

Resettlement Plan

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

Subproject: Upgrading road and sluice of An Cu - An
Hiep - An Hoa, Phu Yen Province

CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)
Exchange rate on 4th July, 2016: \$1 = VND 22,270

ABBREVIATIONS

| | |
|----------|--|
| ADB | - Asian Development Bank |
| AH | - Affected Household |
| APs | - Affected Persons |
| APMB | - Agricultural Project Management Board |
| CPC | - Commune Peoples' Committee |
| CPMU | - Central Project Management Unit |
| CSB | - Commune Supervisory Board |
| DARD | - Department of Agriculture and Rural Development |
| LFDC | - 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 |
| IRDSPCP | - 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 |

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| O&M | - Operation and Maintenance |
| PIB | - Project Information Booklet |
| PPC | - Provincial Peoples' Committee |
| PPMS | - Project Performance Monitoring System |
| PPMU | Provincial Project Management Unit |
| REMDF | - Resettlement and Ethnic Minority Development Framework |
| RP | Resettlement Plan |
| RCS | Replacement Cost Survey |
| ROW | Right-of-Way |
| 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

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| | | 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 (RP) | - | 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 SP “Upgrading road and sluice of An Cu - An Hiep - An Hoa” Tuy An district, Phu Yen province which is one of the proposed SPs of the Integrated Rural Development Sector Project in the Central Provinces (IRDSPCP) (Additional Financing). The SP will upgrade 9.1km of inter-commune from earth road to concrete road, which goes through 03 communes namely An Cu, An Hiep and An Hoa and construct the drainage system and a drift on the route. Among those, there are 18 cross-culverts to be newly constructed and 15 cross-culverts to be extended. 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 RP is situated in three (03) communes, namely: An Cu, An Hiep and An Hoa of Tuy An district, Phu Yen province. According to DMS results, no affected household are relocated. There are total of 228 households and 02 organizations (CPCs of An Cu and An Hiep) to be affected by SP, but only 148 AHs with affected land and assets on land, remaining 88 AHs hire land from CPCs and are affected on assets (structures, crop and tree) only. Total 42,039.5 m² of land is be acquired by this sub-project, broken down into: 20,396.2 m² of 148 households and 21,643.3 m² of 02 CPCs: An Cu and An Hiep commune. Detail area and type of land is in chapter II. The subproject affects 4,772 trees of all types of 90 affected AHs and about 36,762.2 m² of annual crops of 87 affected HHs. 95 AHs have structures to be affected. Of 228 AHs, 22 AHs of them who are classified as belonging to vulnerable group and 7 AHs are severely AHs by subproject (losing from 10 to 30% of total agricultural land area).
- 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 Disclosure, 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 July 2016 by LIC after the approval of the replacement cost for subproject by Phu Yen Provincial Peoples’ Committee (PPC). Design, project policies and alternative plans for land compensation, replacement cost and income restoration were discussed during the meetings. The grievance redress mechanism was designed and discussed to ensure that the APs’ concerns and grievances are addressed and resolved in a timely and satisfactory manner. The rights of the AHs/APs were fully disclosed to them verbally and in writing in series of consultation meetings during both the IOL and DMS stages in the resettlement planning process. Furthermore, their rights will be reiterated again during the time when compensation will be paid for acquired/affected lands and other assets.

5. **Vulnerable and Ethnic Minority Issues**: The subproject area is inhabited by Kinh people, there is no Ethnic Minority people. Of 228 AHs, 22 AHs of them who are classified as belonging to vulnerable group, including of female headed, disable headed AHs and poor AHs . The investment in the subproject is consistent with the poverty reduction targets for people living in Phu Yen province..
6. **A 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, in participation and information disclosure activities, in equalizing remuneration of unskilled labor to that of males in civil works construction and in their participation during the capacity-building for agricultural production and diversification, and so on and so forth
7. **Income Restoration plan**: Of a total of 228 AHs, 7 AHs out of 140 AHs are losing agriculture land and are classified of severely AHs (SAHs). They will be fully provided funding support in terms of compensation payments to all affected assets and allowance in term of income restoration. The vulnerable group will have additional assistance and other allowances in accordance with the Project'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) of Tuy An District is to implement the compensation, assistance and resettlement processing. During resettlement implementation, the Loan Implementation Consultant (LIC) recruited by CPMU will conduct semi-annual monitoring missions to ensure that 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 has before: (i) adequately finished compensation payment and (ii) ensured that necessary allowances are provided to affected people for life rehabilitation/income restoration and completed land clearance. As per the implementation schedule, all the AHs are expected to be paid compensation for their affected assets, end of August, 2016 and site clearance will be completed by the begning of September, 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 will highlight the status of the RP implementation, particularly on the issues and concerns that may affect the RP smooth implementation; this also includes 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's PPC is responsible for disbursing counterpart fund for land acquisition and resettlement to Tuy An DPC or to the District Land Fund Development Center so that the payment will be made directly to affected households. Total cost is estimated to be about **VND 4,730,568,889**, equivalent to **USD 212,419**. This includes: (i) compensation for land acquisition, or VND 967,462,175; (ii) compensation for affected structure, or VND 1,128,668,994 (iii) compensation for affected crops and tree, or VND 430,815,542 (iv) *Restore livelihoods and incomes allowance* is VND 22,500,000; (v) *Job training/Creation assistance* is VND 1,282,250,733; (vi) *Assistance for agriculture adjacent residential land* is VND 104,521,500; (vii) *Assistance for garden land adjacent residential land* is VND 68,913,300; (viii) assistance to vulnerable group amounts to VND 44,709,062; (ix) *Assistance for public land of 02 CPCs* is VND 166,352,000; and (vii) Management and Implementation cost is VND 84,323,866.

I. INTRODUCTION

A. Background

12. The subproject (SP) consists of “Upgrading road and sluice of An Cu - An Hiep - An Hoa” Tuy An district, Phu Yen province. The SP is located in Tuy An district, and comprised of three (03) communes, namely: An Cu, An Hiep and An Hoa.

13. The SP is presented in the Master Plan of Transportation system of Phu Yen province by the year 2020, oriented to the year 2030. The SP is selected among several other SPs because of its suitability on the environment, on social safeguard criteria of the ADB and the Government of Vietnam, as well as for other screening criteria set-up to achieve poverty elimination.

14. The SP will upgrade 9.1km of inter-commune roads, from earth to concrete surfaced road, crossing the 3 communes namely An Cu, An Hiep and An Hoa and include the construction of the drainage system and a drift on the route. Among these road sections there are 18 cross-culverts to be newly constructed and 15 cross-culverts to be extended. The road has a total length of 9.1 km. and includes:

- Starting point: Km0+00 connecting to concrete surfaced road in An Cu commune
- Ending point: Km9+36.74 connecting to concrete surfaced road in An Hoa commune.

15. Existing road surface is of uncompacted soil, with an average width of 5m ÷ 7m, and is not laying on a stable road-bed structure. Road direction: mainly North-South laying on the existing road bed; the road is surrounded by low hills of An Cu – An Hiep – An Hoa communes. The route locates along O Loan pond’s bank. Expected side for construction shall be that of the existing road area, together with part of surrounding agricultural land and salt-water land where is also the aqua cultural production area in O Loan pond area. Existing alignment has been totally damaged due to the limited fund for maintenance. Thus, more than 187 ha of field and crop cultivation land is affected by salt-water.

16. Water drainage system crossing the former route including bridge and drift was built to ensure water drainage in flood season. However, at present, some of its components are downgraded and unsuitable, due to the current conditions of the culvert, and cannot drain the water and respond to the technical requirements of the road.

17. Within the subproject scope of work, the road network and the existing irrigation system will be upgraded and this imply the construction/re-construction of sections of road, of a water draining system, a drift and the flood discharge system. The number of poor households in the beneficiary areas consists of 1,169 households, of which the number of people who are directly benefited from the SP occupies 14.02%.

