

Resettlement Plan

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VIE: INTEGRATED RURAL DEVELOPMENT SECTOR PROJECT IN CENTRAL PROVINCES (Additional Financing)

**Subproject: LINING MAIN AND BRANCH CANALS – NORTHERN
AND SOUTHERN CANALS UNDER DONG CAM IRRIGATION CANAL
SCHEME, TAY HOA AND PHU HOA DISTRICT AND TUY HOA CITY,
PHU YEN PROVINCE**

CURRENCY EQUIVALENTS

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

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ABBREVIATIONS

ADB	- Asian Development Bank
AH	- Affected Household
APs	- Affected Persons
APMB	- Agricultural Project Management Board
LFDC	- Compensation Assistance and Rehabilitation 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
DOF	- Department of Finance
DONRE	- Department of Natural Resources and Environment
DP	Displaced Person
DPC	District Peoples' Committee
DPI	- Department of Planning and Investment
DRC	- District Resettlement Committee
EA	- Executing Agency
EM	- Ethnic Minority
EMO	- External Monitoring Agency
FGD	- Focus Group Discussion
FS	- Feasibility Study
GAP	- Gender Action Plan
GOV	- Government of Vietnam
HHs	- Households
HIV-AIDS	- Human Immuno Virus-Acute Immune Deficiency Syndrome
IPP	- Indigenous Peoples' Plan
IOL	- Inventory of Losses
IDSPCP	- Integrated Rural Development Sector Project in Central Provinces
IRMR	- Internal Resettlement Monitoring Report
LFDC	Land Fund Development Center
LIC	- Loan Implementation Consultant
LURC	- Land Use Rights Certificate
MARD	- Ministry of Agriculture and Rural Development
MOF	- Ministry of Finance
MOLISA	- Ministry of Labor, Invalids and Social Affairs
MONRE	- Ministry of Natural Resources and Environment
N-T-P	- Notice- to- Proceed
ODA	- Official Development Assistance
O&M	- Operation and Maintenance

PLFDC	-	Provincial Compensation, Assistance and Resettlement Board
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
RP	-	Resettlement Plan
RCS	-	Replacement Cost Survey
ROW	-	Right-of-Way
RRCA	-	Rapid Replacement Cost Assessment
SAH	-	Severely Affected Household
SES	-	Socio-Economic Survey
SP	-	Subproject
SPS	-	Safeguard Policy Statement
STI	-	Sexually Transmitted Infection
USD	-	United States Dollar
VAHs	-	Vulnerable affected households
VND	-	Vietnamese Dong
VWU	-	Viet Nam Women's Union
WUGs	-	Water Users Groups

GLOSSARIES

- Displaced person (DP) - Means any person or persons, household, firm, private or public institution that are fully or partially, permanently or temporarily physically displaced (relocated, lost residential land, or lost shelter) and/or economically displaced (lost land, assets, access to assets, income sources or means of livelihood) due to (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. AHs could be of three types: (i) persons with formal legal rights to land lost; (ii) persons who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who have neither formal legal rights nor recognized or recognizable claims to the lost land. In the case of a household, the term DP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
- Cut-off date - Means the date of project land acquisition announcement by competent agency. The AHs will be informed of the cut-off date for each project component, and any person who settled or assets created in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
- Detailed Measurement Survey (DMS) - Based on the approved detailed engineering design, this activity involves the 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.
- Compensation - Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Ethnic minority (EM) - Any of the 53 ethnic groups in Viet Nam other than the majority Kinh (Viet) and Hoa ethnic group that possess the following characteristics in varying degrees - collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; and customary cultural, economic, social, or political institutions that are separate from those of the dominant Kinh (Viet) society and culture.
- Entitlement - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the AHs, depending on the type and severity of their losses, to restore their economic and social base.
- Income restoration program - A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations

Land acquisition	-	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	-	This refers to additional support provided to AHs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	-	This is the physical relocation of a DP 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 Study	-	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 DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Severely affected households (SAH)		This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject
Vulnerable groups	-	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include households that are: (i) headed by women with dependents, (ii) headed by persons with disability, (iii) falling under the national poverty standard, (iv) with children and elderly who have no other means of support, (v) landless, and (vi) ethnic minorities.

NOTE

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EXECUTIVE SUMMARY

1. **Introduction:** This Resettlement Plan (RP) is prepared for the subproject “Lining main and branch canals – Northern and Southern canals under Dong Cam irrigation scheme” in Districts of Phu Hoa, Tay Hoa and Tuy Hoa city, Phu Yen province which is one of the proposed subprojects of the Integrated Rural Development Sector Project in the Central Provinces (IRDSPCP) (Additional Financing). The subproject will (i) Consolidation of irrigation canal schemes with a total length of 19,406.4m, drainage ditches, bridges over canal; upgrading of road on canal with a total length of 23,276.45m (of which: upgrading 17,303.42m of road on canal which to be public traffic road and 5,973.03m which to be internal road and for management transportation); (ii) upgrading process of operation and maintenance for completed work items; (iii) enhancement of knowledge for people on technique on livestock, seedling, crop shift and crop rotation in line with orientation of increasing productivity, diversifying products to bring high economic efficiency for people. The RP is prepared based on the results of detail measurement survey (DMS), socio-economic survey (SES), replacement cost survey, the updated REMDF, and the results of public consultation and participation in subproject area with the participation and consultation with different stakeholders, including affected people.

2. **Subproject location and scope of impacts:** This subproject is situated in communes of Hoa Dinh Dong, Hoa Thang, Hoa Quang Nam, Hoa Tri and Phu Hoa town of Phu Hoa district; communes of Binh Kien, Hoa Kien and Ward 9 of Tuy Hoa City and communes of Hoa Tan Tay, Hoa Phong and Hoa Phu of Tay Hoa district Phu Yen province. According to DMS results, no affected household is relocated. There are total of 641 households and 09 organizations (People’s committee of Hoa Dinh Dong commune, Hoa Thang commune, Hoa Quang Nam commune, Hoa Tri commune and Phu Hoa town, Binh Kien commune, Hoa Kien commune, Tan Tay commune, Hoa Phong commune) to be affected by the subproject, but only 574 AHs with affected land and assets on land, remaining 67 AHs are affected on structures crop and trees only. Total 89,237.6 m² of land is acquired by this sub-project, broken down into: 191.6m² of residential land belongs to 13 households, 37,288.3 m² of agricultural land (29,933.9 m² of agricultural land of 561 households and 7,354.40 m² agricultural land of 9 organizations as above mentioned) and 51,757.7m² of public land (irrigation, transportation, graveyard and un-used land). The subproject affects 3,586 trees of many types of 129 affected AHs and about 26,123.7m² of annual crops of 445 affected HHs and eight (8) organizations. 72 AHs have structures to be affected. Of 641 AHs, 22 AHs of them who are classified as belonging to vulnerable group and 02 AHs are severely AHs by subproject (with scale of losing agriculture land is 11.03% and 12.29%).

3. **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 RP are in accordance with the current regulations of Vietnam. However, in case of any discrepancy, Asian Development Bank’s (ADB’s) Policy will be followed.

4. **Information Disclosure, Public consultation and participation:** Information Public consultations and meetings at village and commune levels with the affected persons (APs) and local officials were conducted initially during the IOL time in 2014. Succeeding consultations took place during the DMS period done by LFDC and CPCs and continue in

May to July 2016 by CPMU/LIC in combination with PPMU and LFDC and CPCs. Design, project policies and alternative plans for land compensation, replacement cost and income restoration were discussed during the meetings. The grievance redress mechanism was designed and discussed to ensure that the APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. The rights of the AHs/APs were fully disclosed to them verbally and in writing during the series of consultation meetings during both the IOL and DMS stages in the resettlement planning process. Furthermore, their rights will be reiterated again during the time when compensation will be paid for acquired/affected lands and other assets.

5. **Vulnerable and Ethnic Minority Issues:** Per results of DMS, there are 22 VAHs in this subproject area, all of them are poor households. None of AHs is ethnic minority.

6. **Gender Action Plan** GAP was prepared in a separate report to ensure women's participation in SP implementation that includes gender performance indicators. Gender mainstreaming will be one of the areas to be monitored in the Project Performance Monitoring System (PPMS) as well as in the Internal Resettlement Monitoring Report (IRMR) to gauge the satisfaction levels of affected women household members as well the female-headed AHs in their compensation payments and grievance resolutions, among others. The gender monitoring indicators are also included and women are expected to take active part during the internal monitoring of the RP. Gender mainstreaming strategy as described in this RP encourages the participation of women in the entire subproject implementation cycle specifically as members to the Commune Supervisory Board (CSB), during the regular public consultation, participation and information disclosure activities, in rendering unskilled labor equally paid with men during civil works construction and in their participation during the capacity-building for agricultural production and diversification, among others.

7. **Income Restoration plan:** Two of the AHs are severely affected by the subproject. (With scale of losing agriculture land is 11.03% and 12.29%) They will be fully provided funding support in terms of compensation payments to all affected assets and allowance in term of income restoration. The vulnerable group will have additional allowances in accordance with subproject's policy, which are fully indicated in the subproject's entitlement matrix.

8. **Institutional Arrangement:** The Ministry of Agriculture and Rural Development (MARD), through its Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB), will coordinate with relevant agencies in the implementation of the RP. CPMU will cooperate with Phu Yen PPC and instruct the Department of Agriculture and Rural Development (DARD), through its Provincial Project Management Unit (PPMU) to ensure that the compensation and other forms of assistance are administered according to the provisions of this RP. The Land Fund Development Center (LFDC) is belonging to Districts of Phu Hoa, Tay Hoa and Tuy Hoa city to implement the compensation, assistance and resettlement process. During resettlement implementation, the Loan Implementation Consultant (LIC) recruited by CPMU will conduct semi-annual monitoring missions to ensure compensation is implemented in line with approved RP.

9. **Implementation schedule:** the final RP will be approved before starting the subproject civil works. Civil contract award for the subproject (SP) shall not be approved by ADB unless its final RP is approved. CPMU will make sure that construction work will not be implemented by contractors unless Phu Yen PPMU before: (i) has adequately finished compensation payment and (ii) ensure that necessary allowances are provided to affected people for life rehabilitation/income restoration and land clearance are completed. As per implementation schedule, all AHs are expected to be paid compensation for their affected

assets beginning October 2016 and site clearance will be completed by the end of October 2016.

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

11. **Total resettlement cost:** Phu Yen PPC is responsible for distributing counterpart fund for land acquisition and resettlement to Districts of Phu Hoa, Tay Hoa and Tuy Hoa city or District Land Fund Development Center of those so that the payment will be made directly to affected households. Total cost is estimated to be about VND **7,918,228,779** equivalents to USD **355,556**. In which: (i) compensation amount for land is VND 1,473,818,050; (ii) compensation amount for affected structure is VND 627,664,856 (iii) compensation amount for affected crops and tree is VND 281,531,340; (iv) *Restore livelihoods and incomes allowance* is VND 5,760,000; (v) Job training/Creation allowance is VND 4,165,938,594; (vii) *Assistance for garden land adjacent residential land* is VND 357,235,850; (viii) *Assistance for agriculture land adjacent residential land* is VND 2,786,000 (ix) *Assistance for public land of 07 CPCs* is VND 83,647,820; (x) allowances to vulnerable group amount to VND 58,952,391; (x) Management and Implementation Cost is VND 141,144,898 and contingency is VND 719,838,980.

