

Resettlement and Ethnic Minorities Development Plan

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VIET NAM: INTEGRATED RURAL DEVELOPMENT SECTOR PROJECT IN THE CENTRAL PROVINCES (Additional Financing)

Subproject: Lining the northern main canal and
management road of Nha Trinh - Lam Cam irrigation
system, Ninh Thuan province

CURRENCY EQUIVALENS

(as of 11th April, 2016)

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US\$1 = VND 22,255

ABBREVIATIONS

ADB	Asian Development Bank
AHs	Affected Households
APs	Affected Persons
APMB	Agriculture Project Management Board
CARB	Compensation Assistance and Resettlement Board
CPC	Commune Peoples' Committee
CPMU	Central Project Management Unit
CSB	Commune Supervisory Board
DARD	Department of Agriculture and Rural Development
DLFDC	District Land Fund Development Center
DMS	Detailed Measurement Survey
AHs	Displaced Persons
DPC	District Peoples' Committee
DRCs	District Resettlement Committee
EM	Ethnic Minority
EMDP	Ethnic Minority Development Plan
GAP	Gender Action Plan
GoV	Government of Vietnam
HHs	Households
HIV-AIDS	Human Immuno Virus-Acute Immune Deficiency Syndrome
IOL	Inventory of Losses
IPP	Indigenous Peoples' Plan
IRDSPCP	Integrated Rural Development Sector Project in Central Provinces
IRMR	Internal Resettlement Monitoring Report
LIC	Loan Implementation Consultant
LURC	Land Use Registration Certificate
MARD	Ministry of Agriculture and Rural Development

N-T-P	Notice-to-Proceed
ODA	Official Development Assistance
O&M	Operation and Maintenance
PIB	Project Information Booklet
PPC	Provincial Peoples' Committee
PPMS	Project Performance Monitoring System
PPMU	Provincial Project Management Unit
RE MDF	Resettlement and Ethnic Minority Development Framework
REMDP	Resettlement and Ethnic Minority Development Plan
RP	Resettlement Plan
ROW	Right-of-Way
SAH	Severely Affected Household
SES	Socio-Economic Survey
SP	Subproject
SPS	Safeguards Policy Statement
STI	Sexually-transmitted infection
VND	Vietnamese Dong
VWU	Vietnamese Women's Union
WUGs	Water Users Groups

GLOSSARIES

- Displaced person (DP)** - Means any person or persons, household, firm, private or public institution that are fully or partially, permanently or temporarily physically displaced (relocated, lost residential land, or lost shelter) and/or economically displaced (lost land, assets, access to assets, income sources or means of livelihood) due to (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. AHs could be of three types: (i) persons with formal legal rights to land lost; (ii) persons who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who have neither formal legal rights nor recognized or recognizable claims to the lost land. In the case of a household, the term DP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
- 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 Programme	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life
Relocation	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Resettlement and Ethnic Minorities Development Plan (REMDP)	- A plan for resettlement of an ethnic minority population, combining the resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.
Replacement Cost	- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs
Replacement Cost 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.

NOTE

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I. EXECUTIVE SUMMARY

Overview

1 Subproject “Upgrading Beginning Section of the Primary North Canal of Nha Trinh - Lam Cam Irrigation system” is one of proposed sub-projects for the second phase (Additional Financing) under the Integrated Rural Development Sector Project in the Central Provinces (IRDSPCP). The REMDP was prepared based on the 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 2015 - 2016, the results of replacement cost and the results of public consultation. REMDP is prepared with the participation and consultation with relevant agencies, namely: Provincial Management Unit (PPMU), District Land Fund Development Centre (DLFDC), Commune Peoples’ Committee, affected people and the other stakeholders.

Scope of Land Acquisition and Resettlement

2 Subproject “Upgrading Beginning Section of the Primary North Canal of Nha Trinh – Lam Cam Irrigation System” is implemented in Nhon Son Commune (Ninh Son District) and Do Vinh Ward (Phan Rang Provincial City) Ninh Thuan Province. According to DMS results, the subproject will impact on two (2) organizations and 192 households, of which 14 households are classified as severely affected households because they will lose more than 10% of their agricultural land. None of the severely affected HHs lost over 30% of their agricultural land and no households has to relocate. Among the 73 AHs belonging to vulnerable groups, 48 are ethnic minority AHs, 16 are female-headed AHs, 4 are poor AHs and 5 AHs are households covered by social policy.

3 The total area of affected land is 20,404 m² in which 19,995 m² are agricultural land and 409 m² are residential land. In addition, the implementation of the subproject will have impacts to 13,148 m² of paddy rice, 7,984 trees and 7,805 m² of various types of structures.

Legal Policy Framework

4 Legal Policy Framework and Entitlements: The updated Resettlement and Ethnic Minority Development Framework (uREMDF) was prepared and applied for the project to meet the requirements of the ADB’s SPS 2009 on Involuntary Resettlement Policy and the legal documents of the Government of Vietnam (GoV) that are described in Chapter VII in detail. The terms and principles in this REMDP are in accordance with the current regulations of Vietnam. However, in case of any discrepancy, Asian Development Bank’s (ADB’s) Policy will be followed.

Information Disclosure Public Consultation and Participation

5 In August 2014, the first round of consultation was conducted by the consultation team to prepare REMDP of the subproject. The consultation was carried out with the participation of representatives from District People’s Committee (DPC), District Land Fund Development Center (DLFDC), leaders of Commune People’s Committee (CPC) and organizations at commune level, heads of villages and affected households. The second consultation was conducted in February 2016 to continuously disseminate information to affected people and solicit their comments regarding resettlement issues and concerns. Consultation results with affected HHs shows that the affected HHs agree with compensation policies of the sub-project and agree to receive compensation amount as well as assistance in accordance with the compensation unit price approved by the PPC.

6 A grievance redress mechanism with four (4) levels is presented in Section 6 of this REMDP.

Gender Issue and Vulnerable Groups

7 According to survey result in Nhon Son Commune (Ninh Son District) and Do Vinh Ward (Phan Rang Provincial City), Ninh Thuan Province; there are 48 affected ethnic minority households, 16 female-headed households, four (4) poor households and 5 households under preferential treatment policy. These households belong to vulnerable groups who will be entitled to assistance as regulations in the Updated REMDF.

8 In general, the implementation of subproject will have minor impact on women and ethnic people as well other affected people. Besides, mitigation measures are also prepared in this REMDP to ensure that negative impacts are minimized. In addition, a Gender Action Plan (GAP) is incorporated in this REMDP and will be complied with during the implementation of the subproject.

Institutional Arrangement

9 The Ministry of Agriculture and Rural Development (MARD), through its Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB), will coordinate with relevant agencies in the implementation of the REMDP. CPMU will cooperate with Ninh Thuan 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 REMDP. The Land Fund development Center (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 REMDP.

Implementation Schedule

10 Civil contract award for the subproject (SP) shall not be approved by ADB unless its final REMDP is approved. CPMU will make sure that construction work will not be implemented by contractors unless Ninh Thuan 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/organizations will be fully paid before early June, 2016 and site clearance will be completed by the mid of June, 2016.

Monitoring and Evaluation

11 Monitoring of REMDP 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 REMDP implementation, particularly the issues and concerns that may affect smooth implementation; includes also actions taken by parties and the recommendations to address the issues.

12 LIC will also evaluate the extent of living condition restoration of AHs during and after the subproject.

Cost Estimates for Compensation and Assistance and Resettlement Budget

13 Ninh Thuan Provincial People's Committee is responsible for distributing counterpart fund for land acquisition and resettlement to District Land Fund Development Center so that the payment will be made directly to the affected people. Compensation and allowances are estimated to be about VND **5,702,651,237 (equivalent to USD 256,241)**. In which: (i) compensation amount for affected land is 816,184,664; (ii) compensation amount for affected

crops and trees is VND 550,185,280 ; (iii) compensation for affected structures is VND 1,269,684,127; assistance amount is VND 2,446,522,789; (iv) Implementation Cost is VND 101,651,537; (v) Provision Cost is VND 518,422,840.

II. SUBPROJECT DESCRIPTION

II.1. Background

14 Subproject “Upgrading Beginning Section of North Primary Canal of Nha Trinh – Lam Cam irrigation System (herein referred to as The North Canal subproject) is implemented in Ninh Son District, and Phan Rang – Thap Cham City of Ninh Thuan Province. The alignment traverses through two (2) communes/ward of Nhon Son (Ninh Son District) and Do Vinh (Phan Rang – Thap Cham City), Ninh Thuan Province.

15 Nha Trinh – Lam Cam irrigation system is considered as a large but an old irrigation scheme that was constructed over a hundred years ago in Ninh Thuan Province. The total irrigated area of the system is 12,800has, covering over three (3) districts of Ninh Thuan which consists of the primary North Canal. At present, 9.5 km of the North Main Canal section from K0+500 to K10; after 40 years of operation and experience of the big flooding; the canal’s bed is seriously eroded and heavily silted leading to changes in the original cross section; together with unstable regime which is lower than the designed capacity. The structures within the canal are severely degraded due to long operation period which resulting in unstable water conveyance and leakages. Majority of the intakes are damaged and have not been rehabilitated resulting in inefficient control of water flow. These sections no longer meet the design capacity and are inefficiently working . If no immediate upgrading is done, the total irrigated area of the primary North Canal and Lam Cam Scheme will be seriously affected.

16 Canal and structures on the canal: Structures on the canal were constructed using various materials: grouted riprap, riprap, bricks and reinforced concrete. After 40 years of operation, many of these were degraded. The intake valves and control culverts were damaged, thereby, not realizing their functions and resulted in ether a shortage or excess in water.