18. The SP includes the following main outputs: (i) Upgrading inter-commune roads from earthen to concrete surfaced; upgrading water discharge and drift system along the route; (ii) introduce procedures of upgrading Operation and Maintenance of completed works; (iii) raising awareness of people on techniques of breeding, preventing diseases, planting fresh vegetables, developing aquaculture for their sustainability, etc.

B. Subproject location and affected area

19. The SP is located in An Cu, An Hiep and An Hoa commune of Tuy An district, Phu Yen province. Tuy An is a coastal district locating adjacent to Tuy Hoa city and about 30 km away from center of the province towards 1 A National highway direction. The district is

located in the east of Truong Son Range and in the place where branches of Truong Son range flow to the sea. Tuy An terrain gets lower from the west to the east. The highest point is Hon Chuong Mountain, which is 500m high.

20. The subproject will be implemented in 3 communes including An Cu, An Hiep and An Hoa, Tuy An district. Total population in this area is 31.407 people. Main income of the local people is from agricultural and aquaculture production, including rice, crops and breeding.

21. The SP connects An Cu, An Hiep, An Hoa communes and areas around O Loan lagoon (connecting villages: Phu Tan, Dong Duc in An Cu commune; Quan Cau, Phong Phu and My Phu in An Hiep commune; Tan Hoa, Tan Hau, Tan Dinh and Tan An village in An Hoa communes).

C. Measures taken to Minimize Negative Impacts

22. “Upgrading road and sluice of An Cu - An Hiep - An Hoa” Tuy An district, Phu Yen province is mainly concerning the existing route, with some short sections following new alignment directed to paddy fields. To avoid negative impacts, its design considered some options to reduce the land acquisition. Concerned households were informed during the consultation meetings to refrain from building new structures or plant trees at the identified SP 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. Additionally, the 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

23. Efforts towards minimizing the adverse environmental impacts of the subproject during construction will include re-using materials extracted during construction 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

24. 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 of the vulnerable group, or at least will remain as at the pre-subproject conditions.

25. 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 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.

26. 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

27. A Detailed Measurement Survey (DMS) was completed in April, 2016 by Land Fund Development Center of Tuy An DPC, based on the approved detail design of SP. Results of the DMS are summarize as follows:

A. Permanent impact

1. Affected households:

28. According to the DMS Results, the subproject causes impacts on land and assets of 228 households and 02 organizations (An cu and An Hiep CPC). Of the 228 affected households, 140 AHs have land and assets affected, 88 AHs hired-land from CPCs for cultivation; these are affected on their existing structures, crop and tree only. Out of the 148 AHs whose land has been acquired, 07 AHs are severely affected households. There is no relocated AH. Of 228 AHs, there are 22 AHs classified as vulnerable AHs. There is no Ethnic minority people in subproject area.

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

Table 1: Number of affected households

| Commune | Number of AHs | | | Number of APs | AHs losing more than 10% agriculture land | Number of vulnerable AHs |
|--------------|---------------|---|---|---------------|---|--------------------------|
| | Total | Number of AH losing land and affected asset on land | Number of AHs with affected asset only (hired land from CPCs) | | | |
| An Hoa | 62 | 47 | 15 | 209 | 7 | 14 |
| An Cu | 62 | 27 | 35 | 252 | 0 | 4 |
| An Hiep | 104 | 74 | 30 | 396 | 0 | 4 |
| Total | 228 | 148 | 80 | 857 | 7 | 22 |

Source: DMS, 2016

2. Vulnerable Group:

30. Among the vulnerable group affected with a total of 22 VAHs, 11 AHs are female-headed AHs, 7 are poor households, and another 6 are disable headed AHs, in which An Hoa commune has 02 AHs who belong to 2 criteria of vulnerability (poor and women-headed AHs);.

Table 2. Number of vulnerable affected households

| Commune | Vulnerable AHs | | | | Note |
|--------------|----------------|-------------------|--------------------|-----------|--------------------------------------|
| | Poor AHs | Female headed AHs | Disable headed AHs | Total | |
| An Hoa | 6 | 8 | 2 | 14 | 02 AHs are poor and female headed AH |
| An Cu | | 3 | 1 | 4 | |
| An Hiep | 1 | | 3 | 4 | |
| Total | 7 | 11 | 6 | 22 | |

3. Affected land:

31. According to DMS Result, the SP of the sub-project permanently affects a total of 42,039.5 m². In which: 20,396.2 m² of 148 belong to households and 21,643.3 m² to the two CPCs of An Cu and An Hiep communes. The following table 3 summarizes the affected land by type of land and ownership:

Table 3 Affected land by type of land and ownership

Unit: m²

| Owner | Commune | Residential land | Annual crop land | Perennial land | Forest land | Aquaculture land | Irrigation land | Transportation land | Un-used land | Total |
|--------------|---------------------------|------------------|------------------|----------------|---------------|------------------|-----------------|---------------------|-----------------|------------------|
| AHs | An Hoa | 40.00 | 8,457.30 | 102.50 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 8,599.80 |
| | An Cu | 145.50 | 1,394.80 | 332.30 | | | | | | 1,872.60 |
| | An Hiep | 0.00 | 7,844.90 | 278.10 | 205.50 | 1,595.30 | | | | 9,923.80 |
| | Total area of AHs | 185.50 | 17,697.00 | 712.90 | 205.50 | 1,595.30 | | | | 20,396.20 |
| CPCs | An Hoa | | 3,956.00 | | | | 408.70 | 5,918.90 | 2,302.20 | 12,585.80 |
| | An Cu | | | | | | | | | |
| | An Hiep | | 1,664.00 | | | | 2,452.60 | 3,251.40 | 1,689.50 | 9,057.50 |
| | Total area of CPCs | 0.00 | 5,620.00 | 0.00 | | | 2,861.30 | 9,170.30 | 3,991.70 | 21,643.30 |
| Total | | 185.50 | 23,317.00 | 712.90 | 205.50 | 1,595.30 | 2,861.30 | 9,170 | 3,992 | 42,039.50 |

Source: DMS 2016

32. In total of 21,643.3 m² belong to CPCs, there are total area of 11,063 m² of hired land by 88 AHs for cultivation, including 2,536.4m² of irrigation land, 3,767.8 m² of transportation land and 4,758 m² of annual crop land in total of 5,620m² of affected annual crop land of CPCs.

33. Table 4 below present the number of AH belong to each type of affected land in total 20,396.2 m² of 148 AHs losing land, in which 185.5 m² is residential land and 20,210.7 m² of agriculture land. In total of 20,210.7 m² agriculture land belong to 140 AHs, there are (i) 17,697.0 m² is annual crop land (inwhich 1,799.5 m² annual crop land of 27 AHs that is adjacent in their residential land area with assistance according to policy of Phu Yen province); (ii) 712.90 m² of garden land of 21 AHs (that is adjacent with their residential land but not be recorded as residential land and also be assisted according to policy of Phu Yen province as mentioned in table 18); (iii) 205.5 m² forest land and (iv) 1,595.3 m² aquaculture land.

34. In total of 20,210.7 m² agriculture land, 1,787.9 m² belong to 7 severely AHs losing more than 10% and remaining 18,422.8 m² AHs belong to 133 AHs losing less than 10% of total their agriculture land.