I. INTRODUCTION

A. Background

12. The subproject (SP) of Lining main and branch canal – Northern and Southern canal under Dong Cam irrigation system, Phu Yen province is implemented in 11 communes of two districts and one (1) city of Phu Yen province, namely, communes of Hoa Dinh Dong, Hoa Thang, Hoa Quang Nam, Hoa Tri and Phu Hoa town of Phu Hoa district; communes of Binh Kien, Hoa Kien and Ward 9 of Tuy Hoa City and communes of Hoa Tan Tay, Hoa Phong and Hoa Phu of Tay Hoa district Phu Yen province.

13. The Dong Cam irrigation scheme was constructed in the 1930s and put into use in 1932, consisting of weir with the length of 500 meters, taking water from Ba river to supply for Southern and Northern main canals and irrigation scheme. Southern and Northern main canal scheme has the length of 245 km, its command area is 17,700 ha of 2-crop paddy fields.

14. Through a long time of use, earth canals have been much landslide, especially in the rainy season, canal bank is broken and divided into sections, and structures on canal have been damaged and degraded. Annually, Dong Cam IMC consolidates and upgrades canal under the annual repair program with small volume of work due to limited fund source. Most of the remaining canal system has been not upgraded yet.

15. With the current status, it causes difficulty in regulating water and wasting water so irrigation area at the end of branch canals is usually not ensured, affecting productivity especially in the summer autumn, it only ensures irrigation for about 85% - 95% of the area. Annually, it is about 885 ha of cultivation land area being lacked of water. Besides, current status of roads on canal is that they are located on the earth canal with the width of 1.5m – 3.0m which is landslide, muddy and seriously degraded. And drainage structures on road have been not constructed. Travelling, repairing, production, transport of goods, and management of canal system on these roads are difficult especially in the rainy season, road surface is slippy so people cannot participate in travelling; In the dry season, mud on surface becomes hard and rough that people also cannot participate in travelling and it is easy to cause traffic accident and make vehicles damaged. Therefore, it realizes that is necessary to implement the subproject in order to upgrade and repair some canal sections and roads along the canal since that play an important role in economic development in locality and country.

16. The sub-project has three main outputs: (i) Consolidation of irrigation canal schemes, drainage ditches, bridges over canal; upgrading of road on canal and structures on the road; (ii) upgrading process of operation and maintenance for completed work items; (iii) enhancement of knowledge for people on technique on livestock, seedling, crop shift and crop rotation in line with orientation of increasing productivity, diversifying products to bring high economic efficiency for people. The subproject will bring many profits to community including (i) Beneficiaries are paid salary when participating in the sub-project implementation process; (ii) Reduce travelling time for people. The sub-project will contribute to improvement of ecological environment in the region, expansion of rural road network, handling of inter-commune road issue by road combining with canal bank, and enhancement of accessibility and use of rural infrastructures; (iii) Reduce loss during the transport process. Reduce transport cost and transport time; (iv) Ensure water for agricultural development. The sub-project will supply enough water for 1,469 ha of two paddy rice crops, combine with Dong Cam irrigation system to ensure stable self-pour water 17,700 ha of agricultural cultivation land; deal with lack of water status in the dry season due to leakage; improve

fields at the downstream which have been uncultivated due to lack of water for a long time. Proactive irrigation will contribute to increasing crop productivity from six tons/ha/crop to more than seven tons/ha/crop and improving income for people in the sub-project area and (v) Safer in the rainy season. The completed sub-project will contribute to regulating water flow when flood comes and mitigate negative impacts caused by flood and drought. In addition, the sub-project also contributes to ensuring stability, increasing the life of work, reducing annual O&M cost, limiting landslide on canal bank in the rainy season and increasing the beauty of work.

B. Subproject location and affected area

17. The sub-project will repair and upgrade work items of current Dong Cam irrigation scheme and upgrade canal bank to become management road and rural road. This is one of sub-projects screened from many projects in the province to ensure suitability with social and environmental protection measures of ADB and the Government of Vietnam and with other development selection criteria focusing on its impact on poverty in which activities of maximizing impacts on socio-economic issues from the investments will be implemented basing on priority basis. Other activities include project management assistance and institutional capacity building during the project implementation process, operation, and maintenance process, including asset management.

18. The subproject will (i) Consolidation of irrigation canal schemes with a total length of 19,406.4m, drainage ditches, bridges over canal; upgrading of road on canal with a total length of 23,276.45m (of which: upgrading 17,303.42m of road on canal which to be public traffic road and 5,973.03m which to be internal road and for management transportation); (ii) upgrading process of operation and maintenance for completed work items; (iii) enhancement of knowledge for people on technique on livestock, seedling, crop shift and crop rotation in line with orientation of increasing productivity, diversifying products to bring high economic efficiency for people.

19. The sub-project will be implemented in Phu Hoa, Tay Hoa districts and Tuy Hoa city with 377,866 benefited people living in the sub-project area (Phu Hoa and Tay Hoa districts, Tuy Hoa city). In which the sub-project improves living quality and reduces poverty for more than 142,940 people and directly brings benefit for 95% of households who are cultivating on agriculture land in Hoa Thang, Hoa Dinh Dong, Hoa Quang Nam and Hoa Tri communes, Phu Hoa district; Hoa Phu, Hoa Phong, Hoa Tan Tay communes of Tay Hoa district; Hoa Kien commune of Tuy Hoa city, Phu Yen province.

C. Measures taken to Minimize Negative Impacts

20. The subproject (SP) of Lining main and branch canal – Northern and Southern canal under Dong Cam irrigation system, Phu Yen province is constructed based on the existing route. To avoid more potential impacts, households were informed during the consultation meetings to refrain from building new structures or plant trees at the identified subproject area. A public information booklet (PIB) that explains, among others, the policy on cut-off date for eligibility, was distributed to the AHs and local governments during the preparation of the RP. PIB will be regularly distributed to the AHs and local governments, as needed, following ADB's concurrence of the subproject RP. Other than the aforementioned, Government will ensure that the acquisition of assets, payment of compensation, assistance and rehabilitation of the AHs will be completed prior to the issuance of a notice- to- proceed (NTP) to contractors to start construction works

21. Efforts towards minimizing the adverse environmental impacts of the subproject during construction will include re-using excavated materials from the existing work to

upgrade and maintain the new works, reduce the volume of construction materials to be extracted from borrow pits and transported through public roads, thereby reducing environmental impacts such as dust, air emissions, and noise that would affect local people in the subproject area particularly children and the elderly who are at greater risk to these environmental impacts.

D. Resettlement Plan

22. This RP ensures that the subproject will (i) avoid involuntary resettlement wherever possible; (ii) mitigate potential impacts during the subproject design phase; and (iii) improve the standards of living of affected people especially the vulnerable group, minority people or at least will equal to their pre-subproject conditions.

23. In addition, the RP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB's Involuntary Resettlement with National and Phu Yen provincial policies. Which include:

- (i) Policy and procedural guidelines for asset acquisition, compensation, resettlement, and strategies that will help ensure full restoration of the affected households' livelihood and standards of living;
- (ii) Identification of households and communities to be adversely affected by the implementation of subproject, identification of which measures/compensation and mitigation plan which need to be applied;
- (iii) Identification of content, participation plan of affected households in the various stages of the Project, including resolution of grievances; and
- (iv) An estimated budget for resettlement implementation.

24. This RP is prepared based on the results of the detailed measurement survey (DMS), replacement cost, SES and consultations. Construction activities will only start once all compensation and assistances provided to affected households.

II. SUBPROJECT IMPACTS

25. Detailed Measurement Survey (DMS) was completed in June 2016 by Land Fund Development Center of affected districts in Phu Yen province, based on the approved detail design. Results of the DMS are summarize as follows:

A. Permanent impact

1. Affected households

26. Per DMS Result, the subproject causes impacts on assets of 641 affected households (equivalent to 2,187 persons) and 11 organizations (CPCs). Of the 641 affected households, 574 AHs are affected on land and assets (consisting of 13 HHs are affected on residential land and 561 HHs are affected on agriculture land), 67 AHs hired-land from CPCs for cultivation; these are affected on structures or crop and tree only. Out of 574 AHs whose land has been acquired, 02 affected households are severely affected households (with scale of losing agriculture land is 11.03% and 12.29%)... There is no relocated AH. Of 641 AHs, there are 22 AHs classified as vulnerable AHs, all of them are poor AHs. There are no Ethnic minority people in subproject area.

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

Table 1: Number of affected households

District	Commune	AH	AP	AH loss >10% agriculture land	VAH	AH loss land and asset	AH with lease land (affect on asset only)
Phu Hoa	Hòa Định Đông	45	164			39	6
	Hòa Thắng	4	23			4	
	Hòa Quang Nam	36	114		2	35	1
	Hòa Trị	86	284		1	82	4
	Thị Trấn Phú Hòa	32	106			17	15
		203	691	0	3	177	26
Tuy Hoa City	Bình Kiến	27	86		1	16	11
	Hòa Kiến	69	221		0	69	
	UBND phường 9	5	17			5	
		101	324	0	1	90	11
Tay Hoa	Hòa Tân Tây	235	817	2	18	214	21
	Hòa Phong	84	292			77	7
	Hòa Phú	18	63			16	2
		337	1,172	2	18	307	30
	Total	641	2,187	2	22	574	67

Source: DMS 2016

2. Vulnerable Group

28. There are 22 VAHs, all of them are poor AHs (02 poor AHs in Hoa Quang Nam commune, 01 poor AH in Hoa Tri commune, 01 poor AH in Binh Kien commune and 18 poor AHs in Hoa Tan Tay commune).

3. Affected land

29. According to DMS Result, the SP permanently affects of total 89,237.6 m2. In which, 30,125.50 m2 belongs to 574 households and 59,112.10 m2 is land of 11 organizations (11 CPCs of 2 district of Phu Hoa, Tay Hoa and Tuy Hoa city)

30. Of total 89,237.6 m2 consists of (i) 191.6 m2 is residential land belong to 13 AHs; (ii) 37,288.3 m2 of agriculture land (33,464.4 m2 annual crop land; 3,490.8 m2 of garden land and 333.1 m2 of forest land); in which 29,933.9 belongs to 561 AHs and 7,354.4 m2 belongs to 9 CPCs; and (iii) 51,757.7 m2 of other land, consist of irrigation land (34,124.6 m2); transportation land (15,135.7 m2); graveyard land (55.7m2 and no tomb) and un-used land (2,441.7 m2).

31. In total of 29,933.9 m2 agriculture land of 561 AHs, 701.5 m2 belong to 2 severely AHs losing more than 10% (with scale of losing agriculture land is 11.03% and 12.29%) and remaining 29,232.4 m2 AHs belong to 559 AHs losing less than 10% of total their agriculture land. In which, (i) 3,490.8 m2 garden land of 96 AHs is adjacent in their residential land area but not be recorded as residential land and be assisted *equal to 50% of value for affected residential land area* according to policy of Phu Yen province and (ii) 19.9 m2 agriculture land is adjacent in their residential land area and also be assisted equal to 35% of value for affected residential land area; (iii) 25,721.7 with job changing and creation allowance for 483 AHs, and (iv) 701.5 m2 of 2 AHs with allowance to restore livelihoods and incomes, according to policy of Phu Yen province as mentioned in table 17.