17 The Primary Canal: The canal embankment traverses through residential and production areas of local people. This, likewise, is seriously damaged, and causes difficulties in travelling among the local people, especially during the rainy season. The damages consist of an eroded bank, especially the section which is composed of sandy soil and the concave point of the curved section as well as many parts with cracked and eroded foundation. The canal’s cross section lost its shape and is now incongruent with the design technical specifications. The canal’s system is mostly made of earth canals, some sections were constructed on sandy land with unstable composition and great percolation. Over the years of its operation and with negative impacts from nature (flooding), human, and shortcomings in management of its operation and maintenance (O&M), the irrigation scheme is severely degraded.

II.2. Measures taken to minimize negative impacts

18 Upgrading the beginning section of North primary canal of Nha Trinh – Lam Cam irrigation system will be implemented within the existing work and right of-way (RoW). To avoid an increase in potential impacts, affected people were advised during the consultations not to construct any fixed structure or plant trees in the proposed construction site. A Project Information Booklet (PIB) explaining the policy on the cut-off to determine eligibility and other resettlement issues, will be distributed to affected households and local authority after the approval of the REMDP. The Government will ensure that assets’ recovery, compensation and payment assistance for life rehabilitation to affected people will be completed prior to the issuance of a notice-to-proceed (NTP) to start construction works.

19 Measures to minimize negative impacts during construction will include re-using excavated materials from the existing road to build the new road embankments, to reduce the volume of construction materials to be extracted from borrow pits and transported through public

roads, thereby reducing environmental impacts such as dusts, air emission and noise that would affect subproject local community particularly children and the elderly who are at risk to these pollutants.

II.3. Resettlement and Ethnic Minority Development Plan (REMDP)

20 REMDP will ensure that subproject will (i) involuntary resettlement wherever possible will be avoided ; (ii) minimize involuntary resettlement by exploring subproject design alternatives ; (iii) enhance, or at least restore, the livelihood of all affected persons in real terms relative to pre-subproject levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

21 This document develops a roadmap for affected ethnic minorities (EMs). The objective is to design and implement subprojects in a way that fosters full respect to Indigenous Peoples' (IPs) identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of subprojects, and (iii) can participate actively in subprojects that affect them.

22 This REMDP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB's Safeguard Policy Statement (SPS)(2009) with the national and provincial government policies which include:

- 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;
- Identification of households and communities to be adversely affected by the Project, 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;
- A plan on how the AHs will be involved in the various stages of the Project, including resolution of grievance; and
- An estimated budget for resettlement implementation

23 This REMDP is updated 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.

III. SUBPROJECT IMPACTS AND LAND ACQUISITION

24 Detailed Measurement Survey (DMS) was conducted in January 2016 by DLFDC of Ninh Son district and Phan Rang city based on the approved technical design. Results of the DMS are summarized as follows.

III.1. Permanent impact

Affected households

25 According to DMS result, the subproject will have impact on the assets of 194 households and organizations comprised of 192 households and two (2) organizations (Department of Plant Protection and Nha Ho Seed Joint Stock Company).

Table 1: Number of affected households/organizations

Commune	Severely AHs				Business AHs	Vulnerable AHs	Affected Organizations	Marginal AHs	Total AHs
	Total	Relocated	Losing 10% or more productive land						
			10%-30%	More 30%					
Ninh Son	07	0	07	0	0	71	02	171	178
Do Vinh	07	0	07	0	0	02	0	09	16
Total	14	0	14	0	0	73	02	180	194

Source: DMS, 2016

26 All the affected households are located in the area of two (2 communes) which are: Nhon Son (Ninh Son District) and Do Vinh Ward (Phan Rang City). Of the 192 total affected households, 144 households are Kinh and 48 households are ethnic minorities.

Affected land

27 According to DMS result, the implementation of subproject will have permanent impacts to 20,404 m² of agricultural land and rural residential lands of 192 households in two (2) communes/wards from these data, Nhon Son Commune will lose 18,803 m² of land while Do Vinh Ward will lose 1,601 m². There are 180 households who will lose their agricultural land and 12 households who will lose their residential lands. All of the households whose lands will be affected are located in Nhon Son Commune and Do Vinh Ward. See the table below:

Table 2: Summary on land acquisition

Type of affected land	Nhon Son Commune		Do Vinh Ward		Total	
	No of AHs	Area (m ²)	No of AHs	Area (m ²)	No of AHs	Area (m ²)
Agricultural land	164	18,746	16	1,294	180	19,995
Rural residential land	12	409	0	0	12	409
Total	176	19,155	16	1,294	192	20,404

Source: DMS, 2016

Affected crops and trees

28 Permanent acquisition of agricultural land will result in the loss of crops and trees of the affected households. In both communes, approximately 115 households will lose 13,148 m² of rice; 94 households will lose 7,984 trees (for example: coconut, banana, mango, custard, label...) of all kinds when the subproject is implemented. However, these losses will be offset due to an increase in crop yields as a result of an improved irrigation system.

Table 3: Affected crops and trees

Type of affected land	Nhon Son Commune		Do Vinh Ward		Total	
	No of AHs	Area/ Quantity	No of AHs	Area/ Quantity	No of AHs	Area/ Quantity
Annual crops (m ²)	103	12,193	12	955	115*	13,148
Trees (quantity)	91	6,710	3	1,274	94*	7,984

Source: DMS, 2016

*To note that 167 AHs lost both crops and trees.

Affected structures

29 Subproject implementation will have no relocation impact, however, it is inevitable that there will be impacts on structures of households along the route such as fencing walls and water tank, among others. As per DMS result, there are 77 households in Nhon Son Commune who have affected 7,805 m² structures and ancillaries of all types (for example: Temporary houses, Mesh fencing B40 wooden pole, Animal Cages...). But in Do Vinh Ward, no households will have affected structures. There is no household who has affected structures.

Affected historical or cultural heritages

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

Status of land use rights of affected households

31 All 192 affected HHs have been identified that they have proper land use rights for the affected land. See the table below for detail information:

Table 4: Status of land use rights

No	Commune/ward	Already have LURCs	Under LURCs delivery progress
1	Nhon Son	114	62
2	Do Vinh	9	7
Total		123	69

Source: DMS, 2016

III.2. Temporary Impact

32 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.

33 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 REMDP provisions are complied with. Contractors are not allowed to temporarily acquire land without a documented agreement with the landowner.

34 One of the conditions in the issuance of the final payment to civil contractors is that the contractors should submit papers to prove that the acquired land is restored to its pre-subproject condition and there is no issue on payment made from temporarily acquired land. LIC which monitors REMDP implementation will check and issue a confirmation that contractors have complied with the land restoration activities.

III.3. Vulnerable groups

35 The project's updated REMDF defines, vulnerable households to be those belonging to a special group who might disproportionately suffer or at risk of being further marginalized due to the negative impacts of resettlement.

36 According to DMS result, there are 73 AHs who belong to vulnerable groups in which 48 are ethnic minority AHs, 16 are female-headed AHs, four (04) are poor AHs and another five (05) AHs are under preferential treatment policy of government. Table below shows a breakdown of each type of vulnerable group:

Table 5: Number per type of vulnerable household

No	Vulnerable household	Nhon Son Commune	Do Vinh Ward	Total
1	Female-headed households	15	01	16
2	Poor households	04	0	04
3	Ethnic minority household	48	0	48
4	Household without agricultural land	0	0	0
5	Disabled household heads	0	0	0
6	Household with children and elders/ household under preferential treatment.	01	04	05
Total		68	05	73

Source: DMS, 2016

37 According to updated REMDF and the policy of the Government of Vietnam (Go), the vulnerable groups will be provided assistance and other types of assistance during implementation of subproject. 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.

IV. SOCIO-ECONOMIC PROFILE AND INFORMATION

IV.1. Socio-economic features in the subproject area

38 Nhon Son commune has natural area of 3,160.38 ha, its population in year 2013 is 12,705 people, population density is 402 person/km², percentage of poor households is 8%; ethnic minority accounts for 23.2%. Do Vinh has natural area of 3,042.65 ha, population in year

2013 is 3,768 households (15,525 people). Poor households accounts for 4.8%, ethnic minorities accounts for 0.6%.

Table 6: Background of subproject area

Commune/ward	Area (ha)	Population (household)	Ethnic minority (%)
Nhon Son	3,160.38	12,705	23.2
Do Vinh	3,042.65	15,525	0.6

39 Infrastructures and social welfare services in these communes are interlinked by inter-communal road and inter-regional road which facilitate people in travelling and trading. Telecommunication system has been constructed in the residential areas. The whole SP area now has mobile phone signal. National grid has reached all the subproject areas. All the local AHs have access to basic social services, such as. 100% of households have access to the grid line, schools, healthcare centers and public services. Other trading services are also developed with large and small markets to serve people's living.

IV.2. Socio-economic information of affected households

40 Fifty-two (52) affected households ((including 38 marginal AHs equivalent with 20% of total affected marginal AHs and 14 severely AHs equivalent with 100% of total affected severely AHs)) were consulted during the socio-economic survey (SES) in Nhon Son Commune (Ninh Son District) and Do Vinh Ward (Phan Rang City), Ninh Thuan Province. Total number of consulted people is 185 persons in which 92 are males (49.7%) and 93 are females (50.3%).The average household size of consulted households is 3.6 persons/household.

Table 7: Household size of AHs

Commune	Affected HH members consulted				Average AH size (people/AH)
	Number of AHs	Male	Female	Number of APs	
Nhon Son	35	49	66	115	3.3
Do Vinh	17	43	27	70	4.1
Total	52	92	93	185	3.6

Source: SES, DMS, 2016

Affected Head of Household

41 In terms of data on affected household heads based on socio-economic survey result, of the total 52 AHs consulted, seven (7) AHs are female - headed households (13.5%), while 45 HHs are male-headed households (86.5%).

42 In the total number of AH heads consulted, the HH heads whose ages range from 41 to 60 years old accounted for the majority at 73.1% followed by the AH heads group whose ages are above 60 years old at 21.2% of total while the group of HH heads whose ages range from 20 to 40 years old accounted the least percentage at 5.8%. None of the AH heads interviewed is under 20 years old.

