

Resettlement Plan

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VIE: INTEGRATED RURAL DEVELOPMENT SECTOR PROJECT IN THE CENTRAL PROVINCES - ADDITIONAL FINACING

Subproject: Upgrading My Thuan reservoir, Phu Cat
district, Binh Dinh Province

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

CURRENCY EQUIVALENTS

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\$1 = VND 22,270

ABBREVIATIONS

ADB	-	Asian Development Bank
AHs	-	Affected Households
APMB		Agriculture Project Management Board
CPC	-	Commune Peoples, Committee
CPMU	-	Central Project Management Unit
DARD	-	Department of Agriculture and Rural Development
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
CCARB	-	The Commune Compensation, Assistance and Resettlement Board
EA	-	Executing Agency
EM	-	Ethnic Minority
FS	-	Feasibility Study
GAP	-	Gender Action Plan
GOV	-	Government of Vietnam
HHs	-	Households
IOL	-	Inventory of Losses
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 Assistance
MONRE	-	Ministry of Natural Resources and Environment
NTP	-	Notice to Proceed
PIB	-	Project Information Booklet

PPC	-	Provincial People Committee
PPMU	-	Provincial Project Management Unit
RE MDF	-	Resettlement and Ethnic Minority Development Framework
RP		Resettlement Plan
ROW	-	Right-of-Way
SAH	-	Severely Affected Household
SES	-	Socio-Economic Survey
SP	-	Subproject
RRCA	-	Rapid Replacement Cost Assessment
SPS	-	Safeguard Policy Statement
VND	-	Vietnamese Dong
VWU	-	Viet Nam Women's Union

GLOSSARY

- 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.
- Compensation - Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Cut-off date - Means the date of project land acquisition announcement by competent agency. The AHs will be informed of the cut-off date for each project component, and any person who settled or assets created in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
- Detailed Measurement Survey (DMS) - Based on the approved detailed engineering design, this activity involves the finalization of subproject land acquisition and resettlement impacts, including final cost of resettlement. This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of AHs will be determined.
- Ethnic Minority (EM) - Any ethnic group of Vietnam, except the dominant Kinh Group, who has the following characteristics at different levels - living in the rural and remote area or having ancestor's territory in the project area and depending on natural resources of these area and territory, and having a social or cultural identity distinct from that of the dominant group (Kinh-Viet).
- Entitlement - A range of various activities including compensation, assistance in income restoration, shift in occupation, relocation... etc., provided to affected people based on the type and level of impact which aims to restore their socio-economic conditions.

Income Program	Restoration	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Land acquisition		- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs
Rehabilitation		- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life
Relocation		- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Replacement Cost		- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs
Replacement Survey	Cost	- This refers to the process involved in determining replacement costs of affected assets based on empirical data
Resettlement		- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Severely affected household (SAH)		- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject.
Stakeholders		- Individuals, groups, or institutions that have an interest or stake in the outcome of a project. The term also applies to those potentially affected by a project. Stakeholders include land users, country, regional and local governments, implementing agencies, project executing agencies, groups contracted to conduct project activities at various stages of the project, and other groups in the civil society which may have an interest in the project.
Vulnerable group		- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who have no other means of support, (v) landless, and (vi) ethnic minorities.

NOTES

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TABLE OF CONTENTS

ABBREVIATIONS	I
EXECUTIVE SUMMARY	VII
I. SUBPROJECT DESCRIPTION	1
A. Background.....	1
B. Measures taken to Minimize Negative Impacts	1
C. Resettlement Plan.....	1
II. SUBPROJECT IMPACTS	2
A. Survey process	2
B. Permanent impacts	2
C. Temporary impact	3
III. SOCIOECONOMIC PROFILE AND INFORMATION	3
A. Socioeconomic information of the subproject commune.....	3
B. Affected household profile.....	4
C. Vulnerability	4
D. Gender issues.....	4
E. Social Impact Assessment	4
IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION	6
A. Information Disclosure.....	6
B. Public Consultation and Participation	6
V. GRIEVANCE REDRESS MECHANISM	8
VI. LEGAL AND POLICY FRAMEWORK	9
A. Legal basis of the Government of Vietnam.....	9
B. Asian Development Bank Policy.....	10
C. Reconciliation of Government and ADB Policies on Resettlement	12
VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS	15
A. Eligibilities	15
B. Entitlements	15
VIII. RESETTLEMENT BUDGET AND FINANCING PLAN	17
IX. INSTITUTIONAL ARRANGEMENT	18
A. National Level	18
B. Province Level	18
C. District Level	19
D. Commune Level.....	19
X. IMPLEMENTATION SCHEDULE	20
XI. MONITORING AND EVALUATION	20
A. Objectives of internal monitoring	20
B. Responsible agencies for monitoring.....	21
C. Indicators of monitoring	21
ANNEX 1: MINUTES OF PUBLIC CONSULTATION	23
ANNEX 2. LIST OF VULNERABLE AFFECTED HOUSEHOLDS	26

EXECUTIVE SUMMARY

- Introduction: This Resettlement Plan (RP) report is prepared based on DMS results, following the approval of detailed design by competent authorities for the subproject of “Repairing and upgrading My Thuan reservoir, Phu Cat district, Binh Dinh Province” – one of the subprojects of the second phase (Additional Financing) under the Integrated Rural Development Sector Project in the Central Provinces (IRDSPCP) proposed for ADB funding. All data sources in this version are from results of a series of activities, which included the socio-economic survey (SES), the updated REMDF of the project, the Detailed Measurement Survey (DMS) done in 2016, and the results of public consultation. This RP is prepared with the participation and consultation with relevant agencies, namely: Provincial Management Unit (PPMU), Commune Compensation, Assistance and Resettlement Board (CCARB), Commune Peoples’ Committee, affected people and the other stakeholders.
- Scope of impacts: This subproject affects 19 households and 01 organization with 107 persons in Cat Hung commune. The DMS shows that the subproject permanently affects 1,430 m² of agricultural land (paddy land), of which 477 m² managed by Cat Hung CPC. Besides, the loss of crops and trees are 696 m² of annual crops, 649 eucalyptus trees, 356 peach trees, 200 bamboo trees, 20 banana trees, 12 mango trees, 03 cashew trees, 03 lemon trees, 02 coconut trees and 02 star-fruit trees. There are 25.5 m² of structures are also affected by this subproject. None of AHS are ethnic minorities or severely AH. There are 04 vulnerable households, in which 03 are female-headed AHs and 01 AH is headed by person with disability .
- Legal and Policy Framework: The updated Resettlement and Ethnic Minority Development Framework (uREMDF) was prepared and applied for the project to meet the requirements in the ADB’s Involuntary Resettlement Policy and the legal documents of the Government of Vietnam (GoV) that are described in Chapter VI in detail. The terms and principles in this RP are in accordance with the current regulations of Vietnam. However, in case of any discrepancy, Asian Development Bank’s (ADB’s) Policy will be followed.
- Information Disclosure Public consultation and participation: In April 2014, the first round of consultation was conducted by the consultation team to prepare the draft RP of the subproject. The consultation was carried out with the participation of representatives from PPMU, leaders of Commune People’s Committee (CPC) and organizations at commune level, heads of villages and affected households. After DMS, the second consultation was conducted in May 2016 to continuously disseminate information to affected people and solicit their comments regarding resettlement issues and concerns. Consultation results with AHs shows that the affected HHs agreed with compensation policies of the sub-project and agreed to receive compensation amount as well as assistance in accordance with the compensation unit price issued by the PPC. A grievance redress mechanism with four (4) levels is presented in Section 5 of this RP.
- Gender Issues and Vulnerable Groups: According to survey results, there are 03 AHs are female-headed households and 01 AH is headed by person with disability . These households belong to vulnerable groups, who will be entitled to assistance as regulations in the Updated REMDF. In this subproject, all AHs belong to the Kinh people. In general, the implementation of subproject will have minor impact on women as well as other affected people. Besides, mitigation measures are also prepared in this RP to ensure that negative impacts are minimized. In addition, a Gender Action Plan (GAP) is incorporated in this RP and will be complied with during the implementation of the subproject.
- Institutional Arrangement: The Ministry of Agriculture and Rural Development (MARD), through its Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB), will coordinate with relevant agencies in the implementation of the RP. CPMU will