Table 4 Number of AH by type of affected land

| Commune | Unit | Residential land | Agriculture land | | | | Total | |
|---------|------|------------------|------------------|---------------------------------------|-------------|-------------|-------|------------------|
| | | | Annual crop land | | Garden land | Forest land | | Aquaculture land |
| | | | Annual crop land | Annual crop land adjacent residential | | | | |
| | | | | | | | | |

| | | | | land | | | | |
|--------------|----------------|---------------|------------------|-----------------|---------------|---------------|-----------------|----------------|
| An Hoa | m ² | 40.00 | 8,457.30 | | 102.50 | 0.00 | 0.00 | 8,599.80 |
| | AH | 2 | 60 | | 2 | 0 | 0 | 45 |
| An Cu | m ² | 145.50 | 1,007.10 | 387.7 | 332.30 | 0.00 | 0.00 | 1,872.60 |
| | AH | 8 | 5 | 6 | 11 | 0 | 0 | 27 |
| An Hiep | m ² | 0.00 | 6,433.10 | 1,411.80 | 278.10 | 205.50 | 1,595.30 | 9,923.80 |
| | AH | 0 | 16 | 21 | 8 | 2 | 9 | 72 |
| Total | m ² | 185.50 | 15,897.50 | 1,799.50 | 712.90 | 205.50 | 1,595.30 | 20,396.20 |
| | AH | 10 | 81 | 27 | 21 | 2 | 9 | 148 (*) |

Source: DMS 2016

(*) There are 8 AHs losing 2 types of land and 05 AHs losing 3 types of land.

4. Status of land use rights of affected households

35. According to the DMS survey, all 148 AHs with acquired land possess land use registration certificates (LURCs).

5. Affected crops and trees

36. Permanent agricultural land acquisition has impacts on crops and trees of people in the subproject area. It is expected that a total of 36,762.20 m² owned by 87 AHs will have affected annual crops. Most of annual crop is rice, with some potato, corn,.... Small area of annual crop land is grass for livestock. Table below quantifies annual crops by commune:

Table 5 Affected crop by type and commune (m²).

| Commune | Annual crop | | | | Total |
|--------------|-----------------|-----------------|-------------------|-----------------|------------------|
| | Rice | Corn/ potato | Grass, tree fence | Flower types | |
| An Hoa | 4523.4 | 300.85 | 4005.65 | 0 | 8,829.90 |
| An Cu | 71.1 | 297.6 | 696.4 | 0 | 1,065.10 |
| An Hiep | 0 | 5737.3 | 16,529.20 | 4,600.70 | 26,867.20 |
| Total | 4,594.50 | 6,335.75 | 21,231.25 | 4,600.70 | 36,762.20 |

Source: DMS, 2016

37. Affected fruit trees include mango, jackfruit, guava, annona, banana, dragon fruit, coconut, papaya,). Affected wooden trees are Eucalytus, keo, sơn gia, sanh, gòn, tràm, ... with total of 4,772 trees belonging to 90 AHs. Table below quantifies trees by commune.

Table 6 Affected tree by type and commune.

Unit: tree

| Tree | Commune | | | Total |
|--------------|------------|--------------|--------------|--------------|
| | An Hoa | An Cu | An Hiep | |
| Fruit tree | 226 | 1,384 | 582 | 2,192 |
| Wooden tree | 43 | 1,730 | 807 | 2,580 |
| Total | 269 | 3,114 | 1,389 | 4,772 |

6. Affected houses and structures

38. As for DMS results, there is 1 house with 12.5 m² temporary affected. Some structure of 95 AHs are affected and the table below specifies each type of structure affected, as follows:

Table 7 Profile of the types of affected Structures in SP communes

| <i>Commune</i> | Temporary house (m ²) | Kitchen (m ²) | Toilet (m ²) | Fence (m) | Concrete entrance (m ²) | Well (item) | Other structure (m ²) |
|----------------|-----------------------------------|---------------------------|--------------------------|---------------|-------------------------------------|-------------|-----------------------------------|
| An Hoa | | 0 | 0 | 85.5 | 0 | 3 | 39,760 |
| An Cu | 12.5 | 21.76 | 16 | 434.05 | 3.96 | 1 | 874,863 |
| An Hiep | | 251.96 | 291.58 | 323.4 | 0 | 3 | 411,890 |
| Total | 12.5 | 273.72 | 307.58 | 827.45 | 3.96 | 7 | 1,326,513 |

Source: DMS, 2016

7. Affected historical or cultural heritages

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

B. Temporary impacts

40. 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 it to AHs with LIC's confirmation. Contractors are required to negotiate and reach an agreement with the landowner before the land is used for temporary material storage/disposal. One of the conditions on 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

41. Tuy An district has the population of 133,000 people (in 2013). Major occupation is aquaculture production and farming. People belong to the Kinh group.

42. The subproject will be implemented in 3 communes including An Cu, An Hiep and An Hoa, Tuy An district. The total population in this area is of 31,407 people. Main income of the local people derives from agricultural production, including rice, crops and breeding produce. Table 7 summarizes socio-economic data in 3 communes according to 2014 statistic year book of Tuy An, with figures updated in June 2015.

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

Table 8 Summary of socio-economic figures on 3 communes in the subproject

| No. | Index | Unit | Commune | | | |
|-----|--------------|-----------------|---------------|--------|---------|--------|
| | | | Total | An Cu | An Hiep | An Hoa |
| 1 | Natural area | km ² | 93 | 22.54 | 47.41 | 23.22 |
| 2 | Population | Persons | 31,407 | 10,885 | 8,827 | 11,695 |
| | + Female | Persons | 15,104 | 4,900 | 4,591 | 5,613 |
| | | % | 48.09 | 45.02 | 52.01 | 48.00 |
| | + Male | Persons | 16,303 | 5,985 | 4,236 | 6,082 |
| | | % | 51.91 | 54.98 | 47.99 | 52.00 |

| No. | Index | Unit | Commune | | | |
|--------------------------|-------------------------------|------------------------|---------------|--------|-------|--------|
| | | | | | | |
| 3 | Population density | People/km ² | 337 | 483 | 186 | 504 |
| Industry | | | | | | |
| 4 | Production value | Million VND | 73,690 | 28,120 | 3,570 | 42,000 |
| Agricultural | | | | | | |
| 5 | Land area for growing rice | ha | 2,168 | 662 | 781 | 725 |
| 6 | Land for growing annual trees | ha | 1,378 | 262 | 659 | 457 |
| Poverty situation | | | | | | |
| 9 | Poverty rate | Households | 1,169 | 288 | 277 | 604 |
| | | Rate | 14.02 | 9.53 | 12.86 | 19.11 |
| Other indexes | | | | | | |
| 10 | Primary students | students | 2,345 | 827 | 519 | 999 |
| 11 | Secondary students | students | 1,903 | 685 | 449 | 769 |

Source: Tuy An District data, 2015

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

45. In the subproject area, the traffic network is evenly distributed in the area; however, most of the roads are earthen made, subject to minor emergency patchy upgrading or kept in deteriorated conditions and cannot meet people's needs. Local people will be realized within the communes while also resulting in an improved access of local people to basic social services thereby contributing to an increase in agricultural production and household income and ultimately rural poverty experienced by people will be alleviated. The completed subproject will stabilize living condition for people and poverty ratio will be reduced to the minimum possible level, hopefully under 8% in comparison to the current poverty ratio of 14.02%

B. Socio-Economic Profile of Affected Households per DMS

46. The socio-economic survey (SES) was conducted in May 2016 to determine the level of household socio-economic status and poverty situation in terms of income, assets owned, access to basic services and infrastructure facilities as well as on their opinions regarding subproject implementation among other SES variables. Of the 228 AHs, 39 affected household heads, including 7 severely AHs were selected as sample for the SES, using an interview questionnaire prepared by LIC and jointly administered with CPC, PPMU and CPMU resettlement staffs. Of these, 58% were males and 42% females. The average household size of the consulted/surveyed households is of 3.33 individuals.

