

Resettlement Plan

January 2017

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

Subproject: Upgrading East-West Hoi Tom protection dike
and sections of on-farm roads, Thua Thien Hue Province

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

CURRENCY EQUIVALENTS

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

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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
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
LFDC		Land Fund Development Center
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
REMDF	-	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 Restoration Program	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life
Relocation	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Replacement Cost	- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs
Replacement Cost Survey	- This refers to the process involved in determining replacement costs of affected assets based on empirical data
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
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.

WEIGHTS AND MEASURES

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

NOTES

This resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

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EXECUTIVE SUMMARY

- 1. 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 “Upgrading East-West Hoi Tom protection dike and sections of on-farm roads”, Thua Thien Hue 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 legal policy framework, 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), District Land Fund Development Center (DLFDC), Commune Peoples’ Committee, affected people and the other stakeholders.
- 2. Scope of impacts:** This subproject affects a total of 59 households and 03 organizations with 325 persons in Phong Chuong, Dien Loc and Quang Thai commune. The DMS shows that the subproject permanently affects 10,749 m² agricultural land, in which 9,417 m² is managed by 03 CPCs and used by 19 AHs (10 AHs using land managed by Phong Chuong CPC, the other 9 AHs using land managed by Dien Loc CPC, no AH using land managed in Quang Thai commune), while 1,332 m² belong to 40 AHs. It means that 19 AHs using land of CPCs only suffered loss of crops/trees, while the other 40 AHs got losses of both land and crops/trees.
- 3.** The loss of crops/trees is only 10,093 m² (including rice, lotus and chilli) in Phong Chuong and Dien Loc commune because the remaining area of 656m² of agricultural land managed by Quang Thai CPC does not have cultivated crops/trees. Besides, there are 6,772.7 m² of fish breeding combined with lotus cultivation in Dien Loc commune affected by this subproject. All of the AHs are marginally affected, none of them are severely affected households or to be classified as vulnerable household. There is no ethnic minorities in subproject area.
- 4. 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.
- 5. Information Disclosure Public consultation and participation:** In 2014, the first round of consultation was conducted by the consultation team based on IOL results to prepare 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 having DMS results, the second consultation was conducted in October 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.
- 6. Gender Issues and Vulnerable Groups:** According to survey results, none of all AHs belong to vulnerable groups. 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. 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.

7. Institutional Arrangement: The Ministry of Agriculture and Rural Development (MARD), through its Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB), will coordinate with relevant agencies in the implementation of the RP. CPMU will cooperate with Thua Thien Hue PPC and instruct the Department of Agriculture and Rural Development (DARD), through its Provincial Project Management Unit (PPMU) to ensure that the compensation and other forms of assistance are administered according to the provisions of this RP. The District LFDC is established 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 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 Thua Thien Hue 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 sub-project affected households/organization will be fully paid in January, 2017 and site clearance also will be completed in January, 2017.

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. Cost Estimates for Compensation activities: It is estimated to be about VND **380,469,416 (equivalent to USD 16,761)** of which compensation and assistance is about VND **339,099,301**. Thua Thien Hue Provincial People's Committee is responsible for distributing counterpart fund for land acquisition and resettlement to LFDC of Phong Dien district so that the payment will be made directly to the affected people.

I. SUBPROJECT DESCRIPTION

A. Background

1. The SP "Upgrading East-West Hoi Tom protection dike and sections of on-farm roads " is one of the SPs of the Integrated Rural Development Sector Project in Central provinces (additional financing) proposed for funding. The beginning section of the East - West Hoi Tom dike cum road SP borders Hoi Lon, the ending section borders Hoi Tom (belonging to Tay O Lau dike). In phase 2, the project has constructed the East and West Hoi Tom dike, from Hoi Lon to Hoa Xuan No.2 bridge, total length of the dike is approximately 3.3km. At the moment, the whole 540ha of cultivation area is protected by the earth dike, which has narrow cross section, low crest elevation, so it does to provide reliable protection against flooding, xiao-man flood, and early floods. With the current condition of the dike, in rainy season, water from O Lau river over-flow the Hoi Tom dike and flood the fields, causing erosion to the dike's crest. Thus, at the beginning of the Winter-Spring crop, to cultivate in time, the local people has to make a lot of efforts to rehabilitate the dike. In detail, 1.3km of the eastern canal in Phong Chuong commune and Dien Loc commune and 0.7km of the Western canal in Quang Thai commune was destroyed by floods and there is no fund to reinstate the affected works, thus 45ha of cultivation area is now being abandoned. Moreover, the dike section in Quang Thai commune has very low elevation, cannot prevent xiao-man floods and early floods, hence 45ha of paddy field in this area can only cultivate 1 crop/year.