cooperate with Binh Dinh PPC and instruct the Department of Agriculture and Rural Development (DARD), through its Provincial Project Management Unit (PPMU) to ensure that the compensation and other forms of assistance are administered according to the provisions of this RP.

7. According to the Decision No 1832/QĐ-UBND dated on September 6, 2014 by Phu Cat DPC, the CARB was established at Cat Hung commune (CCARB), and the chairman of CPC is the chairman of this CARB. The CCARB will has responsible for acitivities during resettlement implementation. 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 RP.

8. Implementation schedule:Civil works contract award for the subproject (SP) shall not be approved by ADB unless its final RP is approved. CPMU will make sure that construction work will not be implemented by contractors unless Binh Dinh PPMU: (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, compensation for all affected households/organization will be fully paid before end of August, 2016 and site clearance will be completed by the beginning of September, 2016.

9. Monitoring and evaluation:Monitoring of RP implementation will be internally conducted on behalf of MARD and ADB by CPMU/LIC/PPMU. The parties shall evaluate the achievement of resettlement objectives during the period from 6 to 12 months after resettlement activities have been completed. LIC will prepare and submit every six (6) months during project implementation an Internal Resettlement Monitoring Report (IRMR) to ADB through CPMU which highlights status of the RP implementation, particularly the issues and concerns that may affect smooth implementation; includes also actions taken by parties and the recommendations to address the issues. LIC will also evaluate the extent of living condition restoration of AHs during and after the subproject.

10. CostEstimates for Compensation and, Assistance and Resettlement Budget: Binh Dinh Provincial People's Committee is responsible for distributing counterpart fund for land acquisition and resettlement to CCARB so that the payment will be made directly to the affected people Compensation and allowances are estimated to be about VND **248,160,145(equivalent to USD 11,143)** of which compensation and assistance is about VND 221,176,600.

11. Central Project Management Unit consisting of specialized staff shall monitor and effectively implement resettlement, compensation activities and restoration measures; in close coordination with PPMU, DPC/CCARB to instruct and support project communes. The laws and regulations stipulated in the policy framework will be the legal basis for implementation of resettlement activities.

I. SUBPROJECT DESCRIPTION

A. Background

1. The subproject of “Upgrading My Thuan reservoir, Phu Cat district, Binh Dinh province” is one of the subprojects of the Integrated Rural Development Sector Project in the Central Provinces (additional financing) proposed for ADB funding. My Thuan reservoir in Cat Hung commune, Phu Cat district, Binh Dinh province. The reservoir has been put into use since 1989 with the purposes of providing irrigation water for 450 ha of arable agriculture land in Cat Hung commune. At that time, the investment fund was come from available fund source of the local Agriculture Cooperative with subsidy from the State budget. However, due to the restricted amount of investment capital, though the headwork was constructed, it was not fulfilled all technical requirements and sufficiently reinforced.

2. In 2003, the scheme has been upgraded, with his headwork downstream of the dam and the main canal reinforced with concrete, while canals at lower parts of the command area remained of earthwork. Over 25 years of operation, the reservoir main scheme has been seriously downgraded threatening the safety of the scheme and losses of crops nearby the reservoir.

3. The objective of the subproject is to enhance and rehabilitate the following components: (i) upgrade and rehabilitate earth-filled dam; (ii) construct flood spillway and intake sluice; and (iii) upgrade canal systems. In addition, the subproject is to ensure the reliability of the scheme and safety of people life in the downstream and to expand the size of reservoir for increased storage capacity and irrigation efficiency, with O&M being updated. The completed scheme will contribute to the improvement of living standards and poverty reduction for 9,184 local beneficiaries in Cat Hung commune, Phu Cat district by increasing agricultural productivity, generating more income from agricultural products and reducing losses due to external factors i.e. flooding, drought and erosion.

B. Measures taken to Minimize Negative Impacts

4. All upgrading works will be done within the existing location of the canals. To avoid increasing the potential negative impacts on the local people, the same have been advised (through consultations) not to cultivate new crops on the land to be temporarily acquired that have been documented during the DMS. A public information booklet (PIB) that explains, among others, the policy on cut-off date for eligibility, have been distributed to the AHs and local governments during the implementation of the RP following ADB’s concurrence of the subproject RP. Other than the aforementioned, the PPMU will ensure that the payment of compensation, assistance and relocation are completed and that rehabilitation measures are in place prior to the issuance of notice to proceed (NTP) to start construction works.

C. Resettlement Plan

5. This Resettlement Plan (RP) ensures that the subproject will (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by inspecting subproject and proposed design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

6. This RP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB SPS (2009) with national and provincial government policies. It includes the following:

- (i) Policy and procedural guidelines for asset acquisition, compensation, resettlement, and strategies that will help ensure full restoration of the affected household's livelihood and standard of living;
- (ii) Identification of households and communities to be affected by the subproject, what compensation and related alleviating measures to be provided to them and how and when these measures will be carried out;
- (iii) A plan on how the affected households will be involved in the various stages of the subproject, including resolution of grievances; and
- (iv) An estimate budget for resettlement implementation.

This RP is prepared based on DMS results, following the approval of detailed design by competent authorities. Construction activities will only start once CPMU will have identified the volume of compensation and other assistance provided to affected households.