Table 9 Number of AHs in SES

| Commune | Number of Ahs | | | Number of Aps | | | Average people per AH |
|--------------|---------------|---------------------|--------------|---------------|-----------|-----------|-----------------------|
| | Total AHs | Number of AH in SES | | Total AP | Male | Female | |
| | | Number | % | | | | |
| An Cu | 62 | 13 | 20.97 | 47 | 29 | 18 | 3.62 |
| An Hiep | 104 | 13 | 12.50 | 42 | 24 | 18 | 3.23 |
| An Hoa | 62 | 13 | 20.97 | 41 | 23 | 18 | 3.15 |
| Total | 228 | 39 | 17.11 | 130 | 76 | 54 | 3.33 |

Source: SES survey in 2016

47. The following are the results of the survey:

Ages of AH heads

48. The age of HH heads of 51.28% of the interviewed (20 persons interviewed) was of 60 or above, while 46.15% (18 interviewed) were from 41 to 60 year old, this latter representing the economically active group. Another 18.2% (12 individuals) of the total interviewed household heads were aged between 21 and 40 years old. None of the survey respondents were from the youth sector of 20 years old and below. The data suggests that heads of the households are mostly belonging to the elderly group who, along with the youth and children, are likely dependent from the economically active groups, whose ages range from 21 to 60 years old. See table below for data on age of surveyed household heads.

Table 10 Age of headed AHs

| Commune | Age of headed AHs | | | | Total |
|--------------|-------------------|-------------|--------------|--------------|-----------|
| | < 20 | 21-40 | 41-60 | >60 | |
| An Cu | 0 | 0 | 6 | 7 | 13 |
| An Hiep | 0 | 1 | 8 | 4 | 13 |
| An Hoa | 0 | 0 | 4 | 9 | 13 |
| Total | 0 | 1 | 18 | 20 | 39 |
| % | - | 2.56 | 46.15 | 51.28 | |

Source: SES, DMS 2016

Educational Attainment

49. SES data on educational attainment of household heads indicate that a majority of them at 48.72% (19 AHs) completed or attended primary school level, followed by 16AHs (41.03 %) that attended secondary levels and by 3 AHs (7.69%) that never attended to any school. Only 2.56% (1 AHs) had higher education. No respondents attended college or higher education.

Table 11 Educational Levels of headed AHs

| Educational Levels | An Cu | | An Hiep | | An Hoa | | Total | |
|------------------------------|-----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | No | % | No | % | No | % | No | % |
| Did not attend school | 1 | 7.69 | 0 | - | 2 | 15.38 | 3 | 7.69 |
| Primary | 6 | 46.15 | 5 | 38.46 | 8 | 61.54 | 19 | 48.72 |
| Secondary | 6 | 46.15 | 8 | 61.54 | 2 | 15.38 | 16 | 41.03 |
| High School | 0 | - | 0 | - | 1 | 7.69 | 1 | 2.56 |
| College/Vocational School | 0 | - | 0 | - | 0 | - | 0 | - |
| University/ Higher Education | 0 | - | 0 | - | 0 | - | 0 | - |
| Total | 13 | 100.00 | 13 | 100.00 | 13 | 100.00 | 39 | 100.00 |

Source: SES, DMS 2016

Sources of Income of heads of households:

50. A majority of the households, or 61.54% (24 AHs) of the total 39 consulted households declared that agriculture and forestry are their main source of income. Secondly, 20.51% (8 AHs) said that their income derives from their small business, while 12.82% (5 AHs) said that they only rely on support and assistance from other people. The remaining 5.13% (2 AHs) are employed in other fields. The findings suggest that with the completion of the subproject, a majority of the households who are involved in agriculture/aquaculture will enjoy considerable benefits by the increased farm produce, thanks to a more stable and qualitative supply of water.

Table 12 Source of Income of headed AHs

| Main income source | An Cu | An Hiep | An Hoa | Total |
|--------------------|-------|---------|--------|-------|
|--------------------|-------|---------|--------|-------|

| | No | % | No | % | No | % | No | % |
|-------------------------------|-----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| Agriculture/aquaculture | 8 | 61.54 | 10 | 76.92 | 6 | 46.15 | 24 | 61.54 |
| Freelance Labor/Employee | 0 | - | 1 | 7.69 | 1 | 7.69 | 2 | 5.13 |
| Small business | 2 | 15.38 | 2 | 15.38 | 4 | 30.77 | 8 | 20.51 |
| Relying on support/assistance | 3 | 23.08 | 0 | - | 2 | 15.38 | 5 | 12.82 |
| Total | 13 | 100.00 | 13 | 100.00 | 13 | 100.00 | 39 | 100.00 |

Source: SES, DMS, 2016

Type of Housing

51. Most of the interviewed households (84.62%) possess houses of grade 4; these are mostly brick houses with tiles or galvanized iron roofing. Another 7.69% own house with asbestos-cement roof or made of light materials like bamboo and earth walls.

Table 13 Type of Housing

| Commune | Brick house with tiles or galvanized iron roofing (grade 4) | House with asbestos cement roof | House made of light materials like bamboo and earth walls | Total |
|--------------|---|---------------------------------|---|-----------|
| An Cu | 11 | 1 | 1 | 13 |
| An Hiep | 11 | 1 | 1 | 13 |
| An Hoa | 11 | 1 | 1 | 13 |
| Total | 33 | 3 | 3 | 39 |
| % | 84.62 | 7.69 | 7.69 | |

Source: SES, DMS, 2016

Occupation of heads of AHs:

52. Agriculture/Forestry is the predominant occupation among the AHs heads, which accounts for 76.92% (30 AHs) of the total 39 AHs in surveyed. Secondly, 17.95% (7 AHs) are employed as freelance laborers/employees and the remaining 5.13% are occupied in small business of various type. These data seem to imply that the subproject will directly benefit subproject beneficiaries who are in the agriculture sector.

Table 14 Occupational Profile of headed AHs

| Main occupation | An Cu | | An Hiep | | An Hoa | | Total | |
|--------------------------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|
| | No | % | No | % | No | % | No | % |
| Agriculture/Aquaculture | 9 | 69.23 | 11 | 84.62 | 10 | 76.92 | 30 | 76.92 |
| Freelance Labor/Employee | 1 | 7.69 | 0 | - | 1 | 7.69 | 2 | 5.13 |
| Small business | 3 | 23.08 | 2 | 15.38 | 2 | 15.38 | 7 | 17.95 |
| Total | 13 | | 13 | | 13 | | 39 | |

Source: SES, DMS, 2016

Access to Infrastructures Utilities, Health and Sanitation Facilities

53. Infrastructures/ social services: these communes are linked by inter-commune road and inter-regional road, which facilitates travelling of people and their exchange and trading of goods. Residential areas in the subproject communes have good access to the telecommunication and power system.

54. Sources of Electricity: As per the socio-economic survey (SES) results during DMS, it was found out that of the total 39 AH heads interviewed for the SES, all have electricity in their homes through connection to the national power grid.

55. Telecommunication facilities: all of the subproject areas enjoy good signals for mobile phones. The SES results indicate that all the 39 AHs are owning either a fixed-line telephone and/or a mobile phone.

56. Access to Domestic Water Source: The majority, 29 HHs or 74.36% of the total interviewed HHs have access to clean domestic water and all have at least access to clean water from wells. Another 25.64% of AHs (10 AHs) get their water from water taps or from individual household taps distributed by a local water supply authority.

Table 15 Source of Domestic Water

| Clean Water Source | An Cu | | An Hiep | | An Hoa | | Total | |
|--------------------|-------|-------|---------|-------|--------|-------|-------|-------|
| | No | % | No | % | No | % | No | % |
| Tap water | 1 | 7.69 | 3 | 23.08 | 6 | 46.15 | 10 | 25.64 |
| Well | 12 | 92.31 | 10 | 76.92 | 7 | 53.85 | 29 | 74.36 |
| Total | 13 | | 13 | | 13 | | 39 | |

Source: SES, DMS 2016

57. Access to Health and Sanitation facilities: The majority of the consulted households (74.36%) disclosed that they have bathrooms and toilet facilities in their houses.

58. AHs' Preferred Compensation Types for affected assets: all 39 AHs SES respondents prefer cash as form of compensation.