43 In terms of educational level, a majority of AH heads hurdled secondary school level (46.2%), followed by the group of HH heads who were in primary school level (42.3%). Number of HH heads who had high school education is eight (8 persons) which accounts for 9.6% of survey result. There is only one (01) AH head who had college or higher education (1.9%).

Table 8: Demographic profile of consulted heads of households

Commune	Number of consulted household		Group classified on age (people)				Group classified based on educational level (people)				
	Total	Female head of AH	< 20	20-40	41-60	> 60	Not attend school	Primary	Secondary	High school	College/Higher educated
Nhon Son	35	06	0	0	11	06	0	16	15	03	01
Do Vinh	17	01	0	03	27	05	0	06	09	02	0
Total	52	07	0	03	38	11	00	22	24	05	01

Source: SES, DMS, 2016

Affected population

44 In terms of gender ratio, of the 185 consulted people in two (2) subproject commune/ward, women slightly outnumbered the men at 50.3% to men's 49% and 7%. Household membership average size is 3.6 persons/household.

45 In term of ages of consulted people, the largest proportion belongs to the group whose age range from 20 to 40 years old at 46.5% or 86 people, followed by the group whose age range from 41 to 60 years old at 29.2% or 54 people out of the total of 185, while the persons whose ages are above 60 years old accounts for the smallest proportion which is at 6.5%, and the number of people under 20 years old comprises of 33 people (17.8% of total). Details of the data on age brackets of consulted people are cited in table 6 below:

Table 9: Affected people classified by Age and Gender

Commune	Number of consulted HHs	Number of consulted people	HH size (People/HH)	Gender Ratio (%)		Age Bracket (%)			
				Male	Female	<20	20-40	41-60	> 60
Do Vinh	17	70	4.1	61.4	38.6	20	38.6	30	11.4
Nhon Son	35	115	3.3	42.6	57.4	16.5	51.3	28.7	3.5
Total/Average	52	185	3.6	49.7	50.3	17.8	46.5	29.2	6.5

Source: SES, DMS, 2016

46 Farming is the main economic activity of affected people in the subproject communes. Thus, farming is the main source of income of local people in general and by affected people in particular.

47 Data in the table below show that 65.4% of consulted people have occupation derived from agricultural activities. From this data, 94% are into farming, 5.4% of consulted people are employees where 2.7% of them said they are seasonal employees.

48 Of the total number of consulted people, 3.3% did not attend school or were children below the school age; the percentage ratio of people who hurdled primary level is 4. 2% while the

number of people who had secondary level and high school levels respectively are 47.0% and 21.3%. The number of consulted people who had either college or higher education level makes up 14.2% of the total consulted people. It is worth noting that the younger people have higher educational level than the old people. Likewise, findings suggest that household members tend to have attended higher education and have higher educational levels than the household heads.

Table 10: Occupation and Educational Attainment of Affected People

Commune	Occupation (%)					Educational Attainment (%)				
	Farmer	Freelance labor/Employe e	Officer/Worker	Business/Servi ce	Others	Unschool ed/Un der schooling age	Primary	Secondary	High school	College/Higher Education
Do Vinh	64.3	4.3	1.4	5.7	24.3	2.9	14.7	29.4	42.6	10.4
Nhon Son	66.1	1.7	3.5	3.5	25.2	3.5	13.9	57.4	8.7	16.6
Total /Average	65.4	2.7	2.7	4.3	24.9	3.3	14.2	47.0	21.3	14.2

Source: SES, DMS, 2016

49 In terms of average monthly income, the survey result shows that the average monthly income of affected households in two (2) communes is VND 3,980,769 and the equivalent average monthly income of a person is VND 1,105,769. Comparing data on person's average monthly between the two communes, it is found at that the average income per person per month in Nhon Son Commune is higher than in Do Vinh Ward.

Table 11: Average income of affected households

Unit: VND

Commune	Number of consulted household	Number of consulted people	Average monthly income/person	Average monthly income/household
Do Vinh	17	70	966,758	3,80,769
Nhon Son	35	115	1,211,538	
Total	52	185	1,105,769	3,980,769

Source: SES, DMS, 2016

Access to infrastructure facilities and Utilities

50 The socio-economic survey revealed that 100% of consulted households have access to national electricity grid. The survey also showed that 71.2% of consulted household are using clean domestic water. In addition, 90.4% have bathroom and 78. 8% have toilet facilities. These findings imply that the subproject area has good access to infrastructure facilities and utilities.

Table 12: Access to Infrastructure and Utilities

Infrastructures facilities	Frequency	
	Number of using households	Percentage (%)
Number of consulted household	52	100
House type 4 with tiled roof or iron roof	48	92.3

Number of household with access to national power grid	52	100
Number of AHs with access to Tap water (domestic water)	37	71.2
Number of AHs with Bathroom facilities	47	90.4
Number of AHs with Toilet facilities	41	78.8

Source: SES, DMS, 2016

Assets ownership

51 Based on the survey result, it appears that motorbike is becoming a popular means of transportation at subproject area with 100% of total AHs owning a motorbike while 100% of total AHs own at least 1 mobile phone and 96.2% of total AHs consulted own a television set (TV). Besides, AHs that own air conditioner, refrigerator and gas stove are both at 30.8% of total Ahab respondents...

52 As regards household assets used for production activities, the rate of household ownership to these is rather low with only 21.2% of total AHs that own buffaloes/cows/horses. Likewise, the percentage rate of AHs that own farming machines is 3.8% of total AHs and there were none of the consulted AHs which own a farm truck.

53 It appears that AHs only own basic assets/facilities needed in their daily living while assets/facilities used for production activities, although, needed they do not own because they cannot afford to procure these.

Table 13: Assets of affected households

Type of assets	Number of owners AHs)	Percentage (%)	Type of assets	Number of owners	Percentage (%)
Buffalo/cow/horse	11	21.2	AC/Fridge	16	30.8
Goat/pig	15	28.8	Computer	2	3.8
Generator	0	0	Washing Machine	16	30.8
Farming machine	2	3.8	TV/Video	50	96.2
Wagon truck	0	0	Mobile phone	52	100
Motorbike	52	100	Bank Account/Savings	0	0

Source: SES, DMS, 2016

Severely affected households

54 The DMS' result shows that there are 14 AHs (including 07 AHs in Nhon Son commune and 07 AHs in Do Vinh ward) who have more than 10% of their total agricultural production landholding affected by the subproject. Although these AHs have more than 10% of their total agricultural production landholding affected by the subproject, none of them losses more than 30% of their total agricultural production landholding (the most seriously affected AH out of these HHs is the one that losses 23.7% of their total agricultural production landholding).

55 The result of socio-economic survey shows that 71% of the SAHs has main income from agriculture production; and average income of the AHs is about VND 5,890,000 /AH/month (equivalent to VND 1,636,000 /person/month) which is the fair income level in rural area and higher than general average income level of total number of affected HHs as mentioned in Table 9 above.

56 Consultation result with these SAHs shows that 100% of them support the project and agree with compensation and assistance unit price issued by the PPC. In addition, these AHs also state that the subproject does not cause serious impact on their living and agree to receive compensation as well as assistance in cash.

IV.3. Gender Issue

57 In Nhon Son Commune and Do Vinh Ward, it appears that there is gender imbalance where the percentage of women taking part in activities of the authority at commune level is lower than the men, specifically at only 22. 2%. Similarly, the percentage of women members in the Commune Peoples' Committee (CPC) only accounts to 20.1% of total membership. Women membership in the executive board of the Party at commune level is also lower than men at only 19. 6%. The same gender situation is observed among heads of organization where the men hold the majority of the position. It is only at the Vietnamese Women's Union (VWU) where the head is a woman. This, though, is expected because the VWU is solely comprised of women being a homogenous grassroots organization. The reasons which impede women from participating in subproject activities are the following: (i) The ratio of women taking part in Community Supervisory Board is low due to the common perception that monitoring the civil works should be men's work because of their biological make-up and can perform the responsibilities even at night and even in faraway places within the subproject area; (ii) There exists a common perception that women is responsible for all the household works, where they perform up to 90% of total household works as part of their reproductive/nurturing gender role. This is an unpaid job and undervalued that takes all of their time supposedly for rest and leisure and other community-related activities. Housework also hinders them from participating in training courses provided by the project. The voices of women in decision making in the local authority is not heard compared with the men. All of the key positions are occupied by men, while women only hold less important support positions such as office clerks, chairwomen of Women's Union and as socio-cultural staff. Again these positions are associated with their reproductive gender role.

58 Consequently with the above situation, (i) women who have higher educational levels tend to go out of the area to pursue advanced studies and finally get a job in another place, (ii) other women who are left behind in the communes have their hands full with housework resulting in feelings of shyness and low self-confidence. These behaviors deprive them from taking leadership and decision-making tasks along with the men. Although, there exists gender imbalance unfavorable for the women within the local authority and in social/community activities, the situation at household level seems to be different in the area of household decision-making. The SES results indicate that both men and women jointly make decisions in household activities such as: i) in production activities; ii) children's schooling and family's health care, iii.) Investment in business/production, IV) purchase of housing facilities/utilities. However, when it comes to the management of family expenses, it is usually the women who make the final decision as the family's financial manager. The table below shows the decision-making situation in household activities.

Table 14: Household Decision-Making

Unit: %

No	Activity	Husband	Wife	Both husband and wife
1	Building the house	21.2	25.0	53.8
2	Investment for business/production	23.1	25.0	51.9
3	Purchasing housing facilities/utilities	21.2	25.0	53.8
4	Children's schooling	17.3	28.8	53.8

5	Health care	17.3	28.8	53.8
6	Management of family expenses	19.2	40.4	40.4
7	Community meeting/ Participating in social event	30.8	28.8	40.4
8	Ancestor worship/ religious practice	28.8	26.9	44.2

Source: SES, DMS, 2016

59 From the above data, it appears that both husband and wife in consulted AHs jointly consult each other and make joint decisions on main household activities. 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 area. DMS result indicated that there are 17 female-headed households which accounts for 8.8% of the total of 194 AHs.