II. SUBPROJECT IMPACTS

A. Survey process

Survey: Information on the overall socioeconomic profile of the subproject area was taken from the provincial and district Year Book, and annual socioeconomic reports of communes. Besides, a socio-economic survey was carried out in May, 2016 by LIC. The survey collected information on the profile and characteristics of all affected households, their income levels and sources of income, ethnic composition, education levels and basic information on their plans after completion of the canals construction by directly interviewing them;

7. Consultations: In addition, consultations with AHs were organized in May, 2016 in each of the communes affected by the subproject. For affected households, the consultation aims to discuss and consult with the people about the scope and scale of impacts, entitlements, preliminary implementation schedule, and redress grievance. With the information on the overall subproject impacts, the consultations have given the affected households the opportunity to understand and share their ideas and expectations about the subproject

8. Detailed Measurement Survey (DMS): DMS was conducted in May 2016 by the Commune Compensation, Assistance and Resettlement Board (CCARB) of Cat Hung commune based on the approved technical design. Results of the DMS are used to prepare this RP and summarized as follows.

B. Permanent impacts

9. The subproject affects 19 households and 01 organization (Cat Hung CPC). Although they lose marginal portions of their land, they will also benefit from the improved components of the subproject. All the negative impacts are fully restored through compensation and mitigation measures.

10. Affected households: According to the DMS results, the upgrading My Thuan reservoir affects 19 households and 01 organization with 107 persons in Cat Hung commune. None of them is part of ethnic minorities or severely AH. There are 04 vulnerable households, in which 03 are female-headed AHs and 01 AH is headed by person with disability policy.

11. Affected land: The subproject permanently acquires 1,430 m² of agricultural land, (of which 477 m² managed by Cat Hung CPC and 953 m² belongs to 14 AHs). Among those losing their land, all AHs have the land use rights certificate (LURC) on the affected land.

12. Loss of crops and trees: The loss of crops and trees are 696 m² of annual crops, 649 eucalyptus trees, 356 peach trees, 200 bamboo trees, 20 banana trees, 12 mango trees, 03 cashew trees, 03 lemon trees, 02 coconut trees and 02 star-fruit trees. (Table 1).

13. Loss of structure: The loss of structure is 25.5 m² of brick fences.
14. Affected historical or cultural heritages: According to DMS results, there are no affected historical or cultural heritages in sub-project area.

Table 1: Summary of impacts

No.	Category	Unit	Amount
	Affected assets		
1	Land		
	Agricultural land	m ²	1,430
	Crops and trees		
	Annual crop	m ²	696
	Eucalyptus	tree	649
	Peach	tree	356
	Bamboo	tree	200
	Banana	tree	20
	Mango	tree	12
	Cashew	tree	03
	Lemon	tree	03
	Coconut	tree	02
	Star-fruit	tree	02
3	Structure		
	Brick fence	m ²	25.5
4	Vulnerable households	HH	04

C. Temporary impact

15. During the implementation of civil works, some land areas of households may be temporarily used for construction activities (worker's camps, disposal site etc.) which will have impact on households living in the subproject area. To address temporary impacts which are unavoidable, the following provisions will be incorporated in the civil works contracts of contractors: (i) contractors must pay for rental of construction site (ii) temporarily acquired land will be restored or improved to its pre-subproject condition. With these mitigation measures, the impacts during construction will be insignificant.

16. Contractors are required to negotiate and reach an agreement with the landowner before the land is used for temporary disposal site. Evidences of the agreement will be submitted to PPMU and CPMU for perusal and to ensure that all RP provisions are complied with. Contractors are not allowed to temporarily acquire land without a documented agreement with the landowner.

17. One of the conditions for release of final payment to the civil works contractors is the submission of proof that all temporarily used lands have been fully restored to their pre-subproject conditions and that there are no pending compensation issues related to the temporary use of land.

III. SOCIOECONOMIC PROFILE AND INFORMATION

A. Socioeconomic information of the subproject commune

28. The subproject locates in Cat Hung commune, Phu Cat district. Total population of the subproject area is about 9,184 persons. The main income source of people in this commune is agriculture, including rice/crops and animal husbandry. Table 2 summarizes the basic socioeconomic data of the commune according to the socioeconomic report of Cat Hung CPC in 2015.

Table 2: Basic socio-economic data of Cat Hung commune

No.	Indicators	Unit	Data of commune
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No.	Indicators	Unit	Data of commune
1	Natural Area	ha	4,119
2	Population	person	9,184
	+ Female	person (%)	4,481 (48.8%)
	+ Male	person (%)	4,703 (51.2%)
3	Number of household	household	1,807
Agriculture			
4	Paddy land	ha	760
5	Crop land	ha	303
Poverty situation			
6	Poverty incidence	Households Rate	97 5.3

B. Affected household profile

18. The subproject directly affects 19 households with 107 people. All they are Kinh people. Male and female ratio is 54.4% and 46.6% respectively. The household size is 4.0 persons/HH.

19. Main income sources of the AHs are from agriculture. Average annual income per capita is VND 25,900,000. Three AHs of 19 AHs are female-headed AHs and 01 AH is headed by person with disability. The rate of labor in agriculture is 58.6% and rate of people in labor ages is 57.2%.

C. Vulnerability

20. Based on the definition of a vulnerable household used in the subproject, 04 households are vulnerable households. Of these, 03 are female-headed AHs, 01 AH is headed by person with disability.

D. Gender issues

21. In general, there are not gender issues in the subproject area. All AHs have Land Use Right Certificate (LURC). According to the current Land Law, the LURC will be made with the name of both wife and husband. All affected households will be assisted in obtaining LURC for their land with the name of both wife and husband.

22. Division of Labor. Among the AHs, both men and women share outdoor and indoor tasks such as farming, looking after the children, house cleaning, etc. But men participate in community activities more than women due to their preoccupation with housework.

23. Basically, men and women equally take part in discussing domestic issues and social activities where these are shared and agreed upon between them prior to final decision making. In general, there are no significant gender issues in the subproject.

24. According to updated REMDF and the policy of the Government of Vietnam (Go), women will be allowed to take part in subproject activities, including being employed as unskilled labor for civil contractors and will be paid equally with the male laborers. One (1) woman will be a member to the Commune Supervisory Boards (CSBs) and participate in the capacity building activities on agricultural production and diversification as well as in the building of market linkages. Affected female-headed households will be equally prioritized with the men in payment of compensation and other assistance as well in grievance redress related to resettlement and compensation issues.

E. Social Impact Assessment

25. **Subproject impacts on the households.** Most of the works will be done within the existing location of the facilities and ROW. Hence, adverse impacts on households will be limited to marginal losses of their land. These losses will be compensated in cash based on replacement cost; therefore, the subproject causes very minor negative impact on the households that will be

offset by the positive benefits brought about by preventing erosion and landslides, preserving ecological areas, limiting floods and epidemics especially after the rainy season. No adverse impact is expected from the subproject on the AHS' use and access to land and other natural resources, to cultural and communal integrity, socioeconomic status, health, education, livelihood and social security status. Moreover, efforts will be made to ensure that they are informed and are able to participate and benefit from the subproject, taking into account their traditional ways of information gathering and participation.