32. In total of 7,354.4 m² agriculture land belong to CPCs (as mentioned in para. 30), there is total area of 4,574.5 m² of hired land by 67 AHs for cultivation and only 2,580.7 m² are assisted equal to 80% of compensation value of the affected land, remaining land of 199.2 m² are not assisted. The following tables summarizes affected land:

Table 2: Affected land by type of land and ownership

Owner	District	Commune	Unit	Non-agriculture land (residential land)	Agriculture land			Other land				Total
					Annual crop land	Garden land	Forest land	Irrigation land	Transportation land	Graveyards	Un-used land	
Ahs	Phú Hoà	Hòa Định Đông	m ²	21.40	1,213.90	320.50						1,555.30
			AH	1	36	14					39	
		Hòa Thắng	m ²		133.70							133.70
			AH		4						4	
		Hòa Quang Nam	m ²	4.50	1,046.70	178.90					1,230.10	
			AH	1	32	5					38	
		Hòa Trị	m ²	89.50	1,910.40	589.60					2,558.60	
			AH	4	63	21					82	
		Thị Trấn Phú Hòa	m ²		421.10	881.00	79.90				1,382.00	
			AH		7	7	3				17	
		Tp. Tuy Hoà	Bình Kiến	m ²		947.30						947.30
				AH		16					16	
	Hòa Kiến		m ²		2,725.60					2,725.60		
			AH		69					69		
	UBND phường 9		m ²		168.40					168.40		
			AH		5					5		
	Tây Hoà	Hòa Tân Tây	m ²		14,616.90	270.90				14,815.90		
			AH		208	8				214		
		Hòa Phong	m ²	72.50	2,825.90	1,016.00				3,914.40		

Owner	District	Commune	Unit	Non-agriculture land (residential land)	Agriculture land			Other land				Total		
					Annual crop land	Garden land	Forest land	Irrigation land	Transportation land	Graveyards	Un-used land			
			AH	6	41	32						77		
		Hòa Phú	m ²	3.70	353.30	233.90						590.90		
			AH	1	9	9						16		
		Total by AHs		m ²	191.60	26,363.20	3,490.80	79.90	-	-	-	-	30,125.50	
				AH	13	490	96	3	-	-	-	-	574	
CPC	Phú Hoà	Hòa Định Đông	m ²		2329.50			16.70					2,346.20	
		Hòa Thắng	m ²		194.40			4.90					199.30	
		Hòa Quang Nam	m ²		1532.80			559.20					2,092.00	
		Hòa Hòa Trị	m ²		708.10			14,790.90	0	0	186.40		15,685.40	
		TT Phú Hòa	m ²		186.60			0.00	0.00		0.00		186.60	
	Tp. Tuy Hoà	Bình Kiến	m ²		1.90			360.00	358.00	0	0		719.90	
		Hòa Kiến	m ²		181.00			856.40	-		352.00		1,389.40	
		UBND phường 9	m ²					0.00	0.00	0.00	0.00		0.00	
	Tây Hoà	Hòa Tân Tây	m ²		1,966.90	-	253.20	17,311.50	14,777.70	55.70	1,903.30		36,268.30	
		Hòa Phong	m ²			0.00	0.00	225.00	0.00	0.00	0.00		225.00	
		Hòa Phú	m ²			0.00	0.00	0.00	0.00	0.00	0.00		-	
			Total area of CPCs			0.00	7,101.20	0.00	253.20	34,124.60	15,135.70	55.70	2,441.70	59,112.10
	Total area					191.6	33,464.40	3,490.80	333.10	34,124.60	15,135.70	55.70	2,441.70	89,237.60

Source: DMS 2016

Note: 17 AHs loss 02 type of land and 02 AHs loss 03 type of land;

4. Status of land use rights of affected households

33. According to DMS survey, all 574 AHs with land use registration certificates (LURCs).

5. Affected crops and trees

34. Permanent agricultural land acquisition has impacts on crops and trees. It is expected that total of 26,123.66 m² annual crops owned by 445 AHs are affected and 3,586 quantities of perennial owned by 129 AHs are affected when construction work will commence. Almost annual crop is rice, some of them are special grass, climbing plant... Affected fruit trees include mango, guava, jackfruit, melon, dragon, tamarind, apple, star apple, star fruit, rambutan, lemon, coco, avocado, papaya. Small area of annual cropland is grass for livestock. Affected timber tree are Eucalyptus, Acacia... Table 4 and 5 below summary quantity of annual crops and trees by commune.

Table 3: Affected annual crops

Unit: m²

No	District/Commune	Paddy and crop		Total
		Paddy	Other annual crop (grass, tree fence, climbing plant...)	
I	Phu Hoa District	4,281.14	86.13	4,367.27
1	Hoa Dinh Dong	903.30	79.23	982.53
2	Hoa Thang	133.70	-	133.70
3	Hoa Quang Nam	1,107.40	-	1,107.40
4	Hoa Tri	1,899.00	6.90	1,905.90
5	Phu Hoa town	237.74	-	237.74
II	Tuy Hoa City	-	1,327.30	1,327.30
6	Binh Kien	-	1,327.30	1,327.30
7	Hoa Kien	-	-	0.00
8	Ward 9	-	-	0.00
III	Tay Hoa District	19,569.68	859.41	20,429.09
9	Hoa Tan Tay	16,371.00	62.50	16,433.50
10	Hoa Phong	2,853.58	577.51	3,431.09
11	Hoa Phu	345.10	219.40	564.50
	Total	23,850.82	2,272.84	26,123.66

Source: DMS, 2016

Table 4: Affected trees

No	District/Commune	Affected Trees		Total
		Fruit Trees	Timber Trees	
I	Phu Hoa District	1,283	1,851	3,134
1	Hoa Dinh Dong	226	459	685
2	Hoa Thang	0	0	0
3	Hoa Quang Nam	87	157	244
4	Hoa Tri	287	360	647
5	Phu Hoa town	683	875	1,558
II	Tuy Hoa City	0	3	3
6	Binh Kien	0	3	3
7	Hoa Kien	0	0	0
8	Ward 9	0	0	0

No	District/Commune	Affected Trees		Total
		Fruit Trees	Timber Trees	
III	Tay Hoa District	153	296	449
9	Hoa Tan Tay	38	60	98
10	Hoa Phong	102	201	303
11	Hoa Phu	13	35	45
	Total	1,436	2,150	3,586

Source: DMS, 2016

6. Affected houses and structures

35. As mentioned above, 13 households are affected residential land, however, none of house is affected by subproject. Some structures of 72 AHs are affected with total 899.9 m of fence and 911.4 m² of other structures, as indicated in the below table. All of affected structures will be compensated at the replacement cost and removal after receiving fully compensation.

Table 5: Profile of the types of affected Structures in Subproject communes

No	District/Commune	Kitchen (m ²)	Toilet (m ²)	Fence (m)	Home Access Road (m ²)	Other Structures (m ²)
I	Phu Hoa district	37	119.9	572.8	171.8	299.2
1	Hoa Dinh Dong	28.6	55.4	153.4	98.6	103.3
2	Hoa Thang	0	0.0	0.0	0.0	0.0
3	Hoa Quang Nam	0	0.0	34.5	12.1	23.6
4	Hoa Tri	0	45.6	268.7	39.7	104.2
5	Phu Hoa town	8.4	18.9	116.2	21.4	68.2
II	Tuy Hoa City	0	0	0	0	0
6	Binh Kien	0	0.0	0.0	0.0	0.0
7	Hoa Kien	0	0.0	0.0	0.0	0.0
8	Ward 9	0	0.0	0.0	0.0	0.0
III	Tay Hoa district	21.5	99.9	327.1	81.1	83.474
9	Hoa Tan Tay	0	0.0	0.0	0.0	0.0
10	Hoa Phong	12.8	89.7	258.4	75.2	68.8
11	Hoa Phu	8.7	10.2	68.7	5.9	14.7
	Total	58.5	219.8	899.9	252.9	382.7

Source: DMS, 2016

7. Affected historical or cultural heritages

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

B. Temporary impacts

37. During construction, some lands will be temporarily acquired and rented as construction sites for worker camps, material storage etc. Likewise, there will be impacts to AHs along the road alignment. However, mitigation measures will be implemented. To minimize the temporary negative impacts which are unavoidable, civil works contracts shall include the following provisions: (i) contractor to pay rent for any land temporarily required for construction work; (ii) temporarily used land will be restored or improved by contractors to its pre-subproject condition before returning to AHs with confirmation of LIC. Contractors are required to negotiate and reach an agreement with the landowner before the land is used for temporary material storage/disposal site. One of the conditions in the issuance of the final payment to civil contractors is that the contractor should submit supporting documents to

prove that the temporarily acquired land has been restored to its pre-subproject conditions and there is no pending issue with confirmation of LIC.

III. SOCIO-ECONOMIC PROFILE AND INFORMATION

A. Socio-economic information of sub-project area

38. This subproject is situated in 11 communes of 01 City (Tuy Hoa city) and 02 districts Tay Hoa and Phu Hoa district, including communes of Hoa Dinh Dong, Hoa Thang, Hoa Quang Nam, Hoa Tri and Phu Hoa town of Phu Hoa district; communes of Binh Kien, Hoa Kien and Ward 9 of Tuy Hoa City and communes of Hoa Tan Tay, Hoa Phong and Hoa Phu of Tay Hoa district Phu Yen province

39. Tay Hoa district is a semi-midland plain area located southeast of Phu Yen province, with the total natural area of 609.45km². The district borders Phu Hoa and Son Hoa districts to the North, Dong Hoa district to the East; Song Hinh district to the West; and Van Ninh district (Khanh Hoa province) to the South.

40. Its population in 2014 is 117,829 people, population density is 193 persons/km². The people of Tay Hoa district mainly live in rural area. Most of the populations are Kinh people, many of which live in plain area. There are some ethnic minority groups such as Ba Na, Ede, Tay peoples living in mountainous communes. Tay Hoa district has advantage in its developed agricultural economy. Moreover, the district has a large paddy area, with over 6,400ha of two-crop paddy fields. Besides ensuring at sight food security, the district also sells its farm products to other province, and it will become the vegetable supplier of Phu Yen province in future.

41. Phu Hoa district was established in 2002 with the total natural area of 26,390.96ha. It is located on the left bank of Da Rang river, border Tuy An district to the North, Tay Hoa district to the South, Tuy Hoa city to the East, and Son Hoa district to the West. Located on National highway No. 1 A and No. 25, Phu Hoa district has favorable conditions for economic development and trading with other provinces, esp. those in the Highland area.

42. Tuy Hoa city is a center for politic and culture of Phu Yen province and is a city of category 2. As planned, the city is urbanizing in ecological and modern way, extend the urban area to Binh Ngoc, Hoa Kien, Binh Kien, An Phu communes and to the South of Tuy Hoa. After being official classified as city type II, the city has made considerable socio-economical development. In year 2014, Tuy Hoa city has gained many economical achievements, income per capita is 45.19 million dongs, which was an outcome of the job creation program. Moreover, Tuy Hoa city is changing its economical structure in Industry - Commerce - Tourism and high-tech agriculture trend. A landmark of the city's economic development is the growth of its tourism. Such natural landscapes as Tuy Hoa beach, Long Thuy beach, Nhan mountain, Da river, etc. have the advantages that attract many investors in tourism. The city is now joining the other central region provinces in developing their tourism

43. Proportion of poor household in the sub-project communes is higher than the average proportion of poor household in the province. Collected data on poverty proportion is shown as follows: Hoa Tan Tay commune is 10.7%, Hoa Phong commune is 10.9% (Tay Hoa district); Hoa Tri commune is 12.55%, Hoa Thang commune is 16.4%, Hoa Quang Nam commune is 10.2% (Phu Hoa district); Hoa Kien commune is 9.5% (Tuy Hoa city).