C. Gender issues

59. Women in local government: The gender ratio between women and men participating in local government affairs at commune level seemed clearly imbalanced in favor of men whom are occupying more key positions than women. Women working in CPC are about 25.2% of the total CPC officials. The gender ratio in the Executive Council at commune level is also imbalanced in favor of men, as women account for only 20.6% of the total members of the council. It is noted that women only occupy key positions in the Vietnamese Women's Union (VWU), which seems obvious, as this is a mass organization exclusively for women regardless of their social status, ethnicity and vulnerability. By and large, there are more men than women occupying key leadership positions in the communes and in other local administrative agencies/departments in the province and district.

60. Concerning the participation of women in the subproject: (i) the percentage of women participating in the Commune Supervisory Board (CSB) remains low due to the old traditional perception that men must take charge in monitoring schemes because they have more time available for community activities even during night-time, while women restrain being out of their homes at night and in isolated places in the area; (ii) The 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 domestic activities, women do not have time for participating 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.

61. Consequently, because of the above-mentioned situations: (i) women reaching well-qualified education and high intellectual 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; this results in their lack of self-confidence and losing the chance to become leaders and occupy key decision-making positions alongside men in the communes..

62. Women position in decision-making in the household: This gender concern was also explored during the SES. It was found out that both husband and wife jointly make decision

on house building, business investment, purchasing household appliances/facilities, children's education, 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 their household. Other household members rarely decide on households' concerns. This shows that the gender mainstreaming efforts of the local authorities are making some headway.

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

64. Women participate in mass organizations. Women participation in the Vietnamese Women's Union (VWU) is quite conspicuous as expected, being this Organization exclusively concerned with women's matters. But very few women participate in the other existing mass organizations such as the veteran's union whose members are mostly of men war-survivors, while the farmers' union usually include both men and women but these latter only when they are classified as female-headed farming household.

D. Social Impact Assessment

1. Subproject impacts

Positive impacts

65. The subproject "Upgrading road and sluice of An Cu - An Hiep - An Hoa" in Tuy An district, Phu Yen province contributes to several positive impacts which are: (i) more favorable traffic conditions, better job opportunities from stable agriculture production, prevention of intrusion of salted water caused by tide, increased rice production from land benefiting of natural water irrigation; and (ii) help people to develop commodity economy reducing poverty, gradually stabilizing and enhancing people living condition, improving accessibility to school, hospital, market and other social services; (iii) After completing construction of road and drifts, the subproject will tackle the problem of the status of 187 ha of the productive field affected by salted waters, improving its agriculture produce.

66. The completed sub-project will bring stable living condition for people and poverty ratio will likely be reduced to the minimum level of around 8%, in comparison to the current poverty ratio of 14.02%.

67. Many people from adjacent areas are indirectly benefitting from the investment by improving their connecting production activity with culture exchange basing on connection among 1A National highway and rural roads.

68. 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

69. "Upgrading road and sluice of An Cu - An Hiep - An Hoa" Tuy An district, Phu Yen province requires some land for acquisition and directly impacts on 228 households with 857 individuals. This has the potential for negative impact on affected people through changes in land and resources use, housing, livelihoods and access.

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

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

2. Mitigation and benefit measures

72. "Upgrading road and sluice of An Cu - An Hiep - An Hoa" Tuy An district, Phu Yen province is mainly constructed based on the existing route, some small parts are designed to construct in new alignment through paddy field. The technical design options were discussed amongst the engineering team and between local officials to minimize the need to acquire land and demolish properties and crops/trees. 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

73. 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

74. Activities for 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.

75. 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. Vulnerable affected household is belong to two or three criteria that will be assisted of one cash assistance, which ever is higher;

76. 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

77. 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

78. 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

79. A series of information disclosure has been conducted from beginning of subproject at 2014 and continue at DMS and SES time in 2016. The final RP as approved by ADB after the PPC's concurrence and will publicly disseminate to AHs and other subproject

beneficiaries. Furthermore, this RP, once approved, will be uploaded in ADB websites. Any updates or revisions to the final REP also be disseminated to APs and posted on the ADB website.

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

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

C. Public Consultation and participation during the RP preparation

82. 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.

83. 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:

84. The consultation meetings with APs were held in June 2014 by the PPMU and LIC. The consultations covered the following:

- (i) Subproject description: subproject objectives, location, scope, preliminary design and scope of impacts
- (ii) Subproject's policies, those eligible for compensation and resettlement assistance.
- (iii) Subproject implementation plan;
- (iv) Grievance redress mechanism;
- (v) Issues related to gender, income and livelihood restoration and other support policies

85. Participants included the AHs, representatives of beneficiaries, CPMU, PPMU, CPC, resettlement specialist, gender specialist, environmental specialist, village leaders, and representatives of farmer associations, women union, fatherland front association and youth union.

During the DMS 2016

86. A lot of meetings between LDFC and CPC and AHs with participate of PPMU staffs was organized during the DMS. AHs was informed and consulted of schedule, results of

DMS as well as compensation plan for each AHs including compensation prices and allowance

87. After replacement cost approved by PPC in 2016 please see the detailed time for approval in paragraph 125,

88. Time and venue: Public consultation meetings was held in May 2016 in 3 project communes: An Cu (23/5/2016), An Hiep (25/5/2016) and An Hoa commune (24/5/2016)

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

90. These meetings focused on:

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

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

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

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

Table 16 Consultation meetings during DMS

| Commune | Number of participants | | | Summary feedback/opinion from participants |
|---------|------------------------|--------|-------|---|
| | Male | Female | Total | |
| An Cu | 14 | 17 | 31 | <p>Agree with compensation policy of subproject and agree with compensation unit price issued by the PPC for subproject that reflected replacement cost;</p> <p>Impact by land acquisition is small and AHs have some other agricultural land area and SP do not much negative impact to AHs and local authorities and people understood of subproject benefits;</p> <p>SAHs agree with cash-assistance of SP and have no more opinions for income restoration as scale of their impacts on livelihood is small;</p> <p>VAHs are satisfied with cash-assistance of SP;</p> <p>Local authorities and AHs proposed to adjust the sluice locations during construct for suitable then local people can take the water;</p> <p>Affected households must be informed of land acquisition as soon as possible – at least 3 months</p> |
| An Hiep | 30 | 9 | 31 | |
| An Hoa | 23 | 15 | 38 | |

| | | | | |
|--|--|--|--|---|
| | | | | <p><i>before the acquisition – so that the households do not cultivate on the affected land;</i></p> <p><i>Require contractor to restore the site to its original status after construction;</i></p> <p><i>Construction activities must be implemented quickly in consistent with the schedule;</i></p> <p><i>Propose to be employed by contractor to do suitable work during the construction process;</i></p> <p><i>CPC’s representatives request to organize detail training to Community supervisory boards.</i></p> <p><i>Some AH remind for construction to ensure the drainage and salt instrustion as some villages are in low area</i></p> |
|--|--|--|--|---|

D. Public consultation and participation in RP implementation

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

95. 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

96. 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.

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

- **First Stage, Commune People’s Committee (CPC):** The aggrieved affected household can bring his/her complaint in writing or verbally to any member of the Commune People’s Committee, either through the Village Chief or directly to the

CPC. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days and a maximum of 60 days after the lodging of the complaint to resolve the complaint, however, depending on upon whether it is a complicated case or case comes from a remote area, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

- **Second Stage, District People’s Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days after the lodging of the complaint to resolve the case, however, depending on whether the case is complicated case or case comes from remote area, to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the LFDC of any decision made and the LFDC is responsible for supporting DPC to resolve AH’s complaint. The DPC must that the complainant is notified of the decision made.
- **Third Stage, Provincial People’s Committee (DPC):** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision made on his/her complaint, the affected household may bring the case, either in writing, to any member of the PPC. The PPC has 30 days or maximum of 70 days to resolve the complaint to the satisfaction of all concerned. However, depending if the case is complicated case or from remote area, to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping the files of all complaints that reaches the same.
- **Final Stage, the Court of Law Arbitrates:** If after 30 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a Court of law for adjudication. If the court rules in favour of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favour of PPC, then the complainant will receive compensation approved by PPC.