60 In accordance with updated REMDF and policy of the Government of Vietnam, the vulnerable groups will be provided compensation and other types of assistance during implementation of subproject. Women will be allowed to take part in subproject activities which includes employment in construction sites as unskilled laborer equally paid with men laborers. One woman representative in Commune Supervisory Boards (CSBs) will be designated to perform monitoring of civil works. They, too will participate in 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 affected men households in payment of compensation and other assistance, as well in grievance redress related to resettlement and compensation issues.

IV.4. Social Impact Assessment

Subproject impact on ethnic minorities:

61 Most of the civil works will be done within the existing location of the irrigation facilities and right-of-way (Row), thereby, the impacts will be reduced compared with the construction of new civil works. During implementation, negative impacts on ethnic minorities will be minimized in the acquisition of agricultural land and garden lands. These losses will be compensated by cash payments based on replacement cost, and will be offsite by the expected positive impacts from the improved irrigation faculties which will create favorable conditions for expansion of irrigated agricultural land, reduction in crop losses caused by floods as well as an improvement of traffic resulting from upgraded canal alignment and management road.

62 As a result of the minor impacts of subproject to agricultural land and garden land, subproject implementation will have no significant negative impact on land use and access to land and natural resources of ethnic minorities. Likewise, the implementation of subproject will have no negative impacts on EMs' culture and community affairs, socio-economic status, healthcare, education, livelihood and social security.

63 However, to avoid and minimize potential impacts during construction, efforts of the executing agency will be undertaken to ensure that ethnic households will be regularly informed and participate during the series of public/community consultation and thus, enjoy the intended benefits from the subproject.

64 The subproject will reduce water losses in the canal, stabilize irrigation for crops, improve living standards of and reduce poverty incidence among ethnic people living in subproject communes through an increase in farm productivity, increase agricultural products and the reduced sensitivity to external impacts such as drought and erosion.

Subproject impact on women:

65 The negative impacts on women from the subproject are insignificant and the gender issues expressed by women during the community consultation will be addressed by the Gender Action Plan (GAP). As previously cited, the subproject will, by and large, result in positive impacts to all subproject beneficiaries particularly women and the vulnerable group. These impacts include:

- i) Subproject “Upgrading beginning section of North primary canal of Nha Trinh – Lam Cam irrigation system” will have positive impacts such as: (I) reduce traffic jam during the rainy season and meet people’s travel demand for easy, convenient and less travel time; and (ii) ensure good access to social services such as healthcare, school, market, among others.
- ii) Opportunity for additional cropping per year and increase household income from agriculture due to improved irrigation, thus women will not be burdened by difficulties in managing the household finances while also there will be available household income to defray expenses for family’s health, education of children and leisure activities.
- iii) The upgraded irrigation canals during flood season will lessen the risks faced by the households especially women and the vulnerable group from adverse impacts of flooding to lives and properties as well as incidence of diseases after rainy season which largely impact on children and adversely affect women’s performance of their reproductive/family nurturing role.
- iv) Reduced cost, time and burden for transporting crops and accessing their farmlands
- v) Temporary job/livelihood activities for women during the construction phase will increase women’s contribution to the household income.

Measures taken to minimize negative impacts on women and ethnic minority

66 In general, the implementation of subproject will have no significant impact on women and ethnic minorities and other affected households. However, mitigation measures will be prepared and complied with during implementation of subproject which include:

- i) Ninh Thuan PPMU in coordination with the village leaders to conduct consultations, information disclosure and grievance redress with AHs particularly the ethnic households, women and other vulnerable group.
- ii) During implementation of DMS, District Land Fund Development Centre and Commune People’s Committee (CPC) will ensure that both women, men and ethnic female-headed households are notified in advance to participate in the DMS process. The executing agency for compensation payment or DLFDC in coordination with CPC will provide information using the local language spoken in the area to ensure that ethnic households will understand and agree with the DMS results. Ethnic affected households belonging to vulnerable groups will be accordingly provided additional assistance based on Go’s poverty reduction programs.
- iii) An interpreter should be available in all consultation and information disclosure activities conducted in the villages of ethnic people to help them clarify the information provided and express their views on resettlement related concerns. Meetings in the village will be held to enhance affected people’s awareness regarding resettlement issues such as subproject implementation schedule, entitlements, determination of compensation unit price and payment, grievance redress mechanism, assistance to relocation/rehabilitation, among others; and focus group discussions (FGDs) will be conducted to discuss the above-mentioned issues.

- iv) CPMU and PPMU will supervise community consultation, awareness building activities and life rehabilitation of affected people through analysis of gender and ethnic minorities 'data regarding their participation in these activities. .
- v) During construction, civil contractors are responsible for management of their personnel; enjoining them to understand and respect the culture and distinct identity of ethnic minorities and ensure that their workers will cause no harm to good community affairs, cultural rituals and social security of ethnic people at the construction site.
- vi) Local authority in coordination with social agencies/organization to conduct information dissemination to ethnic people on gender equality, community health, HIV/AIDS prevention and mitigation and other social evils whose aim is to raise their awareness levels on these social concerns. A representative of ethnic people will join the local commune supervisory board to monitor civil works construction to ensure that their desired quality of works is attained and create favorable work conditions between the community and the contractors during the construction phase.
- vii) Both ethnic men and women are eligible to have access to job opportunities created during and after subproject implementation at operation and maintenance (O&M) stage. It is noted during the DMS surveys and consultations that ethnic groups expressed their concerns to avail of job opportunities and other sources of income generation from agriculture and other activities.

Gender Action Plan (GAP):

67 Although women will not be significantly affected by the subproject, a gender action plan (GAP) is prepared to ensure the mainstreaming of all women's needs and concerns during the entire subproject implementation cycle up to the operation and maintenance (O&M) phase. GAP will include:

- i) Women will be enjoined to participate in the consultation and information disclosure/feedback during subproject implementation and O&M phase.
- ii) The local Irrigation Management Agency will encourage women to become members of Water Users Groups (WUGs); also employ women in regular maintenance and repair work of the irrigation facilities;
- iii) Provisions will be made in the civil works contracts for women to be tapped to do unskilled labor alongside men where both will be equally paid for unskilled labor rendered;
- iv) Coordination will be made with the commune level Vietnamese Women's Union (VWU) in the conduct of surveys, consultations and design works during the detailed design phase. Similar regular coordination will be made during construction and operation and maintenance phases to ensure that women's concerns are identified and timely addressed;
- v) Training on gender awareness and sensitivity for subproject beneficiaries as well as for the implementing agencies at provincial, and local levels will be part of the project's approved training plan.
- vi) Training and capacity building for women along agricultural production and crop diversification; also in training activities aimed at building/enhancing women's leadership and decision-making skills to improve their community roles will be provided;
- vii) At least one (1) woman will be representative to the Commune Supervisory Boards (CSBs) (minimum ratio of women in CSBs is 1/3).

68 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.

V. INFORMATION DISCLOSURE PUBLIC CONSULTATION AND PARTICIPATION

V.1. Information Disclosure

69 The main objectives of the information disclosure and consultation activities participated by affected people, relevant agencies and stakeholders are the following : (i) to provide APs the sufficient information about Project, components and activities; (ii) Collect comments and the needs of APs, 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 REMDP; (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.

70 APs were notified in advance about resettlement activities, including: (i) community meetings about the scope of the subproject, subproject alignment plan, site clearance plan and construction plan, (ii) detailed measurement and survey results, (iii) lists of eligible APs and their entitlements, (iv) compensation rates and amounts, (v) payment of compensation and other forms of assistance and (vi) other topics such as the grievance redress mechanism. Notices were posted in the commune PC offices or other easily accessible locations. Other forms of media are utilized such as letters, notices or small brochures were delivered individually to APs as well as the use of radio announcements. Information disclosure to ethnic community who cannot speak or read in Vietnamese were translated and disclosed to them in their local languages.

71 Consultation with local community and affected people were conducted to ensure that affected people and stakeholders are able to fully understand the resettlement requirements such as the resettlement schedule/plan, compensation, suitable resettlement and rehabilitation measures. Updated compensation plan will be disseminated to affected people in public places within the subproject areas such as the CPC Office in order to keep them regularly and fully informed.

72 . This updated REMDP is a result of consultations and information dissemination activities done with APs regarding entitlements and types of assistance.

73 According to ADB's requirement, PPMU shall assist the compensation executing agency to disseminate REMDP once this is approved by PPC and ADB. This REMDP will be posted on ADB's website in both Vietnamese and English and it is necessary to coordinate with heads of villages to disclose REMDP to ethnic people through village and commune meetings using their own native language.

V.2. Public Consultation and Participation

Consultation during REMDP updating:

74 During REMDP preparation, two (2) consultations were conducted at Nhon Son CPC's Office (Ninh Son District) and Do Vinh Ward (Phan Rang City), Ninh Thuan Province.

75 In 2014, a community consultation was conducted in August/2014. This first consultation aimed to inform the local authority and people about subproject features, compensation policy for affected assets.

76 In February 2016, after detailed design of subproject was approved, Resettlement Specialist continued to conduct the second consultation with local authority and organizations and affected people. Minutes of consultation and list of participant are attached in Annex 4 and Annex 5 of this REMDP.

77 LIC consultant together with representatives of Ninh Thuan PPMU organized consultation meetings in Nhon Son commune on 20th February, 2016 and Do Vinh ward on 25th February, 2016 with participation of representatives of CPC/WPC, representatives of organizations/unions of the CPC/WPC and representatives of affected AHs in which there was 100% of severely affected HHs.