44. For agriculture production, winter –spring rice: 26,350ha with average productivity of 6,320 kg/ha; Summer – autumn rice: 24,540ha with average productivity of 6,450 kg /ha;

winter rice: 6,260ha with average productivity of 3,360 kg/ha that increases average food to 420.3kg/person/year. However, living condition of people mainly depends on agriculture so it is still much difficulty for them.

B. Socio-Economic Profile of Affected Households per DMS

45. The socio-economic survey (SES) was conducted in May 2016 specifically to determine their level of socio-economic status and poverty situation in terms of household income, assets owned, access to basic services and infrastructure facilities as well as their opinions regarding subproject implementation among other SES variables. A total of 126 households were covered in the SES or equivalent to about 20% of the total affected households under the subproject. The table below describes more detailed information of the households surveyed in the SES by the communes.

Table 6: Number of AHs in SES

No	Commune	Total of Ahs	Number of HHs surveyed in SES	
			Quantity	%
1	Binh Kien	27	8	29.63
2	Hoa Kien	69	16	23.19
3	Hoa Phong	115	14	12.17
4	Hoa Phu	19	11	57.89
5	Hoa Tan Tay	225	36	16.00
6	Ward 9	5	2	40.00
7	Hoa Dinh Dong	45	10	22.22
8	Hoa Quang Nam	36	10	27.78
9	Hoa Thang	4	3	75.00
10	Hoa Tri	86	12	13.95
11	Phu Hoa town	32	4	12.50
	Total	663	126	

Source: SES survey in 2015 and 2016

46. The following are the results of the survey:

Ages of AH heads

47. As to ages of HH heads interviewed, 55.56% (70) belong to the 60 years old and above or the elderly sector while another 43.65% (55) are within the ages 41-60 or the economically active group. Another 0.79% (1) of total interviewed household heads has ages ranging from 21-40 years old. None of the survey respondents is from the youth sector 20 years old and below. The data suggest that heads of the households are mostly belonging to the elderly who along with the youth and children are, likely, to be dependent now upon the economically active groups whose ages range from 21-60 years old. See table below for data on age brackets of surveyed household heads:

Table 7: Age bracket of AH heads

No	Communes	Age of surveyed AH heads				Total
		Under 20	21-40	41-60	Over 60	
1	Binh Kien	0	0	4	4	8
2	Hoa Kien	0	0	8	8	16
3	Hoa Phong	0	1	7	6	14
4	Hoa Phu	0	0	3	8	11
5	Hoa Tan Tay	0	0	14	22	36
6	Ward 9	0	0	1	1	2
7	Hoa Dinh Dong	0	0	6	4	10
8	Hoa Quang Nam	0	0	6	4	10
9	Hoa Thang	0	0	1	2	3
10	Hoa Tri	0	0	4	8	12
11	Phu Hoa town	0	0	1	3	4

No	Communes	Age of surveyed AH heads				Total
		Under 20	21-40	41-60	Over 60	
	Total	0	1	55	70	126
	%	-	0.79	43.65	55.56	100.00

Source: SES, DMS, 2015 and 2016

Educational Attainment

48. Of the 126 surveyed households, SES data on educational attainment of household heads indicate that a majority of them at 47.6% (60 AHs) completed and/or within primary school level, second is 21 AHs (16.7%) in secondary levels, another 11 AHs (8.7%) had high school education, only one household had finished for higher education, while 33 households (or 26.2%) reported that they did not attend school.

Table 8: Educational Levels of AH's heads

Education level	Total	
	No	%
Did not attend school	33	26.2
Primary	60	47.6
Secondary	21	16.7
High School	11	8.7
College/Vocational School	0	0.0
University	0	0.0
Higher Education	1	0.8
Total	126	100.0

Source: SES, DMS 2015 and 2016

Sources of Income of household heads

49. A majority of the households at 88.9% (112 AHs) of the total 126 consulted households cited agriculture and forestry as their main source of income while a few at 3.2% (4 AHs) said they are freelance or hired labors while 0.8% (1 household) respondent said the family income mainly comes from working for state institution, 0,8% (one household) reported that their income base on business/service and 6.3% (8 AHs) more respondents said from many others sources. The findings suggest that with the completion of the subproject, a majority of the households who are involved in agriculture will enjoy immense benefits with an increase in farm produce because of stable, adequate and reliable irrigation water.

Table 9: Source of Income of AH's heads

Mainly income sources	Total	
	Number	%
Agriculture/Forestry	112	88.9
Freelance//hired labors	4	3.2
Worker/staffs	1	0.8
Business/services	1	0.8
Other	8	6.3
Total	126	100.0

Source: SES, DMS 2015 and 2016

50. Average Monthly Income of headed AHs: Among of surveyed households, the average monthly income of 45.98% is below 1.5 Million VND. The average monthly income of 20.69% of the total consulted households ranges from 1.5 to 2 Million VND, 17.24% of consulted households having range of average income is from 2 Million VND to 2.5 Million VND and 16.09 % of surveyed households having average income is above 2.5 Million VND. In general, the above figures indicate that almost of surveyed households are poor or nearly

poor households as standard of poor regulated by MOLISA with threshold at 700.000 VND/person/month.

Monthly Family Expenses

51. The data found from SES results state that 47.13% of total household consulted spend about less than 1.5 Million VND per month and 43.68% of surveyed households said that their expenses is 1.5 Million VND to 3.0 Million VND per month This finding seem to suggest that these are those belonging to average households in terms of socio-economic status as cited in preceding discussion on monthly income of surveyed households. Some 6.9 %, spend about 3.0 Million VND to 5.0 Million VND per month while another 2.3 % households have monthly family expenses, which is above 5.0 Million VND.

Household assets

52. Type of Housing: From the findings, it is inferred that most consulted households have good types of housing which are mostly brick houses with tiles or galvanized iron (metal roofing). Another two (2) household own concrete houses. However, there are still some households, likely, those belonging to the vulnerable group whose types of houses are made of light materials like bamboo and earth walls.

Table 10: Type of Housing

No	Commune	Concrete house (cement)	Brick house with tiles or galvanized iron roofing (grade IV)	One floor concrete house	Stilt house with asbestos cement roof	House made of light materials like bamboo and earth walls	Other	Total
1	Binh Kien	0	8	0	0	0	0	8
2	Hoa Kien	0	14	0	1	1	0	16
3	Hoa Phong		14					14
4	Hoa Phu		11					11
5	Hoa Tan Tay		36					36
6	Ward 9	1	1	0	0	0	0	2
7	Hoa Dinh Dong		9	1				10
8	Hoa Quang Nam	1	9					10
9	Hoa Thang		2		1			3
10	Hoa Tri		12					12
11	Phu Hoa town		4					4
Total		2	120	1	2	1	0	126
%		1.59	95.24	0.79	1.59	0.79	-	100.00

Source: SES, DMS, 2016

53. Household Assets Owned: From the SES data, it is deduced that households in subproject area have good access to telecommunication and information facilities because a majority of them own telephone/mobile phones (85.7%), and television sets (96%). Motorbikes (83.3%) are the common means of transport to and from the communes by households in the subproject communes. These assets are household necessities. Since all households are connected to power facilities through the national power grid, household appliances like air-conditioning units, refrigerators, and washing machines are common in most households. In terms of farm assets, water buffaloes and cows are the most common use of farmers in tilling the paddy fields whereas a few households, likely those who are average in terms of socio-economic status own farm machines and farm truck.

Table 11: Household Assets Owned by Consulted headed AHs

Assets	Total	
	Number	Percentage
1. Buffalo/cow/horse	40	31.7
2. Pig/Goat	8	6.3
3. Generator	1	0.8

Assets	Total	
	Number	Percentage
4. Farm machine	1	0.8
5. Farm truck	1	0.8
6. Motorbike	105	83.3
7. Air condition/Refrigerator	65	51.6
8. Computer	5	4.0
9. Washing Machine, Gas stove	53	42.1
10. Telephone, mobile phone	108	85.7
11. Television/DVD (video)	121	96.0
12. Savings Account passbook	2	1.6

Source: SES, DMS, 2015 and 2016

Access to Infrastructures Utilities and Health and Sanitation Facilities:

54. Infrastructures/ social services in these communes are linked by inter-commune road and inter-regional road, which facilitate easy travelling of people and in the exchange and trading of goods. Residential areas in the subproject communes have good access to the telecommunication and power system. As per the socio-economic survey (SES) results during DMS, it was found out that all of them have electricity and their source of electricity is the national power grid.

55. Access to Domestic Water Source: A majority of surveyed households (122 AHs or 96.8%) responded that their source of water are from well/drug well, just three households (or 2.4%) said that they have connected to public drinking water system and only one household (0.8%) said their water is from the mountain.

Table 12: Sources of Water of AHs

Source of water	Total	
	Number	Percentage
Tap- water	3	2.4
Public water tank	-	-
Water from the interstice of mountain	1	0.8
Well/drug wells	122	96.8
Rainy	-	-
Other	-	-
Total	126	100.0

Source: SES, DMS, 2015 and 2016

C. Gender issues

56. Women participate in local government: The gender ratio between women and men participating in local government affairs commune level seemed imbalance with more men occupying key positions than women. Women working in CPC are only about 35 % of the total CPC work force. The gender situation in the Executive Council at commune level is also favorable to men where women only account for 18.75% of total members of the council. It is noted that women only occupy key positions in the Vietnamese Women's Union (VWU), which is expected because the VWU is a homogenous mass organization exclusively for women regardless of social status, ethnicity and vulnerability. There are more men than women occupying key leadership positions in the communes and in concerned agencies/departments in the province and district.

57. The participation of women in the subproject, included: (i) the percentage of women participating in the Commune Supervisory Board (CSB) remains low due to the old and traditional perception that men must take charge in monitoring schemes because of their biological make-up associated with strength and more time available to community activities even during nighttime when women cannot go out at night and in far away places in the area;

(ii) Community still believes that housework is the main responsibility of women, which explains why women take charge of 90% of housework and, therefore, are unavailable in community and other subproject activities. Accordingly, women's contributions to housework are not valued and they are not paid for this activity. Due to these domestic activities, women do not have time for leisure and to participate in training and other capacity building activities. Housework and other related works associated with the performance of their reproductive gender role deprive them from gaining opportunities for building their self-esteem and self-confidence.

58. Consequently, because of the above-mentioned situations: (i) women with well-qualified education and high absorptive capacity tend to take further advanced learning courses and then try to find new job opportunities in different areas; (ii) women who have low education stay at the commune and perform housework as well as attend to their family's needs and concerns, thereby, resulting in their lack of self-confidence and losing the chance to become leaders occupying key decision-making tasks alongside men in the communes..