98. 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

99. 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

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

- i) The Constitution of the Socialist Republic of Vietnam (2013) confirms the right of citizens to own and protect the ownership of a house.
- ii) Law on Land 2013 (No. 45/2013/QH13) dated 29/11/2013.
- iii) Decree No.38/2013/ND-CP on management and use of Official Development Assistance (ODA) and Concessional Loan of Donors.
- iv) Decree No. 43/2014/ND-CP dated 15 of May 2014 on detailing a number of articles of the land law 2013.
- v) Decree No. 44/2014/ND-CP dated 15 of May 2014 on Regulations on Land prices.
- vi) Decree No. 47/2014/ND-CP dated 15/05/2014 of the Government of Vietnam on Regulations on compensation, assistance, and resettlement upon land recovery by the State.
- vii) 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/ND-CP
- x) Decision No. 775/QD-TTg 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/ND-CP dated 09/9/2015 of the Government of Vietnam on Mechanism and policies on forest protection and development in combination with sustainable and fast poverty alleviation and support for ethnic groups during 2015 – 2020

101. 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. 585/QD-UBND dated 2nd April 2015 of Phu Yen PPC on approval of Feasibility report (adjusted) and selection of contractors (phase I) of the subproject: Upgrading road and sluice of An Cu - An Hiep - An Hoa, Tuy An district, Phu Yen province under the Integrated Rural Development Sector Project in the Central Provinces - Additional Financing;

- (ii) Decision No. 57/2014/QD-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;
- (iii) Decision No. 938/QD-UBND of Tuy An DPC dated 22nd July 2015 on approval “Land acquisition plan, survey, DMS for Upgrading road and sluice of An Cu - An Hiep - An Hoa” in Tuy An district, Phu Yen province
- (iv) Decision No. 1749/QD-UBND of Tuy An DPC dated 29th December 2015 “on approval of compensation plan, assistance and resettlement for the subproject of Upgrading road and sluice of An Cu - An Hiep - An Hoa” in Tuy An district, Phu Yen province
- (v) Decision No. 1682/2015 dated on 8th September 2015 by PPC on approval plan for establishing specific replacement cost for land compensation of SP: “Upgrading road and sluice of An Cu - An Hiep - An Hoa” Tuy An district, Phu Yen province through An Cu commune. Accordingly, Decision No.579 /QD-UBND dated March 15th 2016 for An Cu and;
- (vi) Decision of Phu Yen PPC on promulgating specific price unit for land compensation of SP: “Upgrading road and sluice of An Cu - An Hiep - An Hoa” Tuy An district, Phu Yen province;

B. Asian Development Bank Policy

102. ***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.

103. 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 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.

104. 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.

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

105. 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

106. 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.

107. 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

108. 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.

109. Policy framework and regulations to address resettlement impacts for SP “Upgrading road and sluice of An Cu - An Hiep - An Hoa, Tuy An district, Phu Yen province” are prepared on the basis of relevant policies and laws of Vietnam and ADB Safeguard Policy Statement (SPS 2009)

110. Decree No.38/2013/ND-CP on management and use of official development assistance (ODA) and concessional loan of donors stipulates that compensation and assistance and resettlement for programs and projects funded by ODA should be in compliance with current regulations and international conventions on ODA and concessional loan which the Socialist Republic of Vietnam is an official member. In case of discrepancy between the Laws of Vietnam and International Conventions, the International Conventions will prevail. Similarly, the Article 87 of the 2013 Land Law requires the projects using loans from foreign and international organizations for which the State of Viet Nam has committed to a policy framework for compensation, support, resettlement, such framework shall be applied.

111. 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.

112. 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.

113. 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 17 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 the notification on land acquisition; and (iii) unused public infrastructures and other works. | APs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost, if created before the cut-off date. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses. | APs without legal or recognizable legal claims to land acquired, will be equally entitled to participate in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before the cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels. |
| Compensation for structures | Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure. Land Law 2013, Article 92: Land-attached assets which are illegally created or created after the notice of land recovery by a competent state agency takes effect will not compensated | Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments. Structures constructed on land with no LUCR before the cut-off date will still be compensated. | Full compensation at replacement cost will be paid for all affected structures (including structures constructed on land with no 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. |

| Issues | Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP | ADB SPS (2009) Policy | Project Policy |
|---|--|---|---|
| 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 RP |

114. 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 will be disclosed to AHs in a form and language(s) understandable to them prior to submission to ADB. RPs will be disclosed on the ADB website.
- 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 PPMU 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.

D. Entitlements, Assistance and benefits

1. Eligibility

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

116. The cut-off date for “Upgrading road and sluice of An Cu - An Hiep - An Hoa, Tuy An district, Phu Yen province” is 22/7/2015 that is date of Decision for land acquisition announcement for this sub-project issued by Tuy An DPC.

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

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

118. 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.

119. 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.

2. Entitlement Matrix

120. 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.

121. 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.

122. 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.

123. 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.

124. All severely AHs and vulnerable AHs will be assisted by cash as mentioned in entitlement matrix in table 18 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.

125. 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 AHs will be assisted of minimum VND 2,000,000 per household to improve their social and economic conditions.

Table 18 Entitlement matrix of households affected by the subproject

| Entitled Persons | Type & Level Of Impact | Compensation Policy | Implementation Issues |
|--|--|--|--|
| A. AGRICULTURAL LAND | | | |
| <p>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; PPMU is in charge of monitoring on restoration of the affected land.</p> | | | |
| <p>A.2 Permanently affected agricultural land:</p> | | | |
| Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC | Losing 10 percent or more of total productive landholding 1,787.9 m2 of 07 AHs in An Hoa commune (05 AH losing 10-20% their agriculture land area and 02 AHs losing 20-30% their agriculture land area) | a/ Cash compensation at replacement cost for land and at market price for standing crops; and tree b/ Economic rehabilitation package (see E, below); and job training/creation assistance equal to 2 times of acquired land value. | <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 is 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 18,422.8 m2 of 133 AHs (out of 140 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 entire affected land parcel; and b/ Compensation for standing crops at market price; and c/ Job training/creation assistance equal to 2 times of acquired land value. | <ul style="list-style-type: none"> - 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 | Total 3,767.8 m2 of transportation land and 2,536.4 m2 of irrigation land of CPCs for lease | a/ No compensation for land but cash compensation for standing crops at market price (if any); and b/ Cash compensation for the remaining value of investment in the affected land and value of the remaining contract. | Implemented by LFDC |

| Entitled Persons | Type & Level Of Impact | Compensation Policy | Implementation Issues |
|--|---|---|---|
| | Total 5,620 m2 of annual crop land of An Hoa CPC and An Hiep CPC for lease | 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 Support for annual crop land |
| B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND | | | |
| B.2 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 land/or non-agricultural landholding with houses and structures built thereon. 10 AHs (185.5 m2) | 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, (iii) Package of rehabilitation and relocation allowances (see E) | If affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved. |
| C. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE | | | |
| C.1. Main Structures (Houses): | | | |
| Owners of houses/ structures | House/Structure partially affected and remaining portion can be used 12.5 m2 of 01 AH with temporary house | a/ Cash compensation at replacement cost for affected portion with no deduction for depreciation or salvageable materials; and | |
| C.2. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc. | | | |
| Owners of structures | Partially or totally affected structures or other property 95 AHs of affected structures | Cash compensation at full replacement cost for materials and labor and with no deduction for depreciation or salvageable materials; OR Cash assistance to repair of property to original or better condition. | AHs of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures. Costs for repairing the remaining house/structure were be negotiated with AH. |