2. Since the dike is not steady enough, so the damages caused by floods are serious, especially xiao-man and early floods which often occur at the end of the Summer-Autumn crop and break the dike when the local people has not harvested their crops. Early floods of the Winter-Spring crop and flood-tide often increase river level, which cost more time and money for draining waterlogged; This has negative impacts on cultivation effectiveness.

3. The above shows that investment of the SP is of vital importance to the local people. The proposed scale of this sub-project under additionnal financing phase is as follows: Upgrading East-West Hoi Tom protection dike and sections of on-farm roads, total length of the dike on both sides is approximately 8km. The East dike is 5.9km long (in Phong Chuong, Dien Loc, and Quang Thai communes) and the West dike is 2.1km long (in Phong Chuong, Quang Thai communes). The SP will construct or upgrade bridges across the canal, open culverts, and some pipe culverts to serve irrigation and drainage. The SP will also widen the existing internal aggregate roads to serve construction and management purposes.

4. When construction is done, the work will bring huge benefits, reduce cost for water logging and annual maintenance, helps to improve annual income by increase production and crops, creating favorable conditions for on-farm transport, make the local people feel secured to work and invest in their farms.

B. Measures taken to Minimize Negative Impacts

5. All upgrading works will be done within the existing location of the road. To avoid increasing the potential impacts on the local people, they were 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 implementation of the RP following ADB's concurrence of the subproject RP. Other than the afore mentioned, the PPMU will ensure that the payment of compensation, assistance and relocation are completed and rehabilitation measures are in place prior to the issuance of notice to proceed (NTP) to start construction works.

C. Resettlement Plan

6. This Resettlement Plan (RP) ensures that the subproject will (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring subproject and 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.

7. 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 adversely affected by the subproject, where they are located, what compensation and related alleviating measures to be provided to them and how and when these measures will be carried out;
- (iii) Identification of content, participation plan of affected households in the various stages of the subproject, including resolution of grievances; and
- (iv) An estimate budget for resettlement implementation.

8. 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 and ADB has no NoL.

II. SUBPROJECT IMPACTS

9. Detailed Measurement Survey (DMS) was conducted from June to July 2016 by the Land fund Development Center of Phong Dien district (DLFDC) based on the approved technical design. Besides, a socio-economic survey and a consultation with AHs were carried out in October 2016 by LIC. Results of the DMS are used to prepare this RP, summarized as follows.

A. Permanent impacts

Affected households:

10. According to the DMS result, the subproject causes impacts on land and assets of 59 households and 03 organizations (Phong Chuong CPC, Dien Loc CPC and Quang Thai CPC). Among the 59 identified AHs, 40 AHs have both land and crops/trees affected, 19 remaining HHs (10 AHs using land managed by Phong Chuong CPC, the other 09 AHs using land managed by Dien Loc CPC) only have crops/trees affected because the cultivation land is under management of CPCs. All of the AHs are marginally affected, none of them are severely affected households or to be classified as vulnerable household. There is no Ethnic minority people in subproject area. The following table describes in detail the affected households:

Table 1: Number of affected households

Commune	Number of affected household and organization			Number of marginally AHs	Number of severely AHs	Number of vulnerable AHs
	AHs	Affected Organizations (AOs)	Total			

Phong Chuong	22	1	23	22	0	0
Dien Loc	37	1	38	37	0	0
Quang Thai	0	1	1	0	0	0
Total	59	03	62	59	0	0

Affected land:

11. According to DMS results, the sub-project permanently affects a total of 10,749 m² agriculture land. In which, 1,332 m² belong to 40 AHs and 9,417 m² managed by 03 organizations (Phong Chuong, Dien Loc and Quang Thai CPC). Among 59 identified AHs, 40 AHs got losses of both land and crops/trees, while the other 19 AHs using land of CPCs only suffered loss of crops/trees due to the fact that they use land managed by CPCs (10 AHs cultivating on land of Phong Chuong CPC and 9 remaining AHs cultivating on land of Dien Loc CPC).