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

Table 13: Household Decision-Making

Household activities	Decision by Husband		Decision by Wife		Decision by both Husband and Wife		Other	
	No	%	No	%	No	%	No	%
Building House	28	22.2	15	11.9	70	55.6	13	10.3
Business Investment	28	22.2	15	11.9	70	55.6	13	10.3
Purchasing Household appliances/facilities	26	20.6	17	13.5	70	55.6	13	10.3
Children's schooling	16	12.7	24	19.0	73	57.9	13	10.3
Health Care	16	12.7	25	19.8	72	57.1	13	10.3
Management of family finances/expenses	17	13.5	35	27.8	61	48.4	13	10.3
Meetings/community participation	31	24.6	18	14.3	64	50.8	13	10.3
Ancestor worshipping/ religious rituals	34	27.0	15	11.9	64	50.8	13	10.3

Source: SES, DMS, 2016

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

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

D. Social Impact Assessment

1. Subproject impact on ethnic minorities

62. There is no ethnic minority group in the sub-project area.

2. Subproject impacts to women

Positive impacts:

- (i) The subproject "Lining main and branch canals - Northern and Southern canals under Dong Cam irrigation scheme" contributes to several positive impacts which are:(i) minimize traffic jam during the rainy season eases the traffic burdens of local people and reduced travel time from house to markets, schools, health stations etc.; and (ii) improved access to basic social services such as health, school, market, etc.
- (ii) The completion of subproject will contribute to an improvement of the living standards of subproject beneficiaries particularly women and the vulnerable group due to an increase in agricultural production that generates higher household income from agricultural products; reduction of farm losses caused by external factors such as flooding and; easy access to basic social services due to convenient traveling.
- (iii) Women will not be burdened in the management of the household finances because there will be sustained increase in household income from agricultural production, thus will have enough budget for food security, healthcare and education of children.
- (iv) Women's time consumed in housework will be reduced due to the gender awareness and sensitization seminars arranged by the project, thus they will have time for leisure and community activities, thus enhancing their self-esteem and build their self-confidence.

Negative impacts:

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

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

Mitigation and benefit measures:

65. Gender mainstreaming measures will ensure the participation of women in subproject implementation by creating job opportunities to increase their income as well as enhancing women's practical and community gender roles, including:

- (i) Subproject detailed design requires participation of local authorities and local people including women and the vulnerable group. Local people would recommend appropriate sites for construction of canals, intake/outtake sluice and/or exact locations of junctions for convenience of traffic.
- (ii) Contractors are recommended to utilize local work labors giving preference to women laborers in unskilled types of labor where they are equally paid with men on time and days rendered for unskilled labors such as in staking and up keeping the construction workers' barracks among others. Also, ensure that occupational safety of women laborers are taken care of by contractors.
- (iii) Local authorities will closely coordinate with related agencies/social organization to organize training workshops/seminars on: (i) gender awareness and sensitization; (ii) prevention of HIV/AIDS and social issues; also road safety awareness during construction; and (iii) environmental sanitation within and adjacent to the construction sites.

66. As cited in Section IX of this RP on entitlements and assistance to life rehabilitation, the affected households who belong to the vulnerable group as per uREMDF definition will avail of the following resettlement assistance and additional allowances. Affected households that fall under more than a single criterion of assistance will only receive the assistance contemplated for the most beneficial level.

- Cash assistance for poor AHs according to Phu Yen's policy (when agricultural production land acquired, is calculated based on proportion (%) of agricultural land area being used x number of persons in the poverty certificate x 36 months) or minimum VND 2,000,000 per poor AH, whichever is higher. Phu Yen PPMU and LFDC of Tuy An district proposed this assistance according to Phu Yen's policy. This proposed assistance has been consulted with AHs and they agreed with this assistance;
- Other vulnerable households: assistance of minimum VND 2,000,000 per household to improve their social and economic conditions or based on regulation per province, whichever is higher;
- Participation in income restoration program regardless of severity of impact;
- Technical support for agricultural extension at locality;
- Access to small credit amount at locality or social policy bank;
- Priority for employment in project for additional income generation.

IV. INFORMATION DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Objectives of consultation and information dissemination

67. The objectives of information disclosure, consultation and community participation activities are to: (i) Provide timely and sufficient information on the subproject, its components and activities; (ii) Collect information on the needs and expectations of affected people and the affected community as well as generate their responses to the proposed policies and activities of the subproject; (iii) Obtain cooperation and participation of the affected people in the proposed activities related to the preparation and implementation of

RP; (iv) Ensure that the affected people will directly participate and contribute to the identification, discussion and resolution of the issues directly affecting their income and living ; (v) Ensure transparency in land acquisition activity, compensation payment and other related activities.

B. Information dissemination

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

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

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

71. Affected Persons (APs) are notified in advance about resettlement activities, including: (i) community meetings about the scope of the subproject, site clearance plan and construction plan; (ii) detailed measurement survey results; (iii) list of eligible APs and their entitlements; (iv) compensation rates and volumes; (v) payment of compensation and other assistances and (vi) other contents such as the grievance redress mechanism. Notices are posted in the CPC offices or other easily accessible locations; letters, notices or small brochures are delivered individually to APs; and radio announcements.

1. Public Consultation and participation during the RP preparation

72. Public consultations and community participation are conducted in the entire subproject implementation cycle, including planning, designing, implementation, and monitoring. The objective of the public consultation and participation is to develop and maintain avenues of communication among the subproject management, stakeholders and APs in order to ensure that their views and concerns are incorporated into subproject preparation and implementation whose aim is to reduce or offset the negative impacts while enhancing the subproject benefits.

73. Comments and grievances of APs were reviewed with them during the consultation meetings. The RP consultation results and information disclosure regarding entitlement and compensation and allowances for APs were properly documented and attached to this document as Annex on the Minutes of Public Consultation.

During the IOL stage 2014:

74. Time and venue of the first consultation meeting: in August 2014 in 11 communes of: Hoa Dinh Dong, Hoa Thang, Hoa Quang Nam, Hoa Tri, Phu Hoa town, Binh Kien, Hoa Kien, Ward 9, Hoa Tan Tay, Hoa Phong and Hoa Phu.

75. Participant: Representatives of CPCs, village leaders, cadastral officials, representatives of local mass organizations (Representatives Commune Women's Union; Commune Farmers' association; Father Front) and affected people in the subproject areas where 35% of the participants were women attended. Other participants included CPMU, PPMU and LIC consultants.

76. The consultation meetings were conducted with the following subject matter:
- (i) Feasibility design (Subproject features, its location, work items);
 - (ii) Dissemination on resettlement policy of the subproject, those eligible for compensation and assistance;
 - (iii) Proposed Subproject implementation plan;
 - (iv) Issues related to ethnic minorities, gender, income restoration, livelihood and other support policies;
 - (v) Compensation and assistance plan and entitlement of APs;
 - (vi) Consult on the scale of impact and project impacts on APs.
 - (vii) Impacts on vulnerable groups and assistance, rehabilitation measures;
 - (viii) Grievance Redress Mechanism;
 - (ix) Collect comments/opinions regarding other issues.
 - (x) Agreements with subproject local authorities, village and mass organization leaders and AHs on issues and opinions raised during meeting

During the DMS 2016

77. Many meetings between LFDC and CPC and AHs with participate of PPMU staffs was organized during the DMS. AHs was informed and consulted of project information, eligibility particularly on the cut – off dates for the subproject, schedule, results of DMS as well as compensation plan for each AH including compensation prices and allowance

78. Public consultation meetings were held in May and July 2016 in subproject communes and with all stakeholders such as local officials, representatives of mass organizations (Representatives Commune Women’s Union; Commune Farmers’ association; Father Front). Other participants are from Phu Yen PPMU, CPMU and LIC.

79. These meetings focused on:

- (i) Detailed design of subproject (general information of subproject consists of location and scope of construction of the project);
- (ii) Dissemination of the impacts of subproject and Resettlement and ethnic minority development framework;
- (iii) Disclosure of subproject implementation schedule and grievance and redress mechanism and process of monitoring and evaluation;
- (iv) Consulting on the replacement cost, compensation payments and other entitlements of AHs as well as the additional assistance and allowances to the severely affected households, affected vulnerable group. Livelihood restoration;
- (v) Distribution of project information booklet.

80. 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.

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

82. Sample of minutes of these consultation meetings are attached in Annex on Minutes of Consultation Meeting as well as the list of Participants in gender.

Table 14: Consultation meetings information

District	Commune / ward	Date	Number of participants			Summary feedback/opinion from participants
			Total	Female	Male	
Phu Hoa	Phu Hoa	25/5/2016	8	3	5	<ul style="list-style-type: none"> ▪ Agree with compensation policy of subproject and agree with compensation unit price issued by the PPC for subproject that reflect replacement cost; ▪ All affected HHs agree to receive compensation and assistance in cash in accordance with the subproject's policy; ▪ SAHs agree with cash-assistance of SP and have no more opinions for income restoration; ▪ VAHs are satisfied with cash-assistance of SP; ▪ Some AHs have complaint of missing affected asset during DMS and request to recheck before land acquisition. LFDC confirmed to check after this meeting and re-calculate if missing; ▪ Require CPC/LFDC and District must to adjust and issuance the LURC for affected households' remaining land soon; ▪ Ensure the participant of female in resettlement activities at least 40%; ▪ Ensure security as well as environment during the construction; ▪ Affected households must be informed of land acquisition as soon as possible – at least 3 months before the acquisition – so that the households can cultivate on the affected land; ▪ Require contractor to restore the site to its original status after construction; ▪ Construction activities must be implemented quickly in consistent with the schedule; ▪ Propose to be employed by contractor to do suitable work during the construction process.
	Hoa Thang	25/5/2016	4	3	1	
	Hoa Quang Nam	26/5/2016	20	8	12	
	Hoa Tri	26/5/2016	50	37	13	
	Hoa Dinh Dong	26/5/2016	12	7	5	
Tuy Hoa	Binh Kien	11/7/2016	9	5	4	
	Hoa Kien	12/7/2016	51	28	23	
	Ward 9	12/7/2016	10	5	5	
Tay Hoa	Hoa Tan Tay	14/7/2016	115	67	48	
	Hoa Phong	13/7/2016	51	30	21	
		15/7/2016				
	Hoa Phu		10	6	4	

2. Public consultation and participation in RP implementation

83. During the RP implementation, the PPMU, in cooperation with the LFDC and the CPCs, are responsible to keep informed all AHs/APs and the other beneficiaries of the subproject through various media, including workshops and other forms of public meetings to which all affected persons and other beneficiaries will be invited to take part. During these activities participants are freely to give feedbacks/comments on the technical specifications of the subproject, its impacts and the different alternatives to address the impacts as well as the expected resettlement and compensation options.

84. Local people will have the right to monitor and provide their feedbacks on the construction of the sub-projects and the implementation of the RP. Representatives of AHs and beneficiaries may join the Commune Supervisory Board (CSB) to perform participatory

monitoring of the implementation process. They can articulate their grievances if they find any inappropriate/illegal actions of contractors and subproject implementers during the RP in particular and sub-project implementation in general following the subproject's grievance redress mechanism presented in the following section of this RP.

V. GRIEVANCE REDRESS MECHANISM

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

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

- **First Stage, Commune People's Committee (CPC):** The aggrieved affected household can bring his/her complaint in writing or verbally to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet the aggrieved affected household and will have 30 days and a maximum of 60 days after the lodging of the complaint to resolve it; however, depending on upon whether it is a complicated case or whether the case originates from a remote area, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- **Second Stage, District People's Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days after the lodging of the complaint to resolve it, depending on whether the case is complicate or if it originates from a remote area. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the LFDC of any decision made and the LFDC is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure that the complainant is notified of the decision made.
- **Third Stage, Provincial People's Committee (DPC):** If after 30 days or 45 days (in remote area) the aggrieved affected household have not heard from the DPC, or if the affected household is not satisfied with the decision made on his/her complaint, the affected household may bring the case in writing, to any member of the PPC. The PPC has 30 days up to a maximum of 70 days to resolve the complaint to the satisfaction of all concerned, depending on whether the case is complicated or it

comes from a remote area. The PPC is responsible for documenting and keeping the files of all complaints that reaches the same.