26. **Subproject impacts on women.** No significant negative impacts on women are anticipated from this subproject. The subproject will have several of positive effects on local inhabitants in general and on women in particular. These impacts include:

- (i) Opportunity for additional cropping per year and income from agriculture due to improved irrigation;
- (ii) Safety dam and reservoir during flood season;
- (iii) Reduced cost, time and burden for transporting crops and accessing to their farmlands;
- (iv) Temporary job/livelihood activities during the construction phase.

27. **Gender action plan.** Even though women will not be significantly adversely affected by the subproject, a gender action plan is necessary to facilitate women participating in the subproject implementation and provide opportunities for women to increase their income without increasing their burdens, and to raise the social status of women in the subproject area. The gender action plan will include the followings:

- (i) Phu Cat District Irrigation Management Company will be encouraged to also employ women in regular maintenance and repair work;
- (ii) Provisions will be made in the civil works contracts to ensure (a) equal pay for men and women workers with similar type of work, (b) safe working conditions for both men and women; (c) refraining from use of child labor; and (d) encouraging use of local labor (both men and women);
- (iii) Coordination with the Women's Union in conducting surveys, consultations and design works during the detailed design phase. Similar regular coordination will be made during the construction and operation phase to ensure that women's concerns are identified and addressed;
- (iv) Training on gender mainstreaming for the implementing agencies at provincial, and local levels (i.e. PPMUs, and other stakeholders);
- (v) Training and capacity building for women to participate in community decision making and subproject implementation in a most meaningful way (i.e. training on participation and negotiation skills, marketing skills, cultivation skills and in reducing women's illiteracy);
- (vi) At least one woman will be representative of the Commune's women in the commune supervisory boards.

28. Gender mainstreaming measures will ensure the participation of women in subproject implementation by creating job opportunities to increase their income while reducing their burdens due to longer time spent in housework. Both men and women will be encouraged to participate in gender awareness and sensitivity training courses to raise their understanding on gender-related issues, hopefully resulting in joint sharing of responsibilities in housework, in income generation and in other community social activities. The gender-related efforts will help women to have more time to take part in community activities and for other capacity-building activities which will be instrumental in gaining back their self-esteem and enhance their self-confidence to assume key leadership positions in the community.

IV. DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Information Disclosure

29. The main objectives of the information disclosure and consultation activities in which affected people, relevant agencies and stakeholders are taking part are the following: (i) to provide AHs sufficient information about the Project, its components and related activities; (ii) to collect comments and the needs of AHs, their reaction to project proposed policies and activities; (iii) to involve the cooperation and participation of APs in the planned programs related to the preparation and implementation of RP; (iv) to ensure that APs can participate and decide on the issues that have direct impact on their incomes and daily lives; and (v) to ensure transparency in land acquisition, relocation, and restoration activities.

30. Given the above-mentioned objectives and in compliance with the ADB requirements, Binh Dinh PPMU and LIC have been assisting the CARB of Cat Hung commune on information disclosure from the early stage of implementation and continuing during the subproject preparation and follow-up.

31. A series of information disclosure has been conducted from beginning of subproject in 2014 and continued at DMS and SES time in 2016. The final RP, when approved by the PPC and ADB, will be publicly disseminated to AHs and to the other subproject beneficiaries through commune and village meetings in coordination with the local traditional leaders. Furthermore, this RP, once approved, will be uploaded in ADB's websites. Any updates or revisions of the final RP will also be disseminated to APs and posted on the ADB's website.

32. The project information booklet (PIB) that is made available in the Vietnamese will be distributed to the affected people and beneficiaries in the subproject area.

33. Affected Persons (APs) are notified in advance about resettlement activities, including: (i) in community meetings about the scope of the subproject, site clearance plan and construction plan; (ii) on detailed measurement survey results; (iii) through dissemination of lists of eligible APs and on their entitlements; (iv) on compensation rates and volumes; (v) on payment of compensation and other assistances and (vi) on 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 through radio announcements.

B. Public Consultation and Participation

1. Consultation and participation during the RP preparation

34. During RP preparation, two (2) consultations were conducted at Cat Hung CPC's Office (Phu Cat District), Binh Dinh Province.

35. A community consultation was conducted in April 2014. This first consultation aimed to inform the local authority and people about subproject features, compensation policy for affected assets and IOL results.

36. In May 2016, after detailed design of subproject was approved, Resettlement Specialist continued to conduct the second consultation with local authority, local social organizations and affected people. Participants to these consultations: local officials, representatives of mass organizations (Representatives Commune Women's Union; Commune Farmers' association; Father Front and affected households). Other participants were from Binh Dinh PPMU, CPMU, CPC and LIC. Minutes of consultation and list of participant are attached in the Annex of this RP.

37. These meetings focused on:
- (i) Detailed design of subproject's policies, persons eligible for compensation and resettlement assistance.
 - (ii) The DMS results, sub-project impact, eligibility and planned cut-off dates for this sub-project, grievance redress mechanism;
 - (iii) Mechanisms of payment and grievance redress.
 - (iv) Consulting on the replacement costs, compensation payments and other entitlements of AHs as well as on the additional assistance and allowances to the affected vulnerable group;
 - (v) Gender and vulnerable group issues;
 - (vi) RP's Implementation schedule
38. For all public consultation meeting, the local authorities, communities and potentially affected households agreed on implementing the subproject. All attendants were aware of project benefits and they will active participate during its implementation.
39. Opinions, suggestions and concerns of the communities and potentially affected households that were raised in the consultation meeting are summarized in table below:
40. Minutes of this consultation meeting is attached as Annex on Minutes of Consultation Meeting including the list of participants in gender.

Table 3: Consultation meetings information

Commune	Number of participants (In the meeting was organized on 31/5/2016)			Summary feedback/opinion from participants
	Male	Female	Total	
Cat Hung	14	05	19	<ul style="list-style-type: none"> - AHs participating in the meetings state that because upgrading and improving of the works are mainly implemented on the existing route, negative impacts and effect caused by the subprojects on people's living as well as production activity are of minor entity; - All of the AHs participating in the meetings agree with compensation policy of the project and agree with compensation unit price issued by the PPC; - Vulnerable AHs agree to receive compensation and assistance in cash in accordance with the project's policy; - The participants in the meetings propose that there should be strict coordination among PPMU, contractor and local authority to ensure security as well as environment protection during the construction process; - The AHs propose that PPMU should require contractor to restore the site to its original status after construction; - Representatives of the AHs propose to be employed by contractor for any work that suits them during the construction process.