78 These meetings focused on:

- Detailed design of subproject
- The DMS, sub-project impact, eligibility particularly on the cut-off dates for this sub-project,
- Mechanisms of payment, and grievance redress
- 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
- Implementation schedule;
- Gender, ethnic minority and vulnerable group issues

79 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.

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

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

Table 15: Consultation meetings information

Commune	Number of participants			Summary feedback/opinion from participants
	Male	Female	Total	
Nhon Son	13	7	20	<ul style="list-style-type: none"> - Local authority, organizations/unions and all of the affected HHs support the subproject implementation; - The affected HHs have grasped basic information on compensation policy of the project as well as construction plan; - 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
Do Vinh	12	6	18	

				<p>effect caused by the subprojects on people's living as well as production activity are not serious;</p> <ul style="list-style-type: none"> - All of the affected HHs participating in the meetings agree with compensation policy of the project and agree with compensation unit price issued by the PPC; - Severely affected HHs 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 affected HHs propose that PPMU should require contractor to restore the site to its original status after construction; - Representatives of the affected HHs propose to be employed by contractor to do suitable work during the construction process.
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82 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.

Consultation during REMDP implementation:

83 During REMDP implementation, PPMU, LFDC and CPCs are responsible for regular dissemination of project information which is translated into the local language spoken in the area. 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 technical proposal and impacts of various designs. Particularly, APs are effectively consulted and can give their feedbacks regarding resettlement activities of subproject. These feedbacks are then incorporated into subproject design and into emerging progress of subproject implementation.

84 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 REMDP 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 REMDP and subproject implementation.

VI. GRIEVANCE AND GRIEVANCE REDRESS MECHANISM

85 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.

86 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 are the various levels in the grievance redress procedures as per the Law on Complaints No.02/2011/QH13, dated 11/11/2011:

First stage, at Commune People's Committee: For first complaint, an aggrieved affected household may bring his/her complaint to any member of the CPC, through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said CPC member or the village chief to notify the CPC of the complaint. The CPC will meet the aggrieved affected households. CPC is expected to handle the complaints within 30 days to 60 days from the date of registration/filing of the complaint.

Second Stage at District People's Committee: If within a period of not more than 30 days to 45 days (as in the case of a remote area) from the date of registration/filing of complaint, the aggrieved AHs does not receive any feedback from CPC, or the complainants do not agree with the settlement decision, they may bring their complaints to any member of DPC, in writing or verbally. DPC will have within 30 to 70 days from the date of receipt of complaint, depending, however, on the complexity of the case and location (as in remote area), to handle the complaint. DPC is responsible for documenting and filing the registered grievances but must keep the District Compensation Assistance and Resettlement Board (DCARB) informed about any settlement decision. DARD will support DPC to handle complaints of AHs. DPC must ensure that complainants will be immediately notified about settlement decision.

Third stage at Provincial People: If within the period from 30 days to 45 days (in a remote area) from the date of registration/filing of the complaint, the aggrieved affected household does not receive any feedback from DPC, or the complainants do not agree with the settlement decision, they may bring their complaints to any member of Provincial People's Committee, in writing. PPC will have within 30 days to 70 days from the date of receipt of complaint, depending on the complexity of the case and location (remote area), to handle the complaint properly for all the relevant parties. PPC is responsible for documenting and filing register grievances...

Final Stage, the Court of Law Arbitrate: If Within 30 days from the date of registration to PPC, the aggrieved household does not receive any feedback from PPC, or the complainants do not agree with the settlement decision, they may file a suit in a Peoples' Court. If the Court makes a decision that is advantageous to the complainant, PPC will have to increase the compensation amount based on the Court's Decision. However, if the Court's decision is advantageous to the PPC, the complainant will receive compensation amount based on the amount approved by PPC.

87 The above grievance redress mechanism is disclosed and discussed with affected people during the public disclosure and consultation activities to ensure that grievance procedures are understood and agreed by all parties. PPMU/DARD is responsible for monitoring grievance redress progress. Local regulations and law will prevail to redress the complaints. Compensation money and allowances will be transferred to an escrow account until grievance is settled properly. It is noted that the above procedure will not impede the aggrieved AH and may during any given level elevate his/her complaints to the appropriate local peoples' court for arbitration/mediation of his/her grievance/complaints.

VII. LEGAL FRAMEWORK AND ENTITLEMENT POLICY

88 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 Ninh Thuan 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.

VII.1. Legal basis of the Government of Vietnam

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

- i) The Constitution of the Socialist Republic of Vietnam (2013) confirms the right of citizens to own and protect the ownership of a house.
- ii) Law on Land 2013 (No. 45/2013/QH13) dated 29/11/2013.
- iii) Decree No.38/2013/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 of May 2014 on detailing a number of articles of the land law 2013.
- v) Decree No. 44/2014/ND-CP dated 15 of May 2014 on Regulations on Land prices.
- vi) Decree No. 47/2014/ND-CP dated 15/05/2014 of the Government of Vietnam on Regulations on compensation, assistance, and resettlement upon land recovery by the State.
- vii) Circular No. 36/2014/TT-BTNMT on land pricing method ;
- viii) Circular No. 37/2014/TT-BTNMT on Guidelines in implementation of Decree No.47/2014/ND-CP
- ix) Decision No. 775/QD-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.

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

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

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

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

- i) Decision No. 2380/2010/QĐ-UBND dated on 21th December, 2010 by NinhThuan PPC on promulgating compensation, assistance and resettlement policy when land is acquired by the State in NinhThuan province.

- ii) Decision 38/2012/Q-UBND dated August 8th 2012 by NinhThuan PPC for remending and supplementing some articles in Decision No. 2380/2010/QĐ-UBND dated on 21th December 2010.
- iii) Decision No. 204/2010 dated on 4th March 2010 by PPC on promulgating price unit for trees and crop in the territory of NinhThuan province. Decision 2374/QĐ-UBND dated December 16th 2010 for adding annex 1 to table of crop, tree of Decision No. 204/2010 dated on 4th March, 2010 and Decision No. 39/2011 by PPC on adjusting price unit for trees and crops promulgated with attachment of Decision No. 204/2010 by NinhThuan PPC.
- iv) Decision No. 17/2015 dated on 12thMarch, 2015 by PPC on promulgating compensation price unit for affected structures in the territory of NinhThuan province.
- v) Decision No. 106/2014/QĐ-UBND dated on December 29th2014 by NinhThuan PPC on promulgating price unit for types of land in period of 2015-2019 in the territory of NinhThuan province.
- vi) Letter 3042/UBND-NC dated July 31st 2015 on implementation the compensation and land acquisition for projects in NinhThuan province;
- vii) Official letter No. 1244/UBND-TCD dated April 16, 2016 by Ninh Thuan PPC on acceptance of adjustment of land price to calculate compensation when land is acquired by the State to implement the subproject of upgrading and improving the beginning section of North primary canal crossing Ninh Son district;
- viii) Official letter No. 568/UBND-TCD dated February 24, 2016 by Ninh Thuan PPC when land is acquired by the State to implement the subproject of upgrading and improving the beginning section of North primary canal crossing Do Vinh ward.

VII.2. Asian Development Bank’s safeguards Policy statement (SPS) 2009 on Involuntary Resettlement and Indigenous People

93 ***Involuntary Resettlement:*** 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.

94 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 status¹.
- vii. Ensure that DPs without title to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets.
- viii. Prepare a resettlement plan elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- ix. Disclose both the draft and final resettlement plan in a form and language understandable to DPs and other stakeholders.
- x. Conceive and execute involuntary resettlement as part of a development project or programme. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- xi. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- xii. Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

95 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

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

salvageable materials. It is expected that qualified and experienced experts will undertake the valuation of acquired assets².

96 Persons or households without formal legal rights nor recognised or recognisable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

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

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

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

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

impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples

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

VII.3. Reconciliation of Government and ADB Policies on Resettlement

99 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

100 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

101 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

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

103 Policy framework and regulations to address resettlement impacts and ethnic minority issues for sub-project ““Upgrading Beginning Section of the Primary North Canal of Nha Trinh – Lam Cam Irrigation system ” are prepared on the basis of relevant policies and laws of Vietnam and ADB Safeguard Policy Statement (SPS 2009)

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.

104 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.

105 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.

106 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 16: Discrepancies between Vietnam Regulations and ADB SPS (2009) and Project Policy

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
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:	APs without titles to land, or any	APs without legal or recognizable legal claims to

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
	<p>Persons who have used land before 1st 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.</p> <p>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.</p>	<p>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.</p>	<p>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.</p>
Compensation for structures	<p>Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at 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>Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p> <p>Structures constructed on land with no LUCR before the cut-off date will still be compensated.</p>	<p>Full compensation at replacement cost will be paid for all affected structures (including structures constructed on land with no LUCR before the cut-off date) without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p>
Monitoring	No monitoring requirement	Monitoring is required.	The EA must undertake internal monitoring of

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
		In case of significant or sensitive impacts, an external monitoring organization should monitor RP and EMDP implementation	REMDP. 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

107 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) Compensation and assistance will be based on the principle of replacement cost at the time of acquisition.
- iv) Severely affected household (SAH) is considered when they are losing 10% or more of the household's productive land or other assets (generating income) or are physically displaced from housing.
- v) Displaced persons (AHs) without title or any recognizable legal rights to land are eligible for resettlement assistances and compensation for non-land assets at replacement cost.
- vi) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to AHs.
- vii) Meaningful consultation will be carried out with the AHs and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the AHs and communities will be taken into account.
- viii) The RP/REMDP will be disclosed to AHs in a form and language(s) understandable to them prior to submission to ADB. RPs/REMAHs will be disclosed on the ADB website.
- ix) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- x) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children,

disabled, the elderly, landless and people living below the generally accepted poverty line.