- **Final Stage, the Court of Law Arbitrates:** If after 30 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a Court of law for adjudication. If the court rules in favor of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, then the complainant will receive compensation approved by PPC.

87. The above grievance redress mechanism was disclosed and discussed with affected people during the public disclosure and consultation activities to ensure that grievance procedures are understood and agreed by all parties. PPMU/DARD are responsible for monitoring the progress of the grievance redress process. Local regulations and law will prevail to redress the complaints. For the meantime, as the grievance is in the process of redressing, compensation money and allowances will be deposited to an escrow account until it is properly resolved to the satisfaction of all parties. It must be impressed that the above procedures will not impede the aggrieved AH from seeking resolution of the court and may at any given level elevate his/her complaints to the appropriate local peoples' court for arbitration/mediation of his/her grievance/complaints.

VI. LEGAL FRAMEWORK AND ENTITLEMENT POLICY

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

A. Legal basis of the Government of Vietnam

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/NĐ-CP on management and use of Official Development Assistance (ODA) and Concessional Loan of Donors.
- iv) Decree No. 43/2014/NĐ-CP dated 15 of May 2014 on detailing a number of articles of the land law 2013.
- v) Decree No. 44/2014/NĐ-CP dated 15 of May 2014 on Regulations on Land prices.
- vi) Decree No. 47/2014/NĐ-CP dated 15/05/2014 of the Government of Vietnam on Regulations on compensation, assistance, and resettlement upon land recovery by the State.

- vii) Decree No. 38/2013/ND-CP issued by the Government on April 23, 2013 on “management and utilization of Official Development Assistance (ODA) and concessional loans from donors.
- viii) Circular No. 36/2014/TT-BTNMT on land pricing method;
- ix) Circular No. 37/2014/TT-BTNMT on Guidelines in implementation of Decree No.47/2014/NĐ-CP
- x) Decision No. 775/QĐ-TfGM dated 20/5/2013 of the Prime Minister on policy on supporting housing land, agricultural land, clean water to poor ethnic households and needy ones in the disadvantaged communes;
- xi) Decree No. 75/2015/NĐ-CP dated 09/9/2015 of the Government of Vietnam on Mechanism and policies on forest protection and development in combination with sustainable and fast poverty alleviation and support for ethnic groups during 2015 – 2010

90. With regard to Land acquisition in Phu Yen province, Phu Yen PPC has promulgated the Decisions, letters for compensation, assistance and resettlement policy when land is acquired by the State in Phu Yen province as follow.

- (i) Decision No. 57/2014/QĐ-UBND dated on 30th December, 2014 by Phu Yen PPC on promulgating compensation, assistance and resettlement policy when land is acquired by the State in Phu Yen province
- (ii) Decision No. 55/2014/QĐ-UBND dated on 29th December, 2014 by Phu Yen PPC on promulgating compensation price unit for affected structures in the territory of Phu Yen province.
- (iii) Decision No.38/2014/QĐ-UBND dated on 14th October 2014 by PPC on promulgating regulation for land quota allocation and reorganization for land use right for each household in Phu Yen province.
- (iv) Decision No. 56/2014/QĐ-UBND dated on 30th December, 2014 by Phu Yen PPC on promulgating price unit for types of land in period of 5 years (2015-2019) in the territory of Phu Yen province.
- (v) Decision No. 07/2016/QĐ-UBND dated on 1st January 2016 by Phu Yen PPC amending and supplementary for the Decision No. 56/2014/QĐ-UBND dated on 30th December, 2014 by Phu Yen PPC on promulgating price unit for types of land in period of 2015-2019 in the territory of Phu Yen province.
- (vi) Decision No.1679/QĐ-UBND dated on 26th July 2016 by Phu Yen PPC promulgating regulation for compensation price unit for affected land by subproject “Lining main and branch canals – Northern and Southern canals under Dong Cam irrigation scheme”.

B. Asian Development Bank Policy

91. ***Involuntary Resettlement Policy (SPS 2009)***: Covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary.

92. 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 program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider

¹ ADB involuntary resettlement safeguards are 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).

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.

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

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

C. Reconciliation of Government and ADB Policies on Resettlement

95. 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.

96. 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

97. However, ADB Safeguard Policy does not consider the absence of legal rights of APs on acquired land as an impediment to receiving compensation for non-land assets and for rehabilitation assistance. No business license is registered by affected people is also not an impediment for them to receiving business restoration assistance. Engagement of an independent external party to document negotiation and settlement process is required under ADB Policy.

98. Policy framework and regulations to address resettlement impacts for sub-project “Lining main and branch canals – Northern and Southern canals under Dong Cam irrigation system” are prepared on the basis of relevant policies and laws of Vietnam and ADB Safeguard Policy Statement (SPS 2009)

99. Decree No.38/2013/ND-CP on management and use of official development assistance (ODA) and concessional loan of donors stipulates that compensation, 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.

100. 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.

101. 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.

102. 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 15: 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: Persons who have used land before 1 st July 2004 and directly involved in agriculture production on the acquired land without LURC will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, clause 1, article 64 and items b, d, clause 1, article 65 of the Land Law 2013; the assets created after	APs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost, if created before the cut-off date. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	APs without legal or recognizable legal claims to land acquired, will be equally entitled to participate in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before the cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	Project Policy
	the notification on land acquisition; and (iii) unused public infrastructures and other works.		and income levels.
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. In case of significant or sensitive impacts, an external monitoring organization should monitor RP and EMDP implementation	The EA must undertake internal monitoring of RP and EMDP. Anticipated negative impacts from the project are minor. No need to recruit an external monitoring organization.
Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donation involving marginal portions of land, the LIC will verify and report on the negotiation and settlement processes. A voluntary donation form signed by the landowners, witnesses, and village leaders will be attached to the RP or REMDP

103. To address the discrepancies between ADB SPS (2009) and relevant GOV regulations as described in the table above, the subproject principles on resettlement policy are as follows:

- i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
- ii) Compensation and assistance will be based on the principle of replacement cost at the time of acquisition.
- iii) 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.
- iv) 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.
- v) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to AHs.
- vi) 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.
- vii) The RP/REMDP will be disclosed to AHs in a form and language(s) understandable to them prior to submission to ADB. RPs/REMDPs will be disclosed on the ADB website.
- viii) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- ix) 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.
- xi) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- xii) Resettlement transition stage should be minimized. Restoration measures will be provided to AHs before the expected starting date of construction in the specific location.
- xiii) 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.
- xiv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of resettlement should be carried out by PPMUs and CPMU. Monitoring reports will be disclosed on the ADB website.
- xv) The CPMU will not issue notice of possession to contractors until the PPMU 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.

- xvi) 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.

VII. Entitlements, Assistance and benefits

A. Eligibility

104. Eligibility will be determined about the cut-off date. The DPs will be informed of the cut-off date for each subproject component, and any person who settled or assets created in the project area after the cut-off date for the specific subproject will not be entitled to compensation and/or assistance under the subproject.

105. The cut-off data is established for “Lining main and branch canals – Northern and Southern canals under Dong Cam irrigation system subproject”. Decision No. 1155/QD-UBND dated on 23th July 2014 that is date of Decision for delegation to districts for issuance the decision for land acquisition for this sub-project. DPC of Tay Hoa issued the announcement No.102, 103, 104 on June 1st 2015 regarding to land recovery for this project. DPC of Phu Hoa issued the announcement No.35/KH-UBND on March 23th 2015 and No.46/KH-UBND on April 25th 2015 regarding to land recovery for this project and Tuy Hoa city people committee issued the announcement No.888/TB-UBND on November 4th 2015 regarding to land recovery for this project.

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

- (i) Person with Land Use Rights Certificates (LURCs) to land lost in entirety or partially
- (ii) Persons who lost land they occupy in its entirety or partially but do not currently possess a LURC, however, have claims that are recognized under national laws, or;
- (iii) Persons who lost land they occupy in its entirety or partially who do not have recognized claim to that land.
- (iv) AHs included under i) and ii) above shall be compensated for the affected land and assets upon land. AHs included under iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they will have to be relocated.

107. 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.

B. Entitlement Matrix

108. 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.

109. 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.

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

111. For affected land of public organizations: No compensation for affected land but support equivalent with not exceeding 80% of compensation value of the affected annual crop land; and cash compensation at current market prices for standing crops on the affected land. The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune. Other affected public land, such as irrigation land, transportation land or unused land that have not been support as prescribed by policy of Phu Yen province.

112. All severely AHs and vulnerable AHs will be assisted by cash as mentioned in entitlement matrix in table 17 below. The level of assistance for SAHs that has been divided according to Phu Yen's policy that is higher than proposed level in uREMDF.

113. Cash assistance for poor AHs according to Phu Yen's policy (when agricultural production land acquired, is calculated based on proportion (%) of agricultural land area being used x number of persons in the poverty certificate x 36 months) or minimum VND 2,000,000 per poor AH, whichever is higher; Phu Yen PPMU and LFDC of subproject districts/City proposed this assistance according to Phu Yen's policy. This proposed assistance has been consulted with AHs and they agreed with this assistance. Other vulnerable AHs will be assisted of minimum VND 2,000,000 per household to improve their social and economic conditions.

Table 16: Entitlement matrix of households affected by the subproject

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
A. AGRICULTURAL LAND			
A.1: Temporarily Affected Agricultural Land- Number of AHs and area of temporary affected land will be determined during the construction phase and contractor to pay rent for any land temporarily required for construction work; PPMU is in charge of monitoring on restoration of the affected land.			
A.2 Permanently affected agricultural land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Losing 10 percent or more of total productive landholding 701.5 m ² of 02 SAHs in Hoa Tan Tay commune (with scale of 11.03% and 12.29%)	a/ Cash compensation at replacement cost for land and at market price for standing crops; and tree b/ Economic rehabilitation package (see D, below); and c/ Entitlement to get cash assistance for job training/creation (see D, below);	<ul style="list-style-type: none"> - HHs affected on land will fully receive the compensation and allowances before site clearance. - Subproject will acquire the entire affected land parcel and compensate at replacement cost. - If the viability of the remaining land were less than the minimum viable unit size for cultivation as per provincial norms, then the entire parcel of land would be acquired and compensated. If AH request.
	Losing less than 10 percent of total productive landholding 29.232.4 m ² of 559 AHs (out of 561 AHs losing agriculture land);	a/ Cash compensation at replacement cost for affected portion; if the remaining land is not viable cash compensation at replacement cost for the entire affected land parcel; and b/ Compensation for standing crops at market price; and c/ Job training/creation assistance (see D, below);	<ul style="list-style-type: none"> - HHs affected on land will be noticed about land acquisition at least 90 days before and fully receive the compensation at replacement cost before site clearing at least 01 (one) month. - Implemented by LFDC
User with lease	4,574.5 m ² of 67 AHs with lease	a/ No compensation for land but cash compensation for standing crops at market price (if any); and b/ Cash compensation for the remaining value of investment in the affected land and value of the remaining contract.	Implemented by LFDC
Public organizations	7 CPCs with total area of 2,580.7 m ²	a/ No compensation for affected land but support equivalent with not exceeding 80% of compensation value of the affected land; and b/ Cash compensation at current market prices for standing crops on the affected land, If any.	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
A.3. Permanently Affected Residential and/or Non-Agricultural Land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding without houses and structures built thereon. (191.6 m2 of 13 AHs)	APs will be entitled to: (i) Stay and rebuild their houses/structures on the remaining land if viable, and (ii) Cash compensation at replacement cost for the affected land area and the affected house/structures without depreciation of salvable materials,	If affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved
B. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE			
B.1. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.			
Owners of structures	Partially or totally affected structures or other property 72 AHs with total 899.9 m of fence and 911.4 m2 of other structures	Cash compensation at full replacement cost for materials and labor and with no deduction for depreciation or salvageable materials; OR Cash assistance to repair of property to original or better condition.	AHs of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures. Costs for repairing the remaining house/structure will be negotiate with AH.
C. COMPENSATION FOR AFFECTED CROPS AND TREES			
Owners of crops and/or trees	Loss of annual crops 26,123.66 m2 of 445 AHs with affected crop	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.	HHs with affected crop will be informed minimum of 3 months' to harvest crops; and are entitled to compensation regardless of whether they possess land use rights. Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years.
	Loss of perennial crops, fruit and timber trees and tree fences 129 AHs with 3,586 affected trees	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Calculation of compensation for trees is based on the age and diameter of the tree. APs have the right to use salvageable trees.
D. PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE			
D 1 Economic Rehabilitation Assistance			
Severely affected AHs losing 10% or more of	Assistance to restore livelihoods	AHs directly cultivating on the affected land entitled:	Economic rehabilitation package is proposed according to Phu Yen's policy