Regular community consultation and participatory activities are encouraged during the entire subproject cycle, including planning, designing, and implementation and monitoring. The objective of community consultation and participation is to develop and maintain open the avenues of communication among project management unit, stakeholders and affected people in order to ensure that these latest views, feedbacks and issues concerning the subproject are duly

taken into account during its preparation and implementation, with the objective of minimizing or offsetting its potential negative impacts and enhance its socio-economic benefits.

2. Public consultation and participation during implementation of the RP

During RP implementation, Binh Dinh PPMU, CCARB of Cat Hung, CPC are responsible for regular dissemination of sub-project information. This is delivered through various types of media such as meetings, seminars and their (information) display where AHs and beneficiaries are invited to participate. Project Information Booklet (PIB) and other documents are prepared by PPMU and distributed to AHs. Participants are encouraged to freely raise their opinions/feedbacks/comments on technical proposal and on impacts of the various design's components. Particularly, APs are to be especially consulted and they can give their feedbacks regarding resettlement activities of the subproject. These feedbacks are then incorporated into subproject design and implementation.

41. The project gives high priority to local people benefits, particularly to employment of APs for suitable jobs during construction. People are given the right to monitor and give feedback on subproject planning and RP implementation. Some of them are encouraged to join Community Supervisory Board (CSB) at the Commune to monitor the implementation process. They can express their grievances if they find any illegal/improper action or any situation to which they disagree in the RP formulation and during subproject implementation.

V. GRIEVANCE REDRESS MECHANISM

42. To ensure that complaints and grievances of AH regarding any aspect of land acquisition, compensation and resettlement are timely and effectively addressed a grievance redress mechanism with detailed procedures was established with AHs during the consultation meetings. All the AHs can send their grievances to the executing agencies regarding their rights to entitlements, compensation plan, price unit, land acquisition, resettlement and assistance in income restoration and rehabilitation. In addition, APs are exempted from paying fees during grievance process at any level, including those relate to any trial courts should these occur.

43. Grievances will be transmitted through three (3) levels prior to submission to the Court for litigation, as this should only be the last resort when grievances and complaints are not resolved in the three (3) levels of arbitration/mediation. Executing agencies shall assume all the administrative costs and additional legal fees during the process of grievance redress. The following stages for grievance redress are established based on Complaint Law No. 02/2011/QH13, dated 11/11/2011:

- **First Stage, Commune People's Committee:** The aggrieved affected household can bring their 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 the 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 up to a maximum of 60 days following the lodging of the complaint, depending on the complexity of the case or on the physical distance of the complainer's residence, to resolve it. The CPC secretariat is responsible for documenting in a file of all complaints that it handles.
- **Second Stage, District People's Committee:** If after 30 days or 45 days (in case of difficult access or a 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 or verbal, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days following the lodging of the complaint, depending on the complexity of the case or if this comes from a remote area, to resolve the case. The DPC is responsible for documenting and keeping a file of all complaints that it handles and will inform the CCARB of any

proposition/decision made; and the CCARB is responsible for supporting the DPC to resolve AH's complaint. The DPC must ensure that their decision is notified to the complainant.

- **Third Stage, Provincial People's Committee:** If after 30 days or 45 days (in case of difficult access or a remote area) the aggrieved affected household is not notified by the DPC, or is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either verbally or in writing, to any member of the PPC. The PPC has 30 days or maximum of 70 days, depending on the complexity of the case or if this comes from a remote area, to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping a file of all complaints submitted.
- **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 receive any notification 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 for the reconsideration of the case. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a Court of Law for adjudication. If the Court rules in favor of the complainant, then PPC will have to increase the compensation at a level decided by the court. In case the court will rule in favor of PPC, then the complainant will receive the compensation approved by PPC.

44. The above grievance redress mechanism will be disclosed and discussed with the AHs to ensure that the AHs understand the process. PPMU/CCARB and monitoring unit are responsible for follow up of the grievance process. Notwithstanding the provisions of the grievance process, local laws and regulations will take precedence. The amount of compensation and allowances to the complainant should be deposited in an escrow account until his/her complaint is resolved satisfactorily. Moreover, such procedures do not prevent a complainant to seek resolution of his/her complaint directly to the court at any stage of the complaint resolution process.

VI. LEGAL AND POLICY FRAMEWORK

45. 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 Binh Dinh 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

Legal framework of the Government of Vietnam: Law, decrees, and regulations of the Government of Vietnam on land acquisition, compensation and resettlement:

- (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/ND-CP on management and use of Official Development Assistance (ODA) and Concessional Loan of Donors.
- (iv) Decree No. 43/2014/ND-CP dated 15 May 2014 on detailing a number of articles of the land law 2013.
- (v) Decree No. 44/2014/ND-CP dated 15 May 2014 on Regulations on Land prices.

- (vi) Decree No. 47/2014/ND-CP dated 15 May 2014 of the Government of Vietnam on Regulations on compensation, assistance, and resettlement upon land recovery by the State.
 - (vii) Circular No. 36/2014/TT-BTNMT on land pricing method;
 - (viii) Circular No. 37/2014/TT-BTNMT on Guidelines in implementation of Decree No.47/2014/ND-CP
 - (ix) Decision No. 775/QĐ-TFGM dated 20/5/2013 of the Prime Minister on policy on supporting housing land, agricultural land, clean water to poor ethnic households and needy ones in the disadvantaged communes;
 - (x) Decree No. 75/2015/ND-CP dated 09/9/2015 of the Government of Vietnam on Mechanism and policies on forest protection and development in combination with sustainable and fast poverty alleviation and support for ethnic groups during 2015 – 2020.
46. With regard to Land acquisition and compensation in Binh Dinh province, Binh Dinh PPC has promulgated the Decisions for compensation, assistance and resettlement policy when land is acquired by the State in Binh Dinh province as follow:
- (i) Decision No. 343/2016/QĐ-UBND dated on February 03, 2016 approves specific compensation price option for affected AHs under the subproject of Upgrading My Thuan reservoir
 - (ii) Decision No. 13/2015/QĐ-UBND dated on 7 July 2015 by Binh Dinh PPC on promulgating compensation, assistance and resettlement policy when land is acquired by the State in Binh Dinh province;
 - (iii) Decision No. 34/2014/QĐ-UBND dated on 22 December 2014 by Binh Dinh PPC on promulgating price unit for types of land in period of 2015-2019 in the territory of Binh Dinh province.
 - (iv) Decision No. 40/2013 dated on 16 December 2013 by Binh Dinh PPC on promulgating price unit for trees and crop in the territory of Binh Dinh province;
 - (v) Decision No. 41/2013 dated on 16 December 2013 by Binh Dinh PPC on promulgating price unit for affected houses, structures and graves in the territory of Binh Dinh province.

B. Asian Development Bank Policy

47. *Involuntary Resettlement (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.

48. 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.
- 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 program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- xi. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- xii. Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

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

50. Persons or households without formal legal rights nor recognized or recognizable 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

51. 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.