12. Among those losing their land, all AHs have the land use rights certificate (LURC) on the affected land. The following table 2 summarizes the affected land by type of land and ownership:

Table 2: Affected agriculture land and owners

Communes	AHs		AOs		Total	
	No. of AHs	m ²	No. of AOs	m ²	No. of AHs and AOs	m ²
Phong Chuong	12	554	1	1,157	13	1,711
Dien Loc	28	778	1	7,604	29	8,382
Quang Thai	0	0	1	656	01	656
Total	40	1,332	3	9,417	43	10,749

Affected crops/trees:

13. All affected land in this subproject is annual crop land. A total of 10,093 m² annual crops/trees owned by 59 AHs has been affected by this subproject. Impacts on annual crop are rice, chilli, lotus. There is no annual crop affected in Quang Thai commune. Table below quantifies annualcrops/fish by commune.

Table 3: Affected annual crop/fish by type and commune

Commune	Impacts on annual crop (m ²)			Total(m ²)
	Rice	Chilli	Lotus	
Phong Chuong	692.7	844.5	276	1,813.2
Dien Loc	1,535.3	0	6,744.3	8,279.6
Quang Thai	0	0	0	0

Commune	Impacts on annual crop (m2)			Total(m2)
	Rice	Chilli	Lotus	
Total	2,228	844.5	7,020.3	10,093

Affected fish:

14. A total area of 6,772.7 m2 fish breeding integrated with lotus cultivation has been affected by this subproject in Dien Loc commune.

Affected structures:

15. As for DMS results, there are no structures affected by this subproject.

Affected historical or cultural heritages:

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

B. Temporary impact

17. 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.

18. 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.

19. 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 Phong Chuong, Dien Loc and Quang Thai commune, Phong Dien district. Total population of the subproject area is about 15,549 persons. The main income source of people in this commune is agriculture, including rice/crops and animal husbandry. Table 4 summarizes the basic socioeconomic data of the commune according to the socioeconomic report of CPCs in 2015.

Table 4: Basic socio-economic data of the communes

No.	Index	Unit	Commune		
			Phong Chuong	Dien Loc	Quang Thai
1	Natural area	km ²	35.46	13.63	18.12
2	Population	Person	7,282	5,603	4,664

No.	Index	Unit	Commune		
	+ Female	Person	3,868	2,998	2,476
		%	53.1	53.5	53
	+ Male	Person	3,414	2,605	2,188
		%	46.9	46.5	47
3	Population density	People/km2	205	411	257
4	Number of Household	Household	1,618	1,175	1,040
5	State budget revenue in local area in the first 6 months of 2016	Million VND	12,968	5,370	4,723
Agricultural					
6	Land area for growing rice	ha	1,743.3	645.4	607.2
7	Land for growing annual trees	ha	1,960.6	739.7	856.2
Poverty situation					
8	Poverty rate	Household	451	99	235
		Rate	21.6	8.4	17.2
Other indexes					
9	Primary students	Student	501	421	340
10	Lower secondary students	student	417	279	341

B. Affected household profile

20. The subproject directly affects 59 households with 316 people. All they are Kinh people. Male and female ratio is 47% and 53% respectively. The household size is 5.2 persons/HH.

21. Main income sources of the AHs are from agriculture. Average annual income per capita is VND 25,000,000.

C. Vulnerability

22. There are no vulnerable AHs affected in this subproject.

D. Gender issues

23. 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.

24. 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. However, men participate in community activities more than women due to their preoccupation with housework.

25. Basically, men and women equally take part in the discussions on 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.

26. 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 to do 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

27. **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 and they will be offset by the positive benefits brought about by the prevent erosion and landslides, preserve ecological areas, limit floods and epidemics after rainy season. No adverse impact is expected from the subproject on the AHs' use and access to land and natural resources, cultural and communal integrity, socioeconomic status, health, education, livelihood and social security status. However, 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.

28. **Subproject impacts on women.** No significant negative impacts on women are anticipated from this subproject. The subproject will have many 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 their farmlands;
- (iv) Temporary job/livelihood activities during the construction phase.

29. **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) Phong Dien 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 will be made with the Women's Union in the conduct of surveys, consultations and design works at 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 eliminating illiteracy for women);

- (vi) At least one woman will be representative of the commune women in the commune supervisory boards.

30. 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 prioritized as participants during the conduct of the gender awareness and sensitivity training to raise their awareness levels on gender-related issues hopefully resulting in the joint sharing of responsibilities in housework, in income generation and other community social activities. These activities will be means for enhancing women's practical and community gender roles. The gender-related efforts will help women to have more time for community activities and 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

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

32. Given the above-mentioned objectives and in compliance with the ADB requirements, Thua Thien Hue PPMU and LIC have been assisting the LFDC of Phong Dien district for Information disclosure from beginning and continuing throughout subproject preparation and implementation.