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
their productive irrespective of tenure status.	and incomes following acquisition of agricultural land: 701.5 m2 of 02 AHs losing more than 10% (with scale of 11.03% and 12.29%) of total agricultural land holding	(i) Losing from 10% to 20% of agricultural land holding: Cash assistance equal to 50% level of assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months;	that is higher than proposed level in uREMDF. Price of rice is the market price at time of compensation equal to VND 10.000 per 1 kg
AH losing agriculture land	Job training/Creation allowance 27,721.7 m2 of 483 AHs	Cash assistance; as follow: - Equal to 4 times of land price for wet rice land with 2 crops/year - Equal to one time of land price for paddy land with difficult condition and one crop/year	Assistance according to policy of Phu Yen province Level of cash assistance for job training/creation is depends on type of land of each AH. Implemented by LFDC
	<i>Assistance for AHs having garden land adjacent residential land</i> 3,490.8 m2 of 96 AHs	<i>Cash assistance equal to 50% of value for affected residential land area</i>	
	Assistance for AHs having agriculture land adjacent residential land 19.9 m2 of 01 AH	Cash assistance equal to 35% of value for affected residential land area.	
D.2 Special allowance for social and economically vulnerable households			
Vulnerable households: (i) headed by women with dependents, (ii) headed by persons with disability, (iii) falling under the national poverty standard, (iv) with children and elderly who have no other means of support, (v) landless, and (vi) ethnic minorities.	Assistance to poor and vulnerable households to improve their social and economic conditions. Total of 22 AHs are classified as poor AHs	Poor households when agricultural production land acquired, cash assistance is calculated based on proportion (%) of agricultural land area being used x number of persons in the poverty certificate x 36 months or assistance of minimum VND 2,000,000 per AH for whichever is higher.	Price of rice is the market price at time of compensation equal to VND 10.000 per 1 kg

VIII. INCOME RESTORATION AND REHABILITATION

114. Two of the AHs are severely affected and both of their scale is losing more than 10% of their productive assets (with scale of 11.03% and 12.29 respectively). As mentioned in the entitlement matrix, in addition to compensation for affected land, the cash assistance will be provided for these 02 SAHs for life stabilization as well as assistances for their change of job.

115. In addition, given the objective of this RP which is to restore, or preferably improve, pre-project living standards and productive incomes of APs, additional assistance have been consulted to these AHs by some kind assistance including some or all of the following: (i) Agricultural extension to strengthen existing cultivation practices with sustainable production techniques to be provided through government programs; (ii) Improved access to agricultural and investment credit; and (iii) Priority for employment on subproject construction;

116. The socio-economic survey (SES), public consultation meeting, and directly interviewed had been conducted for 126 AHs on their socio-economic condition and type of support they would like to be provided to them, including 02 SAH's. That was organized in May 2016 by CPMU/LIC, PPMU with support of Hoa Tan Tay CPC;

117. According to SES and consultation meeting, main occupation of 2 SAHs from agriculture, 01 of them with other non-agriculture job (Freelance Labor). In the meantime, by interviewing and consultation with them, they said their affected land would not much impact to their livelihood as they have other income from small business. Thus, no income restoration strategy is designed for SP.

IX. COST ESTIMATES AND RESETTLEMENT BUDGET

A. Replacement cost

118. According to subproject policy and Land law of Viet Nam, in order to ensure the compensation price for affected assets by subproject is at replacement cost. During the DMS time, subproject district conducted an assessment on the price of affected land and proposed the compensation prices for the subproject, which has been approved by Phu Yen PPC according to Decision No. 1679/QD-UBND, dated July 26th 2016 for Tay Hoa district; Decision No. 1737/QD-UBND, dated September 17th 2015 for Phu Hoa and Decision No. 1042/QD-UBND, dated May 17th 2016 for Tuy Hoa City. In line with this decision, the coefficient of compensation price for land is 1.0; Proposed compensation price is summarized in table below:

119. This replacement cost for land as well as for other non-land assets have been verified and consulted with local authorities and affected households by LIC in May and July 2016. AHs agreed with this proposed compensation prices. From the verification of proposed compensation prices for this sub-project and consultations with AHs. LIC confirms that compensation prices to be applied for this subproject reflect replacement costs.

Table 17 Table Proposed compensation price for land

Type of land	Proposed Compensation unit price for SP (*) (VND)
Annual crop land	37,000-72,000
Residential land	100,000-400,000

Agriculture land mix into residential area	67,500
Garden land adjacent with residential land	90,000
Forest land	13,000

(*) Compensation prices are different by locations

B. Resettlement budget

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

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

121. Cost for compensation include: (i) compensation cost for land; (ii) compensation cost for structures, and; (iii) compensation cost for affected crops and trees. Allowance cost includes:(i) Restore livelihoods and incomes allowance; (ii) Job training/Creation allowance and Allowance to poor and vulnerable AHs.

122. Cost for implementation land acquisition is equal to 2% of total cost for compensation and allowance and provisional cost. Total compensation and assistance cost Lining main and branch canals – Northern and Southern canals under Dong Cam irrigation system subproject is VND **7,918,228,779**, equivalent to USD **355,556**. The table below summarizes the above mentioned costs:

Table 18: Summary of compensation and assistance cost

No	Type of cost	Amount	Note
		(VND)	
A.	Compensation and assistance cost =A1+A2	7,057,244,901	
A1	Compensation cost (1-3)	2,383,014,246	
1	Land compensation	1,473,818,050	
2	Compensation for structure	627,664,856	
3	Compensation for crops and trees	281,531,340	
A2	Allowances	4,674,230,655	
1	Assistance for life stabilization	5,670,000	02 Ahs
2	Job training/Creation allowance	4,165,938,594	483 Ahs
3	Assistance for garden land adjacent residential land (equal to 50% of value for affected residential land area)	357,235,850	96 Ahs
	Assistance for agriculture adjacent residential land (equal to 35% of value for affected residential land area)	2,786,000	01 AH
4	Assistance for public land of 07 CPCs (Equal to 80% of compensation value of the affected land)	83,647,820	
5	Assistance to poor and vulnerable Ahs (for poor Ahs when agricultural production land acquired, cash assistance is calculated based on proportion (%) of agricultural land area being used x number of persons in the poverty certificate x 36 months or VND 2,000,000 per poor AH whichever is higher)	58,952,391	22 poor AHs
B.	Implementation cost (2%xA)	141,144,898	
C.	Contingency (10%x(A+B))	719,838,980	
D.	Total (A+B+C) in VND	7,918,228,779	
	Total in USD	355,556	

X. INSTITUTIONAL ARRANGEMENT

A. National Level

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

- (i) Providing overall management plan, coordination and supervision of project implementation;
- (ii) Coordinating with executing agency to implement all components of project.
- (iii) Recruiting resettlement specialists to support for resettlement implementation of the project;
- (iv) Screening and appraising safeguard policy issues of sub-projects with the assistance of LIC;
- (v) Supporting PPMU in the preparation and updating RP of subproject's components to be submitted to PPC and ADB for approval;
- (vi) Preparing reports on project progress regarding land acquisition and resettlement prepared by PPMU to be submitted to relevant agencies and ADB.
- (vii) Supervision of resettlement activities implementation and preparing semi-annual monitoring report to submit to ADB for review.

B. Provincial Level

124. Provincial People's Committee (PPC) is the executing agency of sub-project. PPC is responsible for appraisal and approval of RP. PPC is responsible for issuance of decisions and approvals related to RP implementation which include relevant categories of RP implementation, official selection, compensation unit price submitted by the independent appraiser, notice and approval to undertake information disclosure, land acquisition and compensation payment, decision on allocation of replacement land (if available) and grievance redress. PPC is responsible for establishment of Land Evaluation and Pricing Committee and authorize responsibilities of agencies at commune and district levels.

125. 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 RP implementation progress. PPMU's specific responsibilities are:

- (i) Supervision of all the activities of LFDC during RP implementation. PPMU is responsible for:
- (ii) Preparation, updating, supervision and monitoring of status of RP implementation of subproject;
- (iii) Guide LFDC to implement resettlement activities in accordance with approved RP; and addressing any failure or shortcoming identified through internal resettlement monitoring to ensure that the objectives of resettlement plan are achieved and to financially and technically support LFDC and Commune Measurement Team with adequate facilities.

- (iv) Coordinate with LFDC and CPC to implement information dissemination activities and consultation with stakeholders based on Project Implementation Guideline;
- (v) Coordinate with other relevant agencies to ensure that restoration and rehabilitation measures are timely provided to affected people;
- (vi) Internal monitoring of Resettlement progress, establishment and maintenance of database on affected people for each subproject component in compliance with project procedures and preparation of reports to be submitted to CPMU through LIC;
- (vii) Timely implementation of mitigation measures following results of internal monitoring.

C. District Level

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

127. LFDC in coordination with PPMU/CPC and under the direction of PPMU implements subproject activities, particularly:

- (i) Public information disclosure and other documents to ensure that site clearance and resettlement procedures are understood by all affected people.
- (ii) Planning and implementation of the Detailed Measurement Survey (DMS) and disbursement for compensation.
- (iii) Identification of affected people and severely affected households; prepare and provide them restoration measures.
- (iv) Assistance in locating resettlement area and new agricultural land for APs who have to relocate.
- (v) Support CPC in grievances redress.

D. Commune Level

128. The CPC will assist the LFDC 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 RP;
- (ii) Cooperate with LFDC 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 LFDC in the preparing of the RP and implementation of resettlement activities;
- (iv) Identify replacement land for affected households;
- (v) Sign the Agreement Compensation Forms along with the affected households;
- (vi) Assist in the resolution of grievances.

XI. IMPLEMENTATION SCHEDULE

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

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

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

Table 19: RP Implementation schedules

Activities	Time
Final RP to be approved by ADB	End of September, 2016
Public RP on ADB website and at locality	End of September, 2016
Compensation and assistance payment	Beginning of October 2016
Land acquisition and site clearance	October 2016
Bidding and award of civil works	October 2016
Internal monitoring of PPMU	End of August 2016
Due Diligence Report for ADB to issue non-objection letter for civil works	October 2016
The next semi-annual report of LIC	Every 06 month from the first monitoring
Commencement of civil works	End of October 2016

XII. MONITORING AND EVALUATION

A. Objectives of internal monitoring

132. The Project will establish systems for internal monitoring and evaluation. The main purpose of the monitoring and evaluation program is to ensure that matters related to involuntary resettlement have been implemented in accordance with the policies and procedures of the RPs following ADB SPS 2009 and the uREMDF. Monitoring will be done by the PPMU and the CPMU (assisted by its Loan Implementation Consultant). Engagement of external experts is not required for this project because only minor involuntary resettlement impacts are anticipated in the subprojects.