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

53. 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 registered by affected people is neither an impediment for them to receive business restoration assistance. Engagement of an independent external party to document negotiation and settlement process is required under ADB Policy.

54. Policy framework and regulations to address resettlement impacts for sub-project “Upgrading My Thuan reservoir canal system” are prepared on the basis of relevant policies and laws of Vietnam and ADB Safeguard Policy Statement (SPS 2009).

55. 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.

56. Due to some discrepancies between the Policy of the Government of Vietnam and ADB Policy, a project policy framework is prepared to ensure these discrepancies are properly reconciled. The table4below shows the differences and presents project policy to address these discrepancies.

57. With the promulgation of the Land Law2013, 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.

58. 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 4: Discrepancies Between Viet Nam policy and ADB SPS (2009) and Project Policies

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
Severely impacted APs losing productive land	Decree 47/2014/ND-CP, Article 19, Item 3: 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.
APs without LURC	Land Law 2013, Article 77, item 2 and article 92: Persons who have used land before 1 st 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 recognizable legal claims to land acquired, will be equally entitled to participate in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before the cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.
Compensation for structures	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: 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. Land Law 2013, Article 92: 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.
Monitoring	No monitoring requirement	Monitoring is required. In case of significant or sensitive impacts,	The EA must undertake internal monitoring of RP and EMDP.

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
		an external monitoring organization should monitor RP and EMDP implementation	Anticipated negative impacts from the project are minor. No need to recruit an external monitoring organization.
Third-party validation of consultation related to land donations	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

59. To address the discrepancies between ADB SPS (2009) and relevant GOV regulations as described in the table above, the project 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) 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.
- (iv) Compensation and assistance will be based on the principle of replacement cost at the time of acquisition.
- (v) Temporarily affected land and communal infrastructure will be restored to pre-subproject conditions.
- (vi) 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.
- (vii) 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.
- (viii) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to AHs.
- (ix) 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.
- (x) The RP will be disclosed to AHs in a form and language(s) understandable to them prior to submission to ADB. RPs will be disclosed on the ADB website.
- (xi) Resettlement identification, planning and management will ensure that gender concerns are incorporated.

- (xii) 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.
- (xiii) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- (xiv) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- (xv) Resettlement transition stage should be minimized. Restoration measures will be provided to AHs before the expected starting date of construction in the specific location.
- (xvi) 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.
- (xvii) 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.
- (xviii) 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.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Eligibilities

Eligibility will be determined with regards to the cut-off date. The AHs will be informed about 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. For this subproject, the cut-off date was May 01, 2016.

60. 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 eligible for compensation. These are: (i) person with Land Use Right Certificates (LURCs) to land lost entirely 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) person who lost land they occupy in its entirety or partially who do not have recognized claim to that.

61. 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.

B. Entitlements

62. 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.

63. 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.

64. 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.

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

66. Entitlements of AHs as shown in table below will be applied for this subproject.

Table 5: Entitlement matrix

	Type of loss/ impact	Level of impact	Eligible person	Entitlements	Implementation issues
I	LAND				
1	Agricultural land	Permanently acquire 1,430 m ² of agricultural land	Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC. Total 1,430 m ² of agricultural land	a/ Cash compensation for acquired land at replacement cost. b/ Compensation for non-land affected assets at replacement cost. c/ Cash assistance for vocational training/job creation as set out in provincial policies in item 5 below.	Affected households/organization will fully receive the compensation at the replacement cost before site clearance. They will keep using the remaining part for their production purposes. Cash assistance for vocational training/job creation is not applied for 477m ² of Cat Hung CPC
II	CROPS, TREES AND STRUCTURES				
2	Crops	Loss 696 m ² of crops	Owners regardless of tenure status. Total 696 m ² of crops is be affected.	Cash compensation of un-harvested crops at market values based on the average production over past 3 years.	APs will be given three month notice that their land will be recovered and that they must harvest their crops on time or do not cultivate new crop. Affected HHs will fully receive compensation prior to conducting site clearance and not be deducted utilized assets.
3	Trees	Affect 1,247 of types of trees	Total 1,247 of types of trees is be cut down.	Cash compensation at current market prices given the type, age and productive value of the affected trees.	Calculation of compensation for trees is based on the age and diameter of the tree. AHs have the right to use salvageable trees.
4	Structure	Affect 25.5 m ² of brick fences	Owners of house or combined house/shop structures: Total 25.5 m ² of brick fences is be affected.	Cash compensation at full replacement cost for materials and labor and with no deduction for depreciation or salvageable materials.	Owners 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. Affected AHs will fully receive compensation prior to conducting site clearance and not be deducted utilized assets.
III	TRANSITION ASSISTANCE				

	Type of loss/ impact	Level of impact	Eligible person	Entitlements	Implementation issues
5	Assistance for job training/creation	Losing agricultural productive land	19 AHs losing annual crop land.	Cash assistance equal to 2 times of compensation value for AHs losing their land.	All assistances will be paid to AHs prior to site clearance.
6	Assistance for vulnerable AHs	Assistance for female - headed households	03 female - headed households and 01 HH is underpreferential treatment policy	Each AH will be given an allowance of 2,000,000 VND according to the uREMDF.	Assistance will be paid at the same time of compensation payment and before site clearance.

VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

67. According to Decision No. 343/QD-UBND dated on February 03, 2016 by Binh Dinh PPC, the compensation price for affected agricultural land under this subproject will be applied in accordance with Decision No. 34/2014/QD-UBND dated on 22th December, 2014 by Binh Dinh PPC with coefficient of 1.0 for agriculture land.

68. Calculation of compensation for crops (rice) is based on the average productivity of the last 3 years and price of rice on the market. Compensation for trees is calculated by type, age and diameter of the tree. Compensation unit price issued by the province for crops, trees and structures is presented in table below:

69. Result of consultation with AHs in Cat Hung commune showed that all participants into the meetings agreed with compensation policy of the subproject. They also agreed to receive compensation and assistance in accordance with unit price issued by Binh Dinh PPC according to Decision No.34/2014/QD-UBND dated on December 22th, 2014 by Binh Dinh PPC on promulgating price unit for types of land in period of 2015-2019 in the territory of Binh Dinh province; Decision No. 40/2013 dated on 16 December, 2013 by Binh Dinh PPC, promulgating price unit for trees and crop in the territory of Binh Dinh province; and Decision No. 41/2013/QD-UBND dated on 16 December 2013 by Binh Dinh PPC on promulgating price unit for affected houses, structures and graves in the territory of Binh Dinh province.