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

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

35. 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) lists 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.

B. Public Consultation and Participation

1. Consultation and participation during the RP preparation

36. During RP preparation, two (2) consultations were conducted at Phong Chuong, Dien Loc and Quang Thai CPC's Office (Phong Dien district), Thua Thien Hue Province.

37. In 2014, 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.

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

39. These meetings focused on:

- (i) Detailed design of subproject's policies, those eligible for compensation and resettlement assistance.
- (ii) The DMS, sub-project impact, eligibility particularly on the cut-off dates for this sub-project, grievance redress mechanism;
- (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;
- (v) Gender and vulnerable group issues;
- (vi) Implementation schedule

40. 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.

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

42. Minutes of this consultation meeting is attached as Annex on Minutes of Consultation Meeting as well as the list of participants in gender.

Table 5: Consultation meetings information

Commune	Number of participants (In the meeting was organized on October, 2016)			Summary feedback/opinion from participants
	Male	Female	Total	
Phong Chuong	10	04	14	- AHs participating in the meetings state that because upgrading and improving of the works are mainly implemented on the existing route, scope of impacts and effect caused by the subprojects on people's
Dien Loc	16	02	18	
Quang Thai	05	00	05	

				<p>living as well as production activity are not serious;</p> <ul style="list-style-type: none"> - 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; - All of the AHs agree to receive compensation and assistance in cash in accordance with the project's policy; - The participants in the meetings propose that it needs to have strict coordination of PPMU and contractor with local authority to ensure security as well as environment 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 to do suitable work during the construction process.
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43. Regular community consultation and participation 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 the avenues of communication among project management unit, stakeholders and affected people in order to ensure that their views, feedbacks and issues concerning the subproject are incorporated during project preparation and implementation with the objective of minimizing or offsetting the negative impacts and enhance socio-economic benefits from sub-project.

2. Public consultation and participation during implementation of the RP

44. During RP implementation, Thua Thien Hue PPMU, LFDC of Phong Dien district, CPC are responsible for regular dissemination of project information. The information is delivered through various types of media such as meetings, seminars, presentations 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 and can freely raise their opinions/feedbacks/comments on scope of impacts and entitlements of AHs . Particularly, APs are effectively consulted and can give their feedbacks regarding resettlement activities of subproject. These feedbacks are then incorporated into emerging progress of subproject implementation.

45. The project gives high priority to local people, particularly AHs for employment to do suitable jobs during construction phase. People are given the right to monitor and give feedback on subproject planning and RP implementation. Some of them may join Community Supervisory Board (CSB) at the Commune to monitor the implementation process. They can articulate their grievances if they find any illegal actions or any situation where they disagree in RP and subproject implementation.

V. GRIEVANCE REDRESS MECHANISM

46. 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 will not pay any fee during grievance process at any level and in trial courts.

47. Grievances will be transmitted through three (3) levels 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. 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 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 maximum of 60 days following the lodging of the complaint, depending on complicated case or distance, 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 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 complicated case or 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 determination made and the LFDC is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure their decision is notified to the complainant.
- **Third Stage, Provincial People's Committee:** 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 taken 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, depending on complicated case or remote area, to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping file 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 favor 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 favor of PPC, then the complainant will receive compensation approved by PPC.

48. The above grievance redress mechanism will be disclosed and discussed with the AHs to ensure that the AHs understand the process. PPMU/LFDC 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. Amount of compensation and allowances of the complainant should be deposited in an escrow account until his/her complaint 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

49. The legal and policy framework for dealing with the resettlement impacts of the subproject is given based on relevant policies and laws of Viet Nam and the ADB's Involuntary Resettlement Policy (SPS 2009). In this section, the relevant policies and laws of Vietnam, including policies of Thua Thien Hue Province, and policies of ADB are outlined, 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

50. 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 – 2010.

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

- (i) Decision No. 46/2014/QĐ-UBND dated on 5th August 2014 by Thua Thien Hue PPC on promulgating compensation, assistance and resettlement policy when land is acquired by the State in Thua Thien Hue province;
- (ii) Decision No. 75/2014/QĐ-UBND dated on 22th December 2014 by Thua Thien Hue PPC on promulgating price unit for types of land in period of 2015-2019 in the territory of Bthua Thien Hue province.
- (iii) Decision No. 67/2015/QĐ-UBND dated on 22th December 2015 by Thua Thien Hue PPC on promulgating price unit for trees/ crop/livestock in the territory of Thua Thien Hue province;
- (iv) Decision No. 1816/2016/QĐ-UBND dated on 3rd August 2016 by Thua Thien Hue PPC on approval plan for establishing specific replacement cost for land compensation of SP: “Upgrading East-West Hoi Tom protection dike and sections of on-farm” Phong Dien district.