- x) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- xii) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- xiii) Resettlement transition stage should be minimized. Restoration measures will be provided to AHs before the expected starting date of construction in the specific location.
- xiv) Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the project provinces.
- xv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of resettlement and ethnic minority development plan should be carried out by PPMUs and CPMU. Monitoring reports will be disclosed on the ADB website.
- xvi) The CPMU will not issue notice of possession to contractors until the CPMU are officially confirmed in writing that (i) payment has been fully disbursed to the AHs and rehabilitation measures are in place (ii) already-compensated, assisted AHs have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.
- xvii) Cut-off date is the date of notification on land recovery for the subproject by the competent State agency. The notification is sent to every land user whose land is recovered, publicized in meetings with APs and posted at offices of the commune-level PCs, and common public places.
- xviii) All subprojects will be screened for presence of ethnic minorities in the subproject area and impacts on ethnic minorities (EMs). Subprojects with significant adverse impacts on EMs will be excluded.
- xix) Local patriarchs (zialang) will be engaged in the conduct of consultations for the preparation of the subproject. In case there are potential adverse impacts (including minor land acquisition), an REMDP will be prepared. For subproject with only positive impacts on ethnic minorities, the subproject preparation and implementation will include measures for ensuring their participation and inclusion in subproject benefits as elaborated in the Project Administration Manual.

VIII. ELIGIBILITY AND ENTITLEMENT

VIII.1. Eligibility

108 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 June 26, 2015.

109 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.

110 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.

111 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.

VIII.2. Entitlements

112 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.

113 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.

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

Table 17: Project Entitlement matrix of households affected by this subproject

No	Impacts	Level of impacts	Eligible AHs	Entitlement	Implementation issues
I	Land				
1.1	Agriculture land	Permanently acquire 19,995 m ² of agriculture land	Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC (180 AHs)	a/ Cash compensation at replacement cost for land and at market price for standing crops; and trees.b/ Economic rehabilitation package (see III, below); and job training/creation assistance equal to 2 times of acquired land value.	Affected households will be fully compensated prior to construction commencement. Affected AHs will continue to use the remaining land area. If remaining land area is not economically viable, i.e. too small for cultivation, the sub-project will acquire the entire affected land parcel and compensate at replacement cost.
			01 affected organizations (Department of Plant Protection) losing 87 m ² of agriculture land in Nhon Son Commune	Cash compensation at replacement cost for land.	01 affected organizations will fully receive compensation for their lost agriculture land.
2.1	Residential land	Permanently acquire 409 m ² of rural residential land	12 AHs in Nhon Son commune	- Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota in the locality.	AHs will fully receive compensation prior to conducting site clearance. Affected AHs will continue to be used the remaining land area.

No	Impacts	Level of impacts	Eligible AHs	Entitlement	Implementation issues
II	Structures, trees and crops				
2.1	Structures	Affect 7,804.8 m ² of auxiliary works and structures.	77 AHs in Nhon Son commune, Do Vinh ward.	Cash compensation at full replacement cost for materials and labor and with no deduction for depreciation or salvageable materials; OR Cash or in-kind assistance to relocate affected structures or property; OR Cash assistance to repair of property to original or better condition.	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures. Costs for repairing the remaining house/structure should be negotiated with DP AHs will fully receive compensation prior to conducting site clearance and not be deducted utilized assets.
2.2	Rice and crop	Affect 13,148 m ² of rice and crop	115 AHs in Nhon Son commune, Do Vinh ward.	Cash compensation of un-harvested crops at market values based on the average production over past 3 years.	A minimum of 3 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights. Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years. Affected HHs will fully receive compensation prior to conducting site clearance and not be deducted utilized assets.
2.3	Trees	7,984 trees to be cut down	93 AHs and 01 organization (Nha Ho Seed Joint Stock Company losing 05 trees) in Nhon Son	Cash compensation at current market prices given the type, age and productive value of the affected trees.	Calculation of compensation for trees is based on the age and diameter of the tree. AHs have the right to use salvageable trees. Affected HHs will fully receive compensation

No	Impacts	Level of impacts	Eligible AHs	Entitlement	Implementation issues
			commune and Do Vinh ward.		prior to conducting site clearance and not be deducted utilized assets.
III. Assistance					
3.1	Occupational transition assistance	Loss agricultural production land	180 AHs losing agricultural production land in Nhon Son commune and Do Vinh ward	<p>Cash assistance equal to 2 times of compensation value for AHs losing agricultural land in Nhon Son commune;</p> <p>Cash assistance equal to 30% of average residential land price in the area where land is acquired for AHs losing agricultural land in Do Vinh ward (or receive assistance equal to 2 times of compensation value depending on which assistance level is higher)</p>	All assistances will be paid to AHs prior to site clearance.
3.2	Assistance for stabilizing living and production	AH losing 10% or more of total agricultural production landholding	All 14 AHs losing from 10% to 30% of total agricultural production landholding in Nhon Son commune and Do Vinh ward.	<p>These AHs will receive assistance in accordance with approved policy framework of the project as follows:</p> <p>Cash allowance equivalent to 30 kg of rice per month for each family member for rehabilitation and income restoration for: + 3 months if losing from 10% to less than 30 % of total agriculture landholding;</p>	<p>Affected HHs will receive assistance in cash prior to site clearance.</p> <p>Price of rice is the market price at the time of DMS equal to VND 11,200 per kg.</p>
O 3.3	Assistance for poor affected HHs to improve	Affected HHs are under the national poverty	All affected HHs determined as the poor HHs in Nhon Son commune	These AHs will receive assistance in accordance with approved policy framework of the project as follows: poor AHs will receive allowance in cash equivalent to 30	Affected HHs will receive assistance in cash prior to site clearance. IPrice of rice is the market price at time of

No	Impacts	Level of impacts	Eligible AHs	Entitlement	Implementation issues
	socio-economic condition	line	and Do Vinh ward. (04 AHs)	kg of rice (in accordance with market price) for each family member/month, for at least 36 months in accordance with Decree No. 17/2006/ND-CP by the Government.	compensation equal to VND 11,200 per 1 kg
3.4	Assistance for vulnerable AHs	Affected HHs are under the vulnerable groups (except poor AHs)	All affected HHs determined as the vulnerable AHs in accordance with regulation of the project. (69 AHs)	These AHs will receive allowance of VND 2 million/AH in accordance with approved policy framework to improve socio-economic condition or applying allowance in accordance with regulation of the province. Any regulation with higher value will prioritize to be applied.	

IX. INCOME RESTORATION AND REHABILITATION

A. Background

115 In order to assist affected persons to restore livelihoods and income levels, the project will provide income restoration allowances tailored to the needs and situation of the affected persons as determined in the socio-economic surveys. The affected persons covered by the income restoration allowances are identified in the entitlement matrix.

116 The scope of the entitlements includes an allowance to cover living costs during a period of reduced income while affected persons restore current livelihood and income-generating activities or make a transition to new income-generating activities. In-kind assistance to strengthen or initiate income-generating activities will also be provided.

B. Income Restoration Allowances

117 The vulnerable households and the severely households will received the allowances. the following regulations will be applied for these households:

- i) According to subproject policy, compensation for the loss of land and non-land assets, cash allowance for life stabilization and job changing/ creation will be provided to SAHs. This package will include a restore livelihood and incomes allowance equivalent to 30 kg of rice per month for each household member in three months. In case of AHs want to attend the vocational training for finding new job after one year of land acquisition, the subproject will facilitate and support to SAH with applications at a training centre within the district/ province. At the time of DMS/SES survey and consultation to prepare this REMDP, SAHs are not sure what alternative income generating activity they want as well as what vocational training that would bring free to SAH. Thus, they prefer to get cash assistance and arrange new job by themselves for income rather than to attend vocational training courses would be arranged by the subproject.
- ii) Subproject-related employment whereby priority will be given to the vulnerable households /severely affected for work on construction.

X. COMPENSATION COST AND BUDGET PLAN

X.1. Compensation Cost

118 To ensure that compensation unit price for affected assets of AHs in the subproject area is closed to replacement cost, according to regulation of the project and Decree No. 44/ND-CP dated May 15, 2014 by the Government on guidance on determining land price to conduct compensation payment, Land Fund Development Centers of Ninh Son district and Phan Rang city have established compensation price option and submitted the option to Ninh Thuan PPC for approval.

119 The land price option is established basing on method of adjusting land price by coefficient in accordance with Article 18, Decree No. 44/ND-CP dated May 15, 2014; according to the Decree and basing on market land price, socio-economic condition at locality and land price table, PPC will regulate and decide adjustment coefficient of land price to determine specific land price for compensation activity of each project.

120 According to Official letter No. 568/UBND-TCD dated February 24, 2016 and Official letter No. 1244/UBND-TCD dated June 05, 2016, Ninh Thuan PPC approves specific compensation price option for affected AHs in Nhon Son commune and Do Vinh ward under the subproject of upgrading and improving the North canal and road cum management road – Nha Trinh – Lam Cam irrigation system. Basing on the base, compensation price for agricultural land and

residential land will be applied in accordance with Decision No. 106/2014/QD-UBND dated December 29, 2014 on promulgating unit price for any type of land in the period of 2015-2019 in Ninh Thuan province with coefficient of 1.0 for agriculture land and 1.1 for residential land.

Table 18: Compensation prices based on price coefficient method

Unit: VND

Asset	Unit price in accordance with Decision No. 106/2014/QD-UBND	Adjusted coefficient	Compensation unit price in accordance with approval of PPC
Rice land of Category 1	35,000	1.0	35,000
Rural residential land of Category 1	95,000	1.1	104,500

121 LIC consultant consulted affected HHs on compensation price in Nhon Son commune on 19th and 20th February 2016 and in Do Vinh ward on 25th February 2015. The consultation result is as follows:

- People participating in the meetings state that compensation and assistance unit price for agricultural land issued by PPC is higher than the previous trading unit prices and higher than expected trading unit prices in locality;
- Affected HHs participating in the consultation meetings all agree with compensation policy of the project and they agree to receive compensation and assistance in accordance with unit price approved by PPC.