Table 6: Compensation price for crops/trees and structure

No.	Items	Unit	Compensation price (VND)
1	Agricultural land	m ²	28,000
2	Annual crops	m ²	1,600
3	Coconut	tree	1,200,000
4	Mango	tree	440,000
5	Eucalyptus	tree	16,500
6	Bamboo	tree	6,400
7	Lemon	tree	126,000
8	Banana	tree	9,450
9	Cashew	tree	262,500
10	Starfruit	tree	89,250
11	Brick fence	m ²	157,000

70. Total resettlement cost for the subproject is estimated to about VND **248,160,145** equivalent to USD **11,143**, of which compensation and assistance is about VND **221,176,600**. The remaining costs concern implementation and management cost and contingency (see Table 5 below). This budget for resettlement cost will be provided by the Binh Dinh People PPC, using the provincial budget.

Table 7: Summary of compensation cost

No.	Item	Unit	Quantity	Price (VND)	Cost (VND)
A	Compensation and assistance Cost =A1+A2				221,176,600
A1	<i>Compensation for land, annual crops, trees and structures</i>				<i>159,808,600</i>
1	Agricultural land	m ²	1,430	28,000	40,040,000
2	Annual crops	m ²	696	1,600	1,113,600
3	Coconut	tree	2	1,200,000	2,400,000
4	Mango	tree	12	440,000	5,280,000
5	Eucalyptus	tree	649	16,500	10,708,500
6	Bamboo	tree	200	6,400	1,280,000
7	Lemon	tree	3	126,000	378,000
8	Banana	tree	20	9,450	189,000
9	Cashew	m ²	359	262,500	94,237,500
10	Starfruit	m ²	2	89,250	178,500
11	Brick fence	m ²	25.5	157,000	4,003,500
A2	<i>Assistance cost</i>				<i>61,368,000</i>
1	Job training/Creation allowance for 19 AHs who has annual crop land will be affected	m ²	953	56,000	53,368,000
4	Assistance for vulnerable AHs (04 AHs)	HH	04	2,000,000	8,000,000
B	Implementation Cost (2%xA)				4,423,532
C	Provision Cost (10%x(A+B))				22,560,013
D	Total (A+B+C)		(Equivalent to USD 11,143)		248,160,145

IX. INSTITUTIONAL ARRANGEMENT

A. National Level

The 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 planning, coordination, and supervision of the resettlement implementation;
- (ii) Coordinating with executing agency to implement all components of project;
- (iii) Cooperating with ADB to provide consultancy service on resettlement issues of project;
- (iv) Screening and appraising safeguard policy issues of sub-projects with the assistance of LIC;
- (v) Supporting PPMU in the preparation and updating of RP of project's components to be submitted to PPC and ADB for approval;
- (vi) Collecting reports on project progress regarding land acquisition and resettlement prepared by PPMU to be submitted to relevant agencies and ADB;
- (vii) Supervising resettlement activities for project's components.

B. Province Level

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

71. 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 RPs implementation progress. PPMU's specific responsibilities are:

- (i) Prepare and monitor RP implementation of subprojects;
- (ii) Guide CCARB to implement resettlement activities in accordance with approved RP; and addressing any failure or shortcoming identified through internal resettlement monitoring to ensure that the objectives of resettlement plan are achieved and to financially and technically support CCARB and Commune Measurement Team with adequate facilities
- (iii) Coordinate with CCARB to implement information dissemination activities and consultation with stakeholders based on Project Implementation Guideline
- (iv) Coordinate with other relevant agencies to ensure that restoration and rehabilitation measures are timely provided to affected people;
- (v) 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;
- (vi) Timely implementation of mitigation measures following results of internal monitoring.

C. District Level

72. District People's Committee (DPC) will establish Commune Compensation, Assistance and Resettlement Board (CCARB) for implementation of RP; it also approves compensation plan as authorized by PPC and redresses complaints and grievances of affected people.

73. District People's Committee, in coordination with PPMU/CCARB and under the direction of PPMU, implements subproject activities. In particular:

- i) Implementing Public information disclosure and other documents to ensure that site clearance and resettlement procedures are understood by all the affected people.
- ii) Planning and implementation of the Detailed Measurement Survey (DMS) and disbursement for compensation.
- iii) Identifying affected people and severely affected households; preparing and providing for them restoration measures.
- iv) Supporting CCARB in grievances redress.

D. Commune Level

74. The CPC/CCARB will be responsible for the following:

- (i) In co-operation with District level and with commune level local mass organizations, mobilize people who will be tasked to implement the compensation, assistance and resettlement policy according to approved RP;
- (ii) Communicate the reason for land acquisition to the people whose land is to be recovered for the subproject;
- (i) Organize, plan and carry out compensation, assistance and resettlement activities;
- (ii) Perform the DMS, consultation and disclosure activities, design and implementation of income restoration program, coordination with various stakeholders;

- (iii) Prepare compensation plan and submit to DPC for approval. Implement compensation, assistance and resettlement alternative; Take responsibility for legal basis applied in compensation, assistance and resettlement policy following approved RP;
- (iv) To notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
- (v) Identify replacement land for AHs;
- (vi) Sign the Agreement Compensation Forms along with the AHs;
- (vii) Coordinate with the PPMU in the timely delivery of compensation payment and other entitlements to affected households; and
- (viii) Assist in the resolution of grievances.
- (ix) Actively participate in all resettlement activities and concerns.

X. IMPLEMENTATION SCHEDULE

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

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

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

Table 8: Indicative Schedule of Resettlement and Compensation Activities

Activities	Time
RP to be approved by ADB	8/2016
RP to be uploaded on ADB website and at subproject area	8/2016
Payment of compensation and allowance	8/2016
Land acquisition and site clearance	9/2016
Bidding and award of civil works	9/2016
Internal Monitoring of PPMU	Begin in 6/2016
1 st Semi-annual Monitoring of LIC	6/2016
The next semi-annual report of LIC	Every 06 month from the first monitoring

XI. MONITORING AND EVALUATION

A. Objectives of internal monitoring

The Project will establish systems for internal monitoring and evaluation. The main purpose of the monitoring and evaluation program 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.

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

assistance programs; (vii) identify actual or potential problems; and (viii) identify and implement quick response measures to mitigate emerging issues.

B. Responsible agencies for monitoring

78. The PPMU will establish an internal resettlement monitoring system and prepare progress monitoring reports on all aspects of land acquisition and resettlement activities for this subproject. Internal reports of RP implementation will be initially prepared by the PPMU and submitted to the CPMU, then is transmitted to LIC for the preparation of the semi-annual Internal Resettlement Monitoring Report (IRMR) to be submitted by CPMU to ADB. Likewise, all related information will be collected from the field to assess the progress of the RP implementation and included in the project's quarterly progress reports.