B. Asian Development Bank Policy

52. *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.

53. 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.

54. 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.

55. 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

56. 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.

57. 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.

58. 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.

59. Policy framework and regulations to address resettlement impacts for sub-project “Upgrading East-West Hoi Tom protection dike and sections of on-farm” are prepared based on relevant policies and laws of Vietnam and ADB Safeguard Policy Statement (SPS 2009).

60. 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.

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

62. 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.

63. 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 6: 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	Rate of compensation for acquired housing, land and other assets will be calculated at	Full compensation at replacement cost will be paid for all affected structures (including

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
	<p>replacement cost.</p> <p>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.</p> <p>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</p>	<p>full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p> <p>Structures constructed on land with no LUCR before the cut-off date will still be compensated.</p>	<p>structures constructed on land with no LUCR before the cut-off date) without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p>
Monitoring	No monitoring requirement	Monitoring is required. In case of significant or sensitive impacts, an external monitoring organization should monitor RP and EMDP implementation	The EA must undertake internal monitoring of RP and EMDP. Anticipated negative impacts from the project are minor. No need to recruit an external monitoring organization.
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

64. 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

65. 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 27th May, 2016.

66. 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.

67. 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. As above mentioned, all AHs in this subproject have the land use rights certificate (LURC).

B. Entitlements

68. 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.

69. 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.

70. 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.

71. 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.

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

Table 7: Entitlement matrix

No.	TYPE OF LOSS/IMPACT	LEVEL OF IMPACT	ELIGIBLE PERSON	ENTITLEMENTS	IMPLEMENTATION ISSUES
I	LAND				

No.	TYPE OF LOSS/IMPACT ACT	LEVEL OF IMPACT	ELIGIBLE PERSON	ENTITLEMENTS	IMPLEMENTATION ISSUES
1	Agriculture Land.	Permanently acquire 10,749 m ² of agriculture land.	Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC. Total 1,332 m ² of agriculture land belonging to 40 AHs and 9,417 m ² belonging to 03 organizations (Phong Chuong, Dien Loc and Quang Thai CPC).	a/ Cash compensation for acquired land belonging to 40 AHs at replacement cost. b/ Cash compensation for acquired land belonging to 03 AOs at 75% of replacement cost. c/ Compensation for non-land affected assets at replacement cost. d/Cash assistance for vocational training/job creation as set out in provincial policies in item 6 below.	Affected households 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 03 CPCs.
II CROPS/TREES/FISH					
1	Crops	Loss 10,093 m ² of annual crops	Owners regardless of tenure status. Total 10,093 m ² of crops are being affected.	Cash compensation of un-harvested crops at market values based on the average production over past 3 years.	APs will be given three months 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.
2	Fish	Loss 6,772.7 m ² of fish breeding integrate with lotus cultivation	Owners regardless of tenure status. Total 6,772.7 m ² of fish are being affected	Compensation for fish by cash is calculated based on the actual damage due to early harvest.	Affected HHs will fully receive compensation prior to conducting site clearance.
III TRANSITION ASSISTANCE					
1	Assistance for job training/creation.	Losing agriculture land.	40 AHs with 1,332 m ² of agriculture land affected.	Cash assistance equal to 3 times of compensation value for AHs losing their land.	All assistances will be paid to AHs prior to site clearance.

C. Income restoration and rehabilitation

73. As Table 1, all the AHs are marginally affected; none of them are severely AHs and vulnerable AHs in this subproject. Thus, no income restoration strategy is designed for this subproject.

VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

74. The compensation price for land have been estimated and approved by Thua Thien Hue PPC for this subproject, as follows:

75. According to Decision No. 1816/QD-UBND dated on 3rd August, 2016 by Thua Thien Hue PPC on approval plan for establishing specific replacement cost for land compensation of SP: “Upgrading East-West Hoi Tom protection dike and sections of on-farm” Phong Dien district, whereby compensation price for agricultural land will be applied in accordance with Decision No. 75/2014/QD-UBND dated on 22th December, 2014 by Thua Thien Hue PPC on promulgating price unit for types of land in period of 2015-2019 in the territory of Thua Thien Hue province with coefficient of 1.0 for agriculture land.