122 From the consultation result and compensation price as mentioned above, resettlement specialist sees that compensation unit price approved by Ninh Thuan PPC is satisfied and reflects replacement cost for affected assets.

X.2. Compensation estimates, assistance and budget

123 The cost for implementation of resettlement and compensation activities includes: compensation cost for land, compensation cost for affected assets, rehabilitation assistance, implementation cost and provision cost. Total cost for subproject compensation and assistance is VND **5,702,651,237 (equivalent to USD 256,299)**. Table below is the summary on compensation and assistance amount.

Table 19: Summary on compensation and assistance amount

No	Type of cost	Amount (VND)	Note
A.	Compensation and assistance Cost =A1+A2	5,082,576,860	
A1	Compensation cost (1-3)	2,636,054,071	
1	Compensation cost for land	816,164,664	
2	Compensation cost for crops and trees	550,185,280	
3	Compensation cost for structures	1,269,684,127	

A2	Assistance cost (1-3)	2,446,522,789	
1	Job training/Creation allowance for 180 AHs (Equal to 2 times of compensation value for affected land area)	2,044,630,789	
2	Restore livelihoods and incomes allowance (14 AHs loss from 10 to 30% productive land (Equal to 30 kg of rice per month per household member for 3 months)	58,464,000	VND 11,200/1 kg rice
3	Assistance to poor and vulnerable Ahs (equal to 30kg of rice (at market rice) per each family member per month for 36 months for poor Ahs and VND 2,000,000 for other vulnerable Ahs)	343,428,000	04 poor AHs and 69 other vulnerable
B.	Implementation Cost (2%xA)	101,651,537	
C.	Provision Cost (10%x(A+B))	518,422,840	
D.	Total (A+B+C)	5,702,651,237 (Equivalent to USD 256,241)	

XI. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION SCHEDULE

National Level

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

- i) Providing overall management plan, coordination and supervision of project implementation;
- ii) Coordinating with executing agency to implement all components of project.
- iii) 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/REMDP 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

Provincial Level

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

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

- (i) Prepare, update and monitor REMDP implementation of subprojects;
- (ii) Guide Land Fund Development Center to implement resettlement activities in accordance with approved REMDP; and addressing any failure or shortcoming identified through internal resettlement monitoring to ensure that the objectives of resettlement plan are achieved and to financially and technically support District Site Clearance Board and Commune Measurement Team with adequate facilities
- (iii) Coordinate with District Site Clearance Board 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

District Level

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

128 District Site Clearance Board in coordination with PPMU/CPC and under the direction of PPMU implements subproject activities, particularly:

- i) Public information disclosure and other documents to ensure that site clearance and resettlement procedures are understood by all 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) Assistance in locating resettlement area and new agricultural land for APs who have to relocate.
- v) Support CPC in grievances redress.

Commune Level

129 The CPC will assist the CARB in their resettlement tasks. Specifically, the CPC will be responsible for the following

- i) Cooperate with District level and with commune level local mass organizations in the mobilization of people who will be tasked to implement the compensation, assistance and resettlement policy according to the approved REMDP
- ii) Cooperate with CARB and Working groups in communicating the need for land acquisition to the people whose land is acquired for the subproject. Also, notify and

publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC

- iii) Assign Commune officials to assist the CARB in the updating of the REMDP and implementation of resettlement activities
- iv) Identify replacement land for affected households;
- v) Sign the Agreement Compensation Forms along with the affected households;
- vi) Assist in the resolution of grievances

XII. IMPLEMENTATION SCHEDULE

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

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

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

Table 20: Indicative schedule of resettlement and compensation activities

Activities	Time
Updated REMDP to be approved by ADB	End of May, 2016
Public REMDP on ADB website and at locality	Beginning of June, 2016
Compensation and assistance payment	Beginning of June, 2016
Land acquisition and site clearance	Mid of June, 2016
Bidding and award of civil works	End of June, 2016
Internal monitoring of PPMU	End of May, 2016
The next semi-annual report of LIC	Every 06 month from the first monitoring
Commencement of civil works <u>for the part requiring land acquisition</u> (NOTE: 1 part of the work does not require land acquisition. ADB has issued NOL on 10 May, 2016 for construction of this part of work where no land acquisition is required.)	End of June, 2016

XIII. MONITORING AND REPORTING

Objectives of internal monitoring

133 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 uREMDP. 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.

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

Responsible agencies for monitoring

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

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

Indicators of monitoring

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

Table 21: Monitoring and Evaluation Criteria

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 • REMDP 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 REMDP • Grievances by type and resolution • Number of local-based organizations participating in subproject
OUTPUT INDICATORS	Acquisition of Land	<ul style="list-style-type: none"> • Area of cultivation land acquired • Area of residential land acquired • Fishponds acquired

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

ANNEX 1: MINUTES OF PUBLIC CONSULTATION

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

Đà Nẵng, ngày 25 tháng 2 năm 2016

Tên DATP: Cải tạo nông cấp kinh dinh các xã đường giao thông kết hợp quản lý - Thuận lợi thương mại loại Nhà ở - Khu dân cư
Xã: phường Đà Nẵng, huyện Uông Bí, tỉnh Ninh Thuận

I. Thành phần tham dự:

- | | |
|-----------------------------------|---------------------------------------|
| - Ông/Bà <u>Phạm Thanh Quang</u> | Chức vụ <u>Chủ tịch UBND xã</u> |
| - Ông/Bà <u>Trần Ngọc Chiếu</u> | Chức vụ <u>Cán bộ địa chính xã</u> |
| - Ông/Bà <u>Lê Huy</u> | Chức vụ <u>Cán bộ Ban A101 tỉnh</u> |
| - Ông/Bà <u>Nguyễn Thị Mỹ Hoa</u> | Chức vụ <u>Chủ tịch Hội phụ nữ xã</u> |
| - Ông/Bà <u>Nguyễn Tài Dũng</u> | Chức vụ <u>Trưởng TAC - LLC</u> |
| - Ông/Bà <u>Nguyễn Thanh Hải</u> | Chức vụ <u>Trưởng DITS - LLC</u> |
| - Ông/Bà <u>Hoàng Anh Tuấn</u> | Chức vụ <u>Trưởng GĐ BC</u> |
- Đại diện những hộ bị ảnh hưởng: người.

(Xem danh sách đại biểu tham dự đính kèm)

II. Nội dung

2.1 Các nội dung phổ biến thông tin:

- Phổ biến các thông tin chung về dự án như mục tiêu, địa điểm, phạm vi xây dựng...
- Phổ biến thông tin về phạm vi ảnh hưởng và Khung Tái định cư và phát triển DTTS.
- Phổ biến quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.

2.2 Tham vấn cộng đồng:

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

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

III. Ý kiến thảo luận

Đã có điều Lan QLDA tỉnh Ninh Thuận hướng ban
về dưới quyền địa phương và giới dân BAK về
quy mô, chi tiêu và cơ cấu kinh tế của TDA.

Tư vấn sẽ thông qua về mục tiêu xây dựng
tham vấn, phân bổ ngân sách về phân bổ
cơ cấu của TDA và khung chính sách của
biên giới, thời gian phân bổ ngân sách về
cơ cấu chính sách và quy trình giải quyết
vấn đề này về công tác đền bù TDC.

Tư vấn sẽ tiếp tục tham vấn về phân
bố tài chính, các quy định về mua bán, các loại đất
và chính sách đền bù và quyền lợi của cư
dân BAK. Tham vấn đối với các hộ nghèo dựa
dựa trên tiêu chuẩn.

Chính quyền và giới dân nhất trí về quy mô
và thời gian phân bổ, đồng thời đề nghị chính
đàn tài chính triển khai công tác đền bù công.

Ngành DAK đưa biết để dự án đưa vào là các
tác vụ nâng cấp tiểu khu trong tỉnh có mức
không gian và các tài trợ, các tài trợ đến
các hộ dân. Trong đó ban phân bổ chi có
một số hộ bị thất bại đất nông nghiệp ở
quanh hai bên khu vực.

Người dân biết được cơ chế đồng tài
cùng đôn và tăng năng suất cây trồng và góp phần
tăng thu nhập, tăng tiếp tế nông nghiệp, tăng
liên kết, tăng thu nhập của gia đình, nâng cao đời sống
của các thành viên.

Người dân đồng ý với chính sách quản lý của
Đại diện UBND xã và đồng ý với đơn giá mua bán hàng hóa
của UBND thị trấn.

Người dân đã ghi được nhiều tiền từ việc
trợ trực tiếp hàng hóa một phần để nuôi dưỡng
cả nhà cửa.

Đại diện các anh em trong thôn trong quá trình
thi công, người dân tham gia cuộc họp để
ghi chú các tài liệu về kế hoạch Nhà Văn Hóa
thôn với các hộ dân.

Người dân cũng đã ghi nhận được nhiều lợi ích
từ việc được tiếp cận với công nghệ, tiếp cận
đến các tài liệu sản xuất nông nghiệp của các hộ.