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

C. Indicators of monitoring

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

Table 9: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
INPUTS INDICATORS	Staffing and Equipment	<ul style="list-style-type: none"> Number of project dedicated PPMU staff Formation of CCARB Number of CCARB members and job function Adequate equipment for performing functions (including grievance recording) Training undertaken for all implementing agencies Construction Contractor meeting local employment targets for unskilled labor
	Finance	<ul style="list-style-type: none"> Resettlement budgets disbursed to CCARB and AHs in timely manner
PROCESS INDICATORS	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> Distribution of PIB to all AHs RP available in all districts Translation at ethnic minority villages and for individual minority AHs in villages of other ethnicity Consultations and participation undertaken as scheduled in the RP Grievances by type and resolution Number of local-based organizations participating in subproject
OUTPUT INDICATORS	Acquisition of Land	<ul style="list-style-type: none"> Area of cultivation land acquired Area of residential land acquired Fishponds acquired

Type	Indicator	Examples of Variables
	Buildings	<ul style="list-style-type: none"> • Number, type and size of private houses/structures acquired • Number, type and size of community buildings acquired • Number, type and size of government assets affected
	Trees and Crops	<ul style="list-style-type: none"> • Number and type of private trees acquired • Number and type of government/community trees acquired • Number and type of crops acquired • Crops destroyed by area, type and number of owners
	Compensation and Rehabilitation	<ul style="list-style-type: none"> • Number of households affected (land, buildings, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number and amount of payment paid • Compensation payments made on time • Compensation payments according to agreed rates • Number of houses demolished • Number of porches/kitchens dismantled • Number of replacement houses built by AHs on the same plot • Number of replacement houses built by AHs on other plots they own • Number of replacement houses built by AHs on allocated plots • Number of replacement businesses constructed by AHs • Number of owners requesting assistance for additional replacement land • Number of replacement land purchases effected • Number of land titles issued • Number of vulnerable groups provided additional assistance • Number of AHs who received support under livelihood restoration program
	Reestablishment of Community Resources	<ul style="list-style-type: none"> • Number of community buildings repaired or replaced • Number of seedlings supplied by type

ANNEX 1: MINUTES OF PUBLIC CONSULTATION

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

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập - Tự do - Hạnh phúc

DỰ ÁN PHÁT TRIỂN NÔNG THÔN TỔNG HỢP CÁC TỈNH MIỀN TRUNG - KHOẢN VAY BỔ SUNG BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG

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

Cát Lũng, ngày 31 tháng 5 năm 2016

Tên DATP: Sản xuất nông cấp là chủ yếu ở Mỹ Thuận

Xã Cát Lũng, huyện Phù Cát, tỉnh Bình Định

I. Thành phần tham dự:

- | | |
|-------------------------------|-------------------------------------|
| - Ông/Bà Nguyễn Văn Vinh | Chức vụ: Cán bộ Ban QLDA tỉnh |
| - Ông/Bà Nguyễn Văn Dũng | Chức vụ: Trùm văn Tài chính của LIC |
| - Ông/Bà Hoàng Đình Tuấn | Chức vụ: Trùm văn GSEDB LIC |
| - Ông/Bà Nguyễn Hữu Thông | Chức vụ: PCT UBND xã Cát Lũng |
| - Ông/Bà Phan Thanh Phú | Chức vụ: Cán bộ địa chính xã |
| - Ông/Bà Phạm Sỹ Hùng | Chức vụ: Chủ tịch UBND xã |
| - Ông/Bà Nguyễn Thị Ngọc Diên | Chức vụ: 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 thiết kế của dự án: các thông tin chung về dự án như mục tiêu, địa điểm, phạm vi xây dựng...
- Phổ biến thông tin về phạm vi ảnh hưởng và Khung Tái định cư và phát triển DTTS.
- Phổ biến tiến độ thực hiện, quy trình khiếu nại, giám sát, đánh giá,
- Phát tờ rơi thông tin dự án.

2.2 Tham vấn cộng đồng:

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

III. Ý kiến thảo luận

Đại diện UBND xã các tổ chức đoàn thể và
 người dân đang tập trung vào việc hàng loạt dự án
 trên địa bàn xã
 Các hộ BHH cho biết do phạm vi q/h của DDP
 khá nhỏ nên không q/h tới các dự án đầu tư
 và các hoạt động của các hộ dân. Do vậy người
 dân đang cố gắng tìm kiếm các tài sản bị
 thất lạc hàng chục mét vuông ruộng cấy
 các hộ khác với ruộng khác.
 Những người BHH cũng đang cố gắng
 mở rộng tìm kiếm và đang cố gắng
 tìm kiếm các dự án và đang cố gắng
 tìm kiếm các dự án theo dõi giá do UBND
 tỉnh phê duyệt cho TDT này.
 Các hộ BHH mong sớm nhận được tiền đầu tư
 và mang dự án đến thi công.
 Chính quyền địa phương đề nghị cơ sở phối hợp
 để giải quyết các thủ tục và trợ giúp để
 đảm bảo an ninh trật tự và đảm bảo về môi trường
 ngay qua thủ tục thi công.



Cuộc họp tham vấn kết thúc vào lúc ngày 31 tháng 5 năm 2016

Đại diện Ban QLDA tỉnh

Đại diện Cộng đồng
 Xuê
 Đỗ Xuân Tú

Đại diện UBND xã

 Đại diện tư vấn

Nguyễn Tiến Dũng 2

DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP
(Tham vấn cộng đồng về Chính sách an toàn Tái định cư và Dân tộc thiểu số)

(Danh sách đính kèm biên bản cuộc họp ngày 3.1. tháng 5. năm 2016. tại.....)

Tên DATP: Sinh cảnh năng cấp hồ chứa nước Mỹ Thuận
Xã: Cát Hồng, huyện: Phước Cát, tỉnh: Bình Định

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Nguyễn Tách	Nam	Mỹ Thuận	
2	Khổng Sang	Nam	Mỹ Thuận	
3	Nguyễn Dũng	Nam	Mỹ Thuận	
4	Nguyễn Hữu Đĩnh	Nam	Hồi Lữ	
5	Đỗ Văn Rank	Nam	Hồi Lữ	
6	Nguyễn Văn Lễ	Nam	Hồi Lữ	
7	Trần Văn Hên	Nam	Hồi Lữ	
8	Hồ Hải	Nam	Mỹ Thuận	
9	Trần Lại	Nam	Mỹ Thuận	
10	Hồ Mạnh	Nam	Mỹ Thuận	
11	Phùng Thị Bội	Nữ	Hồi Lữ	
12	Uở Bỉnh	Nam	Mỹ Thuận	
13	Nguyễn Thị Lê	Nữ	Mỹ Thuận	
14	Hồ Thị Như	Nữ	Mỹ Thuận	
15	Bùi Thị Xúc	Nữ	Mỹ Thuận	
16				
17				
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ANNEX 2. LIST OF VULNERABLE AFFECTED HOUSEHOLDS

No.	Name	Commune	Type of vulnerable
1	Nguyen Thi Le	Cat Hung	Female-headed household
2	Phung Thi Bon	Cat Hung	Female-headed household
3	Ho Thi Mua	Cat Hung	Female-headed household
4	Bui Thi Xuc	Cat Hung	Headed by persons with disability