76. Calculation of compensation for crops (including rice/chilli/lotus) is based on the average productivity of the last 3 years and price of rice/chilli/lotus/ on the market ; compensation for fish is calculated based on the actual damage due to early harvest and will be applied in accordance with Decision No. 67/2015/QD-UBND dated on 22th December 2015 by Thua Thien Hue PPC on promulgating price unit for trees/crop/livestock in the territory of Thua Thien Hue province;

77. Compensation unit price issued by the province for land and crops/fish is presented in table below:

Table 8: Compensation price for land and crops

No.	Items	Unit	Compensation price (VND)
1	Agricultural land	m ²	23,300
2	Chilli	m ²	8,250
3	Lotus	m ²	2,750
4	Rice	m ²	2,680
5	Fish	m ²	2,680

78. Result of consultation with AHs in Phong Chuong, Dien Loc, Quang Thai commune showed that all participants into the meetings agreed with compensation policy of the subproject and agreed to receive compensation for land and crops and assistance in accordance with unit price issued by Thua Thien Hue PPC according to Decisions as the above presentations.

79. Total resettlement cost for the subproject is estimated about VND **380,469,416** equal to USD **16,761** of which compensation and assistance is about VND **339,099,301** . The remaining costs are implementation and management cost and contingency (see Table 9 below). This resettlement cost will be provided by the Thua Thien Hue PPC, using the provincial budget.

Table 9: Summary of compensation cost

No	Type of cost	Unit	Quantity	Price	Cost (VND)
A.	Compensation and assistance cost =A1+A2				339,099,301
A1	Compensation cost (1-2-3)				245,992,501
1	Land compensation for AHs	m ²	1,332	23,300	31,035,600
2	Land compensation for AOs (at 75% of replacement cost)	m ²	9,417	17,475	164,562,075

3	Compensation for crops/fish				50,394,826
	Chilli	m2	844.5	8,250	6,967,125
	Lotus	m2	7,020.3	2,750	19,305,825
	Rice	m2	2,228	2,680	5,971,040
	Fish	m2	6,772.7	2,680	18,150,836
A2	<i>Allowances (1)</i>				93,106,800
1	Job training/ Creation allowance for AHs losing agriculture land (Equal to 3 times of compensation value for affected land area)	m2	1,332	69,900	93,106,800
B.	Implementation cost (2%xA)				6,781,986
C.	Provision cost (10%x(A+B))				34,588,129
D.	Total (A+B+C) in VND				380,469,416
	Total in USD			16,761	1USD=22,700

IX. INSTITUTIONAL ARRANGEMENT

A. National Level

80. 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) Supervision of resettlement activities for project's components.

B. Province Level

81. 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.

82. 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 LFDC 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 LFDC and Commune Measurement Team with adequate facilities
- (iii) Coordinate with LFDC and CPC 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

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

84. District People's Committee in coordination with PPMU/LFDC 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 the 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) Support CPC in grievances redress.

D. Commune Level

85. The CPC will assist the LDFC in their resettlement tasks. Specifically, the CPC 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) To co-operate with LDFC and working groups to communicate the reason for land acquisition to the people whose land is to be recovered for the subproject. To notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
- (iii) Assign Commune officials to assist the LDFC in the preparation of the RP and implementation of resettlement activities;
- (iv) Sign the Agreement Compensation Forms along with the AHs;

- (v) Assist in the resolution of grievances; and,
- (vi) Actively participate in all resettlement activities and concerns.

X. IMPLEMENTATION SCHEDULE

86. 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.

87. CPMU should ensure that contractors would 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 to and site clearance is completed.

88. 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 10: Indicative Schedule of Resettlement and Compensation Activities

Activities	Time
Final RP to be approve by ADB	1/2017
Public RP on ADB website and at locally	1/2017
Payment of compensation and allowance	1/2017
Land acquisition and site clearance	1/2017
Bidding and award of civil works	1/2017
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

89. 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.

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

B. Responsible agencies for monitoring

91. 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 which then is transmitted to LIC for the preparation of the semi-annual Internal Resettlement Monitoring Report (IRMR) to be submitted by CPMU to ADB. Likewise, all related information will be collected from the field to assess the progress of the RP implementation and included in the project's quarterly progress reports.