Cuộc họp tham vấn kết thúc vào lúc ngày 25 tháng 2 năm 2016

Đại diện Ban QLDA tỉnh

KT. GIÁM ĐỐC
ĐẠI DIỆN BAN QLDA TỈNH
Lê Phan Giàu

Đại diện UBND xã

CHỦ TỊCH
Phạm Thanh Quang

Đại diện Cộng đồng
Nguyễn Văn Công

Đại diện tư vấn
Nguyễn Tuấn Dũng 3

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

Tên DATP: Cải tạo nâng cấp công - vệ sinh môi trường chính Bắc
Xã: Phước Đa, huyện Đa Phước, tỉnh Đà Nẵng
Đà Nẵng, ngày 25 tháng 2 năm 2016

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Phan Thị Hóp	Nữ	Khu phố 1 - Đa Phước	Hóp
2	Nguyễn Hữu Dũng	Nam	nt	<i>[Signature]</i>
3	Cao Văn Thường	Nam	nt	Thường
4	Trương Phú	Nam	nt	Phú
5	Trương Đình Thuận	Nam	nt	Thuận
6	Trần Văn Nam	Nam	nt	Nam
7	Nguyễn Văn Triều	Nam	nt	Triều
8	Lê Văn Sơn	Nam	nt	Sơn
9	Phan Đức Thành	Nam	nt	Thành
10	Nguyễn Xuân Tín	Nam	nt	Tín
11	Mai Xuân An	Nữ	nt	An
12	Nguyễn Thanh Hòa	Nữ	nt	Hòa
13	Cao Văn Thường	Nam	nt	Thường
14	Nguyễn Văn Hải	Nam	nt	Hải
15	Nguyễn Đình Quyền	Nam	nt	Quyền
16	Hồ Ngọc Sơn	Nam	nt	Sơn
17	Mai Thị Liên	Nữ	nt	Liên
18	Lê Thị Dế	Nữ	nt	Dế
19				
20				

Đại diện Ban QLDA tỉnh

Đại diện Cộng đồng

[Signature]
Nguyễn Văn Công



Đại diện UBND xã
CHỦ TỊCH

Phạm Thanh Quang

Đại diện tư vấn

[Signature]
Nguyễn Tài Dũng

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

Nhà Sỡ, ngày 19 tháng 2 năm 2016

Tên DATP: Cải tạo vùng cấp 1 và chuyển bãi và đường giao
thông kết hợp quản lý - Kê khai thủy lợi Nhà Trại - Tân Cảnh
Xã Nhà Sỡ, huyện Ninh Sơn, tỉnh Ninh Thuận

I. Thành phần tham dự:

- | | | |
|-----------------------------|---------|-----------------------------|
| - Ông/Bà Lê Lợi Luật | Chức vụ | Cán bộ ban QLDA tỉnh |
| - Ông/Bà Nguyễn Thanh Hải | Chức vụ | Chuyên gia DTTS |
| - Ông/Bà Nguyễn Tài Dũng | Chức vụ | Chuyên gia Tái định cư |
| - Ông/Bà Nguyễn Thanh Dương | Chức vụ | Chuyên gia Môi trường |
| - Ông/Bà Hoàng Anh Tuấn | Chức vụ | Chuyên gia Giám sát đất đai |
| - Ông/Bà Bùi Văn Trọng | Chức vụ | Phó CT UBND xã |
| - Ông/Bà Vũ Thị Huệ | Chức vụ | Chỉ huy Hội phụ nữ xã |
- Đại diện những hộ bị ảnh hưởng: người.

(Xem danh sách đại biểu tham dự đính kèm)

II. Nội dung

2.1 Các nội dung phổ biến thông tin:

- Phổ biến các thông tin chung về dự án như mục tiêu, địa điểm, phạm vi xây dựng...
- Phổ biến thông tin về phạm vi ảnh hưởng và Khung Tái định cư và phát triển DTTS.
- Phổ biến quy trình khiếu nại và giải quyết khiếu nại về đền bù cho các hộ bị ảnh hưởng.

2.2 Tham vấn cộng đồng:

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

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

III. Ý kiến thảo luận

Cải tạo ban QHPA tỉnh Ninh Thuận thường báo và giới thiệu về quy mô, địa điểm, các đặc điểm kỹ thuật và thời gian, kế hoạch thực hiện tái định cư dân bị.

Đưa ra LIC phải biết thông tin về dự án, về chính sách đền bù và phạm vi tác động của TDA đối với tái cư dân.

Đưa ra LIC cung cấp các thông tin cho các bên tham gia về diel sốl đền bù và quyền lợi, và quyết định giải quyết khiếu nại về đền bù, tiến hành tham vấn về các đề nghị, kiến nghị của dân.

Các bên tham gia cuộc họp cho biết tái định cư dân bị dân tộc thiểu số là nhỏ, không có hộ nào phải di dời hoặc tái định cư.

Người dân tham gia cuộc họp cũng họ dự án, nhất là với diel sốl đền bù của dự án và đưa giả định từ do UBND cấp lâm hạt.

Người dân KH đề nghị được nhận các hỗ trợ đền bù và hỗ trợ khác từ một dự án tự lo chi phí của công và phát triển sản xuất.

Các tổ chức tôn giáo, như nói về giới dân tộc thiểu số tham gia cuộc họp đồng ý với chính sách quản lý của Dự án, đồng ý với mức giá do UBND cấp lâm hạt và đề nghị được nhận các hỗ trợ khác đền bù, hỗ trợ khác khác như là trợ cấp, trợ cấp.

cho biết Dự án không có tác động tiêu cực đến
gia đình họ và hoàn toàn ủng hộ Dự án

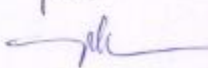
Đại diện chủ quyền địa phương và các đơn vị
ở cơ sở cho biết sẽ mang nước đi ăn uống miễn
phí cho công nhân khi cần và tiếp xúc xuất

Đại diện các bên tham gia tham vấn đề nghị
chủ đầu tư chú ý liên hệ với thôn xã về việc
tuyển dụng lao động địa phương và hoạt động
xây dựng

Nghiên cứu gia cầm như trước phải lưu ý các
quá trình thi công phải tránh ảnh hưởng đến
tính toàn vẹn của đất và hoàn trả mặt bằng sau khi
thi công cụ thể đảm bảo sẽ mời trường hợp xuất
thời gian thi công

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

Đại diện Ban QLDA tỉnh

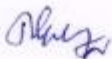
Đại diện Hội
Phụ nữ xã




Hồ Thị Anh Thuý

Bùi Văn Trọng
Đại diện tư vấn

Đại diện Cộng đồng





Nguyễn Tài Đăng

Chai Thị Mai Phương

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

Tên DATP: Cải tạo nông cấp kinh chỉnh đốn ngày 12 tháng 2 năm 2016
Xã: Nhơn Sơn, huyện: Nhơn Sơn, tỉnh: Miền Thuận

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Bùi Quang Trọng	Nam	phó CT UBND xã	<i>[Signature]</i>
2	Nguyễn Thị Hằng	Nữ	Chủ tịch H. phụ nữ	<i>[Signature]</i>
3	Nguyễn Thanh Tuấn	Nam	Cán bộ Đoàn xã	<i>[Signature]</i>
4	Nguyễn Thị Thạch	Nữ	Thôn 2 - Nhơn Sơn	
5	Trương Công Kiên Quốc	Nam	Thôn 2 - Nhơn Sơn	<i>[Signature]</i>
6	Nguyễn Thanh Khải	Nam	Thôn 1 - Nhơn Sơn	<i>[Signature]</i>
7	Trần Lê Đạt	Nam	Thôn 2 - Nhơn Sơn	
8	Nguyễn Hồng Hiệp	Nữ	Thôn 2 - Nhơn Sơn	<i>[Signature]</i>
9	Lê Võ Đức	Nam	Thôn 1 - Nhơn Sơn	<i>[Signature]</i>
10	Trần Thanh Kim	Nữ	Thôn Nhà Hồ	<i>[Signature]</i>
11	Thái Thị Mai Phương	Nữ	Thôn 1 - Nhơn Sơn	<i>[Signature]</i>
12	Lý Thị Vân	Nữ	Thôn 1 - Nhơn Sơn	<i>[Signature]</i>
13	Lê Văn Cường	Nam	Thôn 1 - Nhơn Sơn	<i>[Signature]</i>
14	Thái Thị Kim Ngân	Nữ	phó CT Mặt trận	<i>[Signature]</i>
15	Nguyễn Văn Tâm	Nam	Cán bộ địa phương	<i>[Signature]</i>
16	Hà Sỹ Dũng	Nam	Chủ tịch H. Cựu chiến binh	<i>[Signature]</i>
17	Mãn Đức	Nam	phó UBND thôn Nhà Hồ	
18	Lâm Quang Lợi	Nam	Khu vực 2	<i>[Signature]</i>
19	Trần Văn Tèo	Nam	Thôn Nhà Hồ 2	<i>[Signature]</i>
20	Trần Thảo Hiệp	Nam	Chủ tịch Mặt trận	<i>[Signature]</i>

Đại diện Ban QLDA tỉnh

Đại diện Mặt trận
Mặt xã

[Signature]

Hồ Thị Anh Lương

Đại diện Cộng đồng

[Signature]

Thái Thị Mai Phương

Đại diện UBND xã NHƠN SƠN
KT. CHỦ TỊCH
P. CHỦ TỊCH



[Signature]

Bùi Văn Trọng

Đại diện tư vấn

[Signature]
Nguyễn Tài Bình

ANNEX 2: LIST OF SEVERELY AHs AND THEIR LOSING RATE

No	Name	Commune/ward	Losing rate of agricultural land (%)
1	Le Thai	Do Vinh	23.2
2	Pham Chien	Do Vinh	21.8
3	Phan Duc Thanh	Do Vinh	21.1
4	Phan Thi Hop	Do Vinh	20.2
5	Ho Tuyen Sanh	Do Vinh	17.6
6	Nguyen Than Hoa	Do Vinh	16.4
7	Nguyen Van Hong	Do Vinh	13.7
8	Nguyen Thanh Khanh	Nhon Son	23.7
9	Thai Thi Mai Phuong	Nhon Son	16.0
10	Truong Cong Kien Quoc	Nhon Son	15.0
11	Nguyen Chinh	Nhon Son	10.1
12	Tran Thanh Kim	Nhon Son	11.2
13	Hua Thi Mong	Nhon Son	10.5
14	Dao Ngoc Hau	Nhon Son	14.2