| Entitled Persons | Type & Level Of Impact | Compensation Policy | Implementation Issues |
|---|---|--|---|
| D. COMPENSATION FOR AFFECTED CROPS AND TREES | | | |
| Owners of crops and/or trees | Loss of annual crops 36,762 m ² of 87 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 4,472 trees of 90 AHs with 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. |
| E.PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE | | | |
| E 1 Economic Rehabilitation Assistance | | | |
| Severely affected AHs losing 10% or more of their productive irrespective of tenure status. | Assistance to restore livelihoods and incomes following acquisition of agricultural land: of 07 AHs in which: 05 AHs losing from 10% to 20% of total agricultural land holding 02 AHs losing from 20% to 30% of total agricultural land holding | AHs directly cultivating on the affected land entitled: (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; (ii) Losing from 20% to 30% of agricultural land holding: Cash assistance equal to 70% level of assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months; | Economic rehabilitation package is proposed according to Phu Yen's policy that is higher than proposed level in uREMDf; If necessary, vocational assistance or combination with current programs of the locality and with the active involvement of the AHs. Price of rice is the market price at the time of DMS equal to VND 10.000 per kg. |
| AH losing agriculture land | Job training/Creation allowance ▪ 17,698.3 m ² of 103 Ahs including | Cash assistance equal to 2 times of compensation value for affected land area. | Assistance according to policy of Phu Yen province Implemented by LFDC |

| Entitled Persons | Type & Level Of Impact | Compensation Policy | Implementation Issues |
|---|---|---|--|
| | 15,987.5m ² of annual crop land, 205.5 m ² of forest land and 1,595.3 m ² of aquaculture land | | |
| | Assistance for AHs having agriculture land adjacent residential land 1,799.5 m ² of 27 AHs | Cash assistance equal to 35% of value for affected residential land area. | |
| | <i>Assistance for AHs having garden land adjacent residential land</i> 712.9 m ² of 21 AHs | <i>Cash assistance equal to 50% of value for affected residential land area</i> | |
| E.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 vulnerable 22 AHs in which 7 AHs are as poor AHs and 15 AHs are other vulnerable. | a/ 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 b) Other vulnerable households: assistance of minimum VND 2,000,000 per household to improve their social and economic conditions or based on regulation per province, whichever is higher | Price of rice is the market price at time of compensation equal to VND 10.000 per 1 kg |

E. Income restoration and rehabilitation

126. In Chapter II, it was reported that 07 households (24 people) in An Hoa commune will be severely affected by losing 10% or more of their productive asset, which are all agricultural land (i.e., paddy rice, corn, ...). All of 7 SAHs loss from 10% to 30% (refer table 19 for scale of impact by each AH) of their productive land (05 AHs loss from 10% to 20% and 02 AHs loss 20 to 30%).

127. The socio-economic survey (SES) had been conducted for all 07 SAH's on their socio-economic condition and type of support they would like to be provided to them. The consultants carried out the public consultation meeting, and directly interviewed with severely affected households. That was organized in May 2016 by CPMU/LIC, PPMU with support of CPCs.

128. According to SES and consultation meeting, for SAHs, main occupation of 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 and they were aware benefit of SP. Thus, no income restoration strategy is designed for SP.

VII. COST ESTIMATES AND RESETTLEMENT BUDGET

A. Replacement cost

129. According to project policy, compensation price will be replacement cost. For this subproject, at the time of DMS, replacement cost for land was conducted by independent appraiser that is competent agency (Land Fund Development Center of Tuy An DPC) in March 2016 for 3 SP communes (An Cu, An Hiep and An Hoa commune) and to be approved by Phu Yen PPC (Decision No. 579/QD-UBND dated March 15th 2016 for An Cu commune; Decision No. 579/QD-UBND dated March 15th 2016 for An Cu commune; Decision No. 582/QD-UBND dated March 15th 2016 for An Hoa commune and Decision No. 1910/QD-UBND dated August 15th 2016 for An Hiep commune) . In line with this decision, the coefficient of compensation price for land is 1.1. Table 20 below summaries the proposed compensation price for SP.

130. 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 2016. AHs agreed with this proposed compensation prices. From the verification of proposed compensation prices for this SP, checking in commune and local people and consultations with AHs. LIC confirms that compensation prices to be applied for this subproject reflect replacement costs.

Table 19 Proposed compensation price for land

| Commune | Type of land | Proposed Compensation unit price for SP |
|---------|--|---|
| An Cu | BHK, IUK | 38,000 |
| | Residential land (ONT) | 222,000 |
| | Agriculture land mix into residential area | 68,250 |
| | Garden land adjacent with residential land | 91,000 |
| An Hiep | Agriculture land (BHK, LUK) | 38,000 |

| | | |
|--------|--|---------|
| | Garden land adjacent with residential land | 91,000 |
| | Agriculture land mix into residential area | 68,250 |
| | Aquaculture land | 37,000 |
| An Hoa | Residential land | 333,000 |
| | Garden land adjacent with residential land | 91,000 |
| | Agriculture land (BHK, LUK) | 38,000 |

B. Resettlement budget

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

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

132. 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.

133. Cost for implementation land acquisition is equal to 2% of total cost for compensation and allowance and provisional cost. Total compensation and assistance cost for SP “Upgrading road and sluice of An Cu - An Hiep - An Hoa” Tuy An district, Phu Yen province” is **VND 4,730,568,889**, equivalent to **USD 212,419**. The table below summarizes the above mentioned costs:

Table 20 Summary of compensation and assistance cost

| No | Type of cost | Amount | Note |
|-----------|--|----------------------|--|
| A. | Compensation and assistance cost =A1+A2 | 4,216,193,306 | |
| A1 | Compensation cost (1-3) | 2,526,946,710 | |
| 1 | Land compensation | 967,462,175 | |
| 2 | Compensation for structure | 1,128,668,994 | |
| 3 | Compensation for crops and trees | 430,815,542 | |
| A2 | Allowances (1-3) | 1,689,246,595 | |
| 1 | Restore livelihoods and incomes allowance - 7 Ahs loss from 10 to 30% productive land (05 AHs losing 10-20%: assistance Equal to 50% of 30 kg of rice per month per household member for 6 months 02 AHs losing 20-30%: assistance equal to 70% of 30 kg of rice per month per household member for 6 months) | 22,500,000 | VND 10.000/1 kg rice See note of table 17-item A2 |
| 2 | Job training/ Creation allowance for AHs losing agriculture land (Equal to 2 times of compensation value for affected land area) | 1,282,250,733 | 103 AHs |
| 3 | Assistance for agriculture adjacent residential land | 104,521,500 | 26 AHs |

| | | | |
|-----------|--|----------------------|--|
| | (equal to 35% of value for affected residential land area) | | |
| 4 | Assistance for perennial land adjacent residential land (equal to 50% of value for affected residential land area) | 68,913,300 | 21 AHs |
| 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 and VND 2,000,000 for other vulnerable AHs) | 44,709,062 | 7 poor AHs and 15 other vulnerable AHs |
| 6 | Assistance for public land of 02 CPCs (Equal to 80% of compensation value of the affected land) | 166,352,000 | |
| B. | Implementation cost (2%xA) | 84,323,866 | |
| C. | Provision cost (10%xA+B) | 430,051,717 | |
| D. | Total (A+B+C) in VND | 4,730,568,889 | |
| | Total in USD | 212,419 | 1USD=22,270 |

Source: DMS, 2016

VIII. INSTITUTIONAL ARRANGEMENT

A. National Level

134. 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

135. Provincial People's Committee (PPC) is the executing agency of SP. 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.

136. 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 AHs 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 subprojects.;
- (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

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

138. 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

139. 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 be acquired for the subproject. Also, notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
- (iii) Assign Commune officials to assist the LFDC in the 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.

IX. IMPLEMENTATION SCHEDULE

140. 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.

141. 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.