92. 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

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

Table 11: 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 LFDC Number of LFDC 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 LFDC 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
	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

Type	Indicator	Examples of Variables
	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

Điền Lộc, ngày 5 tháng 10 năm 2016

Tên DATP: Nâng cấp hệ thống điện lực cấp giao thông nội
đồng Đông Tây Bắc Tây
Xã: Điền Lộc, huyện Phong Điền, tỉnh Thừa Thiên Huế

I. Thành phần tham dự:

- | | |
|-----------------------------------|--|
| - Ông/Bà <u>Điệp Hải Phong</u> | Chức vụ: <u>Cán bộ làm QLQA cấp</u> |
| - Ông/Bà <u>Đoàn Đình Thuận</u> | Chức vụ: <u>Phó giám đốc TTP7 QL huyện</u> |
| - Ông/Bà <u>Lê Đức Thuận</u> | Chức vụ: <u>Tư vấn Thiết kế</u> |
| - Ông/Bà <u>Trần Văn Thuận</u> | Chức vụ: <u>Phó cơ UBND xã</u> |
| - Ông/Bà <u>Trần Nguyễn Hoàng</u> | Chức vụ: <u>Cán bộ địa phương xã</u> |
| - Ông/Bà <u>Đặng Ngọc Phong</u> | Chức vụ: <u>Trưởng thôn Giáp Nam</u> |
| - Ông/Bà <u>Nguyễn Tuấn Dũng</u> | Chức vụ: <u>Tư vấn KTC</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 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

Ban QLDA tỉnh rõ từ việc đã tiến hành phổ biến thông tin về quy mô, phạm vi, địa điểm, thời gian công suất và lịch hoạt động... Từ vấn đề thiết kế là xây dựng các công trình và lắp đặt các công cụ và trang thiết bị... giải đáp các thắc mắc của đại biểu quyết tâm và các hộ dân.

Chấp hành địa phương và người dân vùng nông thôn TDA... Đại diện chấp hành địa phương và người dân hướng dẫn biết họ đã nhận được chính sách tiền của của địa phương như các quyết định mà họ được hưởng theo với các tài sản bị thất lạc.

Người dân và đại diện chấp hành địa phương cũng tiếp nhận giải pháp nhận được tiền của của họ dân mà địa phương các anh thời phạm vi hẹp với mức độ gộp không nhận được.

Người bị ảnh hưởng đồng tiếp nhận tài sản của địa phương bị mất đi... Đại diện chấp hành địa phương và người dân tiếp nhận tài sản của họ dân mà địa phương các anh thời phạm vi hẹp với mức độ gộp không nhận được.

Chấp hành địa phương và người dân tiếp nhận Ban QLDA và nhà máy... Chi công phối hợp chặt chẽ với UBND xã và người dân trong quá trình thi công để tránh ảnh hưởng tới người dân và giải quyết các vướng mắc nếu có.

Cuộc họp tham vấn kết thúc vào lúc ngày 5 tháng 1^o năm 2016

Đại diện Ban QLDA tỉnh

[Signature]
Điệp Minh Thọ

Đại diện Cộng đồng

[Signature]
Trần Đình

Đại diện UBND xã

[Signature]
Đỗ Văn Hưng

Đại diện tư vấn

[Signature]
Nguyễn Văn Dũng

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 5.. tháng 12 Năm 2016.. tại.....)

Tên DATP: Nâng cấp hệ thống đê đống Tân Hải Tân
 Xã: Đài Lộ, huyện: Phong Điền, tỉnh: Thừa Thiên Huế

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Nguyễn Bách	nam	Giáp Nam	Bách
2	Nguyễn Văn Thèo	nam	Giáp Nam	Thèo
3	Lê Văn Cầu	nam	Giáp Nam	Thèo
4	Đỗ Ngọc Phú	nam	Giáp Nam	Phu
5	Hà Thị Nhiên	Nữ	Giáp Nam	Nhiên
6	Phạm Văn Hải	nam	Giáp Nam	Hải
7	Trần Quốc Tuấn	Nam	Nhiệm Đ	Trần Tuấn
8	Trần Nguyễn Hưng	Nam	CB ĐC - XD	Hưng
9	Hà Phú Đình	Nam	CV xây dựng	Hà Đình
10	Lê Quang Vinh	Nam	CĐ Hội CBS	Vinh
11	Trần Hoài	Nam	Thôn Trại Mỏ Vàng	Trần Hoài
12	Nguyễn Văn Dũng	Nam	Thôn Trại Mỏ Vàng	Nguyễn Dũng
13	Lê Văn Hùng	Nam	Phụ CƯ QUANG Đ	Lê Hùng
14	Đặng Văn Phong	nam	Thôn Trại	Đặng Phong
15	Trần Thị Nhà	Nữ	Giáp Nam	Nhà
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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

