Nguyễn Trung Đức	Nam	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
18	Nguyễn Trung Dũng	Nam	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
19	Phạm Thị Thu Phương	Nữ	Ninh Cựu - Phước Sơn	<i>[Signature]</i>
20				<i>[Signature]</i>

Đại diện Ban QLDA tỉnh

Đại diện UBND xã  
**PHÓ CHỦ TỊCH**  
*[Signature]*

Trần Thủy Thu Thủy

Đại diện Cộng đồng

*[Signature]*

Đại diện tư vấn

*[Signature]*