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

B. Responsible agencies for monitoring

134. The PPMU will establish an internal resettlement monitoring system and prepare progress monitoring reports on all aspects of land acquisition and resettlement activities for this subproject, Internal reports of RP implementation will be initially prepared by the PPMU and submitted to the CPMU which then is transmitted to LIC for the preparation of the semi-annual Internal Resettlement Monitoring Report (IRMR) to be submitted by CPMU to ADB.

Likewise, all related information will be collected from the field to assess the progress of the RP implementation and included in the project’s quarterly progress reports;

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

C. Indicators of monitoring

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

Table 20: Monitoring and Evaluation Indicators

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

Type	Indicator	Examples of Variables
		<ul style="list-style-type: none"> • 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

D. Preparing monitoring reports

137. The PPMU will conduct the internal monitoring of RP implementation under support of LIC resettlement consultants to identify as early as possible, the activities achieved and the cause (s) of problems encountered so that arrangements in RP implementation can be adjusted. Related information will be collected monthly from the field to assess the progress of RP implementation and included in the project’s quarterly progress reports.

138. CPMU with supports of LIC is required to prepare semi annual monitoring reports for submission to ADB that will include progress in compensation payment as well as other resettlement activities.

139. The CPMU will incorporate the status of RP implementation in the overall subproject progress report to submit to ADB.

ANNEXES

ANNEX 1: SAMPLE MINUTES PUBLIC CONSULTATION MEETINGS IN 2016

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

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập – Tự do – Hạnh phúc

DỰ ÁN PHÁT TRIỂN NÔNG THÔN TỔNG HỢP
CÁC TỈNH MIỀN TRUNG - KHOẢN VAY BỔ SUNG
BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG
Về Chính sách an toàn Tài định cư và Dân tộc thiểu số

Hòa Khương, ngày 11 tháng 7 năm 2016.

Tên DATP: *Khu di cư khẩn cấp - dân cư - Khu di cư - Nam*
hệ thống thủy lợi Đầy Cơm
Xã: *Hòa Khương* huyện: *Tây Hòa* tỉnh: *Phước Yên*

I. Thành phần tham dự:

Ông/Bà <i>Le Thị Mỹ Phương</i>	Chức vụ <i>TV Giới về PTCD</i>
Ông/Bà <i>Phạm Anh Tuấn</i>	Chức vụ <i>TV TTX</i>
Ông/Bà <i>Nguyễn Văn Đức</i>	Chức vụ <i>CT UBND xã</i>
Ông/Bà <i>Hoàng Văn Trung</i>	Chức vụ <i>CT MTTB</i>
Ông/Bà <i>Nguyễn Văn Cường</i>	Chức vụ <i>Cảnh sát địa phương</i>
Ông/Bà <i>Liêu Thị Huệ</i>	Chức vụ <i>CT HPH</i>
Ông/Bà <i>Phạm Văn Dũng</i>	Chức vụ <i>Tổng Giám đốc Kỹ thuật Nam</i>

- Đại diện những hộ bị ảnh hưởng người
Đại diện TT PTCD MTTB tại huyện: Hoàng Nguyễn Thủy
(Xem danh sách đại biểu tham dự đính kèm)

II. Nội dung

2.1 Các nội dung phổ biến thông tin:

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

2.2 Tham vấn cộng đồng:

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

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III. Ý kiến thảo luận

Chức năng địa phương và người dân đóng vai trò chủ yếu trong việc này để an.

- Các bộ đội tại và gia bố thí dụ 77.11.000 xây dựng một số là thời mới và một số vật khác như chèo đũa kiến kiến 77.11.000 đã trả lại và sẽ giải quyết một số tình huống khi cần là là qua thời gian và khi Bộ đội về thì... Về kiến nghị thì hiện nay gần 3/10/2016. Cuộc họp này rất tốt với các tình hình thời gian còn có tình gia đình là xã hội bộ đội chính là để lập lập quân là 77.11.000 và công ty kiến trúc lại qua hiện tại.

Một số kế hoạch và kế hoạch được triển khai để thực hiện là kế hoạch địa phương và quy 9/2016.

Chức năng của nhà nước và người dân đóng vai trò chủ yếu trong việc này để an.

Một số bộ phận và VKS (giấy) để dùng như vậy cũng là chức năng của nhà nước là phải có thời gian cũng được 77.11.000 thì rất là phải làm qua qua phạm vi 77.11.000 để thực hiện các dự án này trên thị trường.

Cuộc họp tham vấn kết thúc vào lúc 16h ngày 17 tháng 7 năm 2016

Đại diện Ban QLDA tỉnh

Nguyễn Văn Sơn

Đại diện Cộng đồng

Nguyễn Văn Sơn



Hà Quang Trung

Đại diện UBND xã

Nguyễn Văn Sơn

Đại diện tư vấn

Nguyễn Văn Sơn
Phụ trách dự án 2

DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP

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

(Danh sách đính kèm biên bản cuộc họp ngày 15 tháng 7 Năm 2016 tại Hòa Phong

Tên DATP: Klein có kinh doanh - nhất - Bắc Nam H. Thủy Tân Đ. Cao
 Xã: Hòa Phong huyện: Tây Hòa tỉnh: Phước Yên

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Ngô Thị Ngọc Khuê	Nữ	Nữ thôn Trung 1	
2	Nguyễn Thị An	Nữ	nt	
3	Nguyễn Thị Hoa	Nữ	Nữ thôn Trung 1	
4	Nguyễn Thị Bess	Nữ	nt	
5	Lê Thị Mỹ Duyên	Nữ	Nữ thôn Trung 1	
6	Yô Thị Anh	Nữ	nt	
7	Ngô Thị Bích Quy	Nữ	nt	
8	Nguyễn Ngọc Xuân	Nam	nt	
9	Trần Văn Luyện	Nam	Nữ thôn Trung	
10	Trần Kim Thuê	Nam	Nữ thôn Trung	
11	Hà Văn Cường	Nam	ng. thôn Trung I	
12	Nguyễn Ngọc Thạch	Nam	ng. thôn Trung	
13	Ngô Thị Thanh Thủy	Nữ	Nữ thôn Trung 1	
14	Ngô Thị Loan	Nữ	Nữ thôn Trung	
15	Ngô Thị Phương	Nữ	nt	
16	Trần Thị Ngọc	Nam	nt	
17	Ngô Thị Nam Thuê	Nữ	nt	
18	Trần Thị Tuyết	Nữ	Nữ thôn Trung Nam	
19	Nguyễn Thị Khanh	Nữ	Nữ thôn Trung II	
20	Ngô Thị Bích	Nữ	nt	
21	Ngô Thị Bess	Nữ	nt	
22	Ngô Thị Đào	Nữ	Nữ thôn Trung	
23	Lương Văn Tiến	Nam	Nữ thôn Trung	
24	Bùi Văn Kiên	Nam	Nữ thôn Trung 1	
25	Nguyễn Văn Lực	Nam	nt	
26	Võ Thị Phương	Nữ	Nữ thôn Trung 1	

DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP

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

(Danh sách đính kèm biên bản cuộc họp ngày 13 tháng 2 năm 2016 tại Hội Phụng)

Tên ĐATT: Khu vực Khe Chết - rông - Bùn - Nam Helling TN Bồng Cầm
 xã: Hội Phụng huyện: Tây Hải tỉnh: Phước Yên

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Đông Tiến Xò	Nam	Mỹ Thành Nam	<u>[Signature]</u>
2	Trần Minh Khôi	Nam	Mỹ Thành Tây	<u>[Signature]</u>
3	Le Văn Ngọc	Nam	"	<u>[Signature]</u>
4	Nguyễn Văn Phương	Nam	"	<u>[Signature]</u>
5	Le Văn Liêm	Nam	"	<u>[Signature]</u>
6	Nguyễn Văn Phú	Nam	"	<u>[Signature]</u>
7	Nguyễn Thị An	Nữ	"	<u>[Signature]</u>
8	Ngô Thị Thủy	Nữ	"	<u>[Signature]</u>
9	Châu Văn	Nam	Mỹ Thành Đông 1	<u>[Signature]</u>
10	Bùi Thị Hải	Nữ	"	<u>[Signature]</u>
11	Nguyễn Văn Hưng	Nam	"	<u>[Signature]</u>
12	Châu Văn Dũng	Nam	Mỹ Thành Nam	<u>[Signature]</u>
13	Trần Văn Cường	Nam	Mỹ Thành Tây	<u>[Signature]</u>
14	Trần Văn Hoàng	Nam	Mỹ Thành Tây 1	<u>[Signature]</u>
15	Ngô Văn Thu	Nam	Mỹ Thành Tây	<u>[Signature]</u>
16	Trần Đình Đức	Nam	"	<u>[Signature]</u>
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**DỰ ÁN PHÁT TRIỂN NÔNG THÔN CÁC TỈNH MIỀN TRUNG-KHOẢN VAY BỔ SUNG-L3173
(INTEGRATED RURAL DEVELOPMENT SECTOR PROJECT IN CENTRAL PROVINCES - ADDITIONAL FINANCING)**

**DANH SÁCH THAM DỰ HỌP
(LIST OF PARTICIPANTS OF MEETING ON COMPONENT 3-CBDRM)**

DATP: Kính Sơn - Hòa Bình - Thanh Hóa - Nghệ An - Sơn La - Hòa Bình - Sơn La - Sơn La - Sơn La - Sơn La

Ngày (date): 10/7/2016 Địa điểm (Location): Xã Hòa Sơn

STT (No.)	Họ tên (Name)	Chức vụ (Position)	Cơ quan/Đơn vị (Agency)	Chữ ký (Signature)	Điện thoại (Tel)	Ghi chú (Note)
1	Nguyễn Văn Thiệp	CT UBND xã	UBND xã Hòa Sơn		0905422225	
2	Hà Đăng Trung	CT UBND xã	Xã Hòa Sơn		093492269	
3	Nguyễn Văn Dũng	CT UBND xã	"		0905292193	B
4	Lương Thế Trí	CT UBND xã	"		0975405308	
5	Nguyễn Văn Cảnh	CT UBND xã	"		0918453926	
6	Lương Thế An	CT UBND xã	"		0916828192	
7	Phan Văn Tuấn	BT - xã Hòa Sơn	"		0935217859	0935521992
8	Phan Văn Dũng	Thư trưởng	Thư Mỹ Hòa Sơn		01645295254	
9	Đặng Lê Hải	Thư trưởng	Thư Mỹ Hòa Sơn 1		0972159551	
10	Trần Văn Công	Thư trưởng	Thư Mỹ Hòa Sơn		01686489946	

ANNEX 2: SOME PICTURES OF PUBIC CONSULTATION MEETINGS AND SUBPROJECT AREA



Public consultation meeting at Hoa Kien commune- Tay Hoa district



Public consultation meeting at Hoa Tan Tay commune- Tay Hoa district



Existing canal in Hoa Phu commune



Land acquisition pole in Hoa Phong commune



Existing canal and road in Hoa Kien commune



Public consultation meeting at Hoa Phong commune - Tay Hoa district