Phong Châu ngày 05 tháng 10 năm 2016

Tên DATP: Nâng cấp Hệ thống đê kết hợp giao thông nội
đông Đông Tây Ngõ Lớn
Xã: Phong Châu huyện Phong Điền tỉnh Thừa Thiên Huế

I. Thành phần tham dự:

- Ông/Bà <u>Điệp Linh Phong</u>	Chức vụ <u>Chủ tịch Ban QLDA Tỉnh</u>
- Ông/Bà <u>Đoàn Đ.T. Thuận</u>	Chức vụ <u>P. Giám đốc T.T.P.T.Đ.H. Phong Điền</u>
- Ông/Bà <u>Nguyễn Quang Dũng</u>	Chức vụ <u>Đại diện Tài với thiết kế</u>
- Ông/Bà <u>Nguyễn Lê Ý</u>	Chức vụ <u>Chủ tịch MTTD xã</u>
- Ông/Bà <u>Nguyễn Thị Linh Nhân</u>	Chức vụ <u>Chủ tịch Hội Phụ nữ xã</u>
- Ông/Bà <u>Nguyễn Tài Dũng</u>	Chức vụ <u>Tài với TDC - LIC</u>
- Ông/Bà	Chức vụ
- 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 Ban QLDA tỉnh thông báo mục đích, nội dung cuộc họp và phân bổ ngân sách, phân bổ địa điểm và kế hoạch cụ thể thực hiện. Cán bộ tư vấn thiết kế trình bày thành phần và giải pháp về các thiết bị chuẩn bị, thiết kế và xây dựng.

Đại diện các quyết định chính, và các đơn vị tư vấn kỹ thuật và mong muốn sớm triển khai thực hiện dự án và sự hỗ trợ của các đơn vị. Các tổ chức địa phương, do dự án là cơ sở để đầu tư dài hạn và tài sản như nhà, đường có các tài sản công cộng từ đó xây dựng và phát triển.

Những người tham gia đã đưa ra các đề xuất, góp ý và đóng góp để dự án được thực hiện tốt nhất. Các ý kiến đóng góp đã được ghi nhận và sẽ được nghiên cứu, xử lý kịp thời. Các ý kiến đóng góp đã được ghi nhận và sẽ được nghiên cứu, xử lý kịp thời.

Cuộc họp tham vấn kết thúc vào lúc ... ngày 5 tháng 10 năm 2016

Đại diện Ban QLDA tỉnh

[Signature]
Diệp Minh Phong

Đại diện Cộng đồng

[Signature]
Nguyễn Bá Ý

Đại diện UBND xã

CHỦ TỊCH
[Signature]
Lê Việt Phước

Đại diện tư vấn

[Signature]
Nguyễn Tấn Dũng

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 5... tháng 10 Năm 2016. tại.....)

Tên DATP: Năng cấp hệ thống đê kè kết hợp giao thông Đông Tây Hời Dâu
 Xã: Phong Châu, huyện: Phong Điền, tỉnh: Thừa Thiên Huế

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Nguyễn Bội Ý	Nam	Chủ tịch Hội Dân xã	
2	Hồ Văn Giàu	Nam	Phù Lộc, Phong Châu	
3	Hồ Chi Vy	Nữ	Phù Lộc, Phong Châu	
4	Nguyễn Chí Diệp	Nam	Chín Bàn, Phong Châu	
5	Nguyễn Văn Lành	Nam	Mỹ Xuân, Phong Châu	
6	Bùi Huy Sơn	Nam	Nhất Phong, Phong Châu	
7	Hồ Văn Tuấn	Nam	Mỹ Xuân, Phong Châu	
8	Nguyễn Thị Linh Nhâm	Nữ	CĐ Hải LHPN xã	
9	Nguyễn Hữu Nghĩa	Nam	Bí Chi Xã Đoàn	
10	Nguyễn Lỗi	Nam	Thôn Trại	
11	Nguyễn Quang Duy	Nam	Đại diện T.V.T.CĐ	
12	Nguyễn Hòa Nhân	Nam	Đại diện: TT PQĐ	
13	Nguyễn Thị Đan	Nữ	Nhất Phong, Phong Châu	
14	Nguyễn Chí Lý	Nữ	và Phong Châu	
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ANNEX 2. SOME PICTURES OF CONSULTATION MEETING AND PROJECT AREA



PCM in Phong Chuong commune



PCM in Dien Loc commune



Easten side of Hoi Tom protection Dike



Westen side of Hoi Tom protection Dike