142. The implementation schedule for resettlement activities for the subproject is presented in the table below, including (i) approval of RP; (ii) resettlement implementation activities; and, (iii) internal monitoring activities; (iv) civil work bidding; (v) construction works.

Table 21 Implementation schedule of resettlement and compensation activities

| Activities | Time |
|--|---|
| Final RP to be approved by ADB | August, 2016 |
| Public RP on ADB website and at locality | August, 2016 |
| Compensation and assistance payment | End of August 2016 |
| Land acquisition and site clearance | Beginning of September 2016 |
| Bidding and award of civil works | End of September 2016 |
| Internal monitoring of PPMU | End of June 2016 |
| 1 st Semi-annual monitoring of LIC (Due Diligence Report for ADB to issue non-objection letter for civil works) | End of June 2016 |
| The next semi-annual report of LIC | Every 06 month from the first monitoring |
| Commencement of civil works | End of September 2016 or early October 2016 |

X. MONITORING AND EVALUATION

A. Objectives of internal monitoring

143. 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.

144. 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

145. 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;

146. 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

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

Table 22 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 • 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

148. 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.

149. 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.

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

ANNEX: MINUTE AND PICTURES OF CONSULTATION MEETINGS

Annex 1: Sample minute of 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 - L3173)
BIÊN BẢN LÀM VIỆC

Hôm nay, ngày 5 tháng 5 năm 2016, tại UBND Xã An Hiệp - Huyện Tuy Sơn.

ĐẠI DIỆN: Nay cấp ủy, chính quyền, công nhân nhân viên và thanh niên

Chúng tôi gồm:

I. Đại diện nhóm Tư vấn LIC: PPMU

| | |
|----------------------------------|----------------------------------|
| - Ông/Bà <i>Lê Thị Mỹ Phượng</i> | Chức vụ <i>TV Giới, PMP</i> |
| - Ông/Bà <i>Huyền Mai Tuấn</i> | Chức vụ <i>TV GSDG</i> |
| - Ông/Bà <i>Phạm Văn Quyết</i> | Chức vụ <i>TV TPC</i> |
| - Ông/Bà <i>Phạm Lê Vũ</i> | Chức vụ <i>Ch. Kỹ thuật PPMU</i> |
| - Ông/Bà <i>Trần Văn Sơn</i> | Chức vụ <i>Ch. CSAT PPMU</i> |


II. Đại diện

| | |
|--------------------------------------|---|
| - Ông/Bà <i>Phạm Lê Vũ</i> | Chức vụ <i>Bộ Văn BT UBND Xã</i> |
| - Ông/Bà <i>Trần Văn Sơn</i> | Chức vụ <i>CT UBND Xã</i> |
| - Ông/Bà <i>Lê Quốc Khôi</i> | Chức vụ <i>CT Hội Phụ nữ Quốc tế Phụ nữ</i> |
| - Ông/Bà <i>Nguyễn Thị Ngọc Dung</i> | Chức vụ <i>CT Hội PN Xã</i> |
| - Ông/Bà <i>Kiều Thị Diễm My</i> | Chức vụ <i>Đoàn TN Xã</i> |

A. Nội dung làm việc:

- Trao đổi về các địa điểm chính trị địa phương: tại đây có lợi
vô bất lợi

- + Đối tượng hộ bị ảnh hưởng: đầu tiên sống, quyền lợi chấp hành, khi xây dựng hồ
- + Việc quản lý đất đai của xã
- + quỹ đất có thể xây dựng cho hộ bị ảnh hưởng
- + Sự tham gia của xã trong quá trình thực hiện
- + Nhảy vào để xã hỗ trợ quan tâm khi thực hiện dự án



B. Tổng nhất/kết luận

- Chính quyền địa phương chủ trì xây dựng dự án
- Hội đồng UBND xã/Đội TT. PT. QĐ. cấp cấp lại số KB chỉ cần ghi dài. Về mặt quản lý thủy sản cần kê khai loại thủy sản có giêng từ sản phẩm
- Bảo vệ kết quả của dự án như nước, các vật dụng sẽ khu hồ đất không lấn
- Chính quyền địa phương khi thi công nên lập phiếu có ý kiến của chủ nhân từ đất đai cho phù hợp để P.QL. địa phương xem xét để điều chỉnh
- Kế hoạch BQL dự án hàng năm BQL cấp TT chi tiết và các giao kết, khai thác, và từ các BQL
- Đề nghị UBND xã/phía cấp TT. PT. QĐ. nên báo cáo trình lên kế, và khi phát hiện bất thường, báo cáo

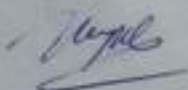
Hoàng... ngày 25 tháng 5 năm 2016

Biên bản này đã được xác nhận bởi đại diện các bên tham gia và được lập thành hai (02) bản; mỗi bên lưu giữ một bản.

Đại diện UBND xã/Đội TT. PT. QĐ.
PHƯƠNG TÍCH

Đương Lê Vũ

Đại diện tư vấn LIC



DỰ AN PHÁT TRIỂN NÔNG THÔN CÁC TỈNH MIỀN TRUNG-KHOAN VAY BỔ SUNG-L3173
(INTEGRATED RURAL DEVELOPMENT SECTOR PROJECT IN CENTRAL PROVINCES – ADDITIONAL FINANCING)
DANH SÁCH THAM DỰ HỌP
(LIST OF PARTICIPANTS OF MEETING)

Thành phần:

Ngày (date) : 27.5.2016 Địa điểm (Location) : Xã An Hiệp, Huyện Tuy An, Tỉnh Yên Bái

| TT (o.) | Họ tên (Name) | Chức vụ (Position) | Cơ quan/Đơn vị (Agency) | Chữ ký (Signature) | Điện thoại (Tel) | Ghi chú (Note) |
|---------|------------------|---------------------|-------------------------|--------------------|------------------|----------------|
| 1 | ĐIÔNG LÊ VŨ | P. Chủ tịch UBND | UBND xã An Hiệp | | 09657.846.347 | |
| 2 | TRẦN THỊ ĐOÌ | Chủ tịch UBND xã | UBND xã An Hiệp | | 01635627581 | |
| 3 | LÊ QUỐC KHÁNH | Chủ tịch Hội CCB xã | Hội CCB xã An Hiệp | | 0919.494.081 | |
| 4 | BÙI THỊ MỸ DUNG | Chủ tịch Hội PN xã | Hội LHPN xã An Hiệp | | 0927.589.4471 | |
| 5 | KHOE THỊ DIỄM MỸ | Bí thư Đoàn TN xã | Đoàn TN xã An Hiệp | | 09675.593.318 | |
| 6 | NGUYỄN VĂN HIẾU | CC. ĐC XDCB xã | UBND xã An Hiệp | | 0973.144.187 | |
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CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập - Tự do - Hạnh phúc

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

M. Hiệp, ngày 15 tháng 5 năm 2016.

Tên DATP: Mạng cấp điện, tuyến giao thông, công viên nhân văn và thoát lũ
M. C. M. Hiệp - M. H. H. H.
Xã: M. Hiệp huyện: B. B. B. tỉnh: Ph. Y.

I. Thành phần tham dự:

- | | |
|-----------------------------|---|
| - Ông/Bà <u>T. V. L.</u> | Chức vụ <u>T. V. L., G. B. B., T. B. C.</u> |
| - Ông/Bà <u>PPMV</u> | Chức vụ <u>C. H. K. I. C., C. H. K. C. S. A. T.</u> |
| - Ông/Bà <u>T. T. B.</u> | Chức vụ <u>C. T. M. N. D. K. 2</u> |
| - Ông/Bà <u>D. L. V.</u> | Chức vụ <u>P. T. U. B. N. D. K. 2</u> |
| - Ông/Bà <u>L. R. K.</u> | Chức vụ <u>C. H. H. C. C. B. X. 2</u> |
| - Ông/Bà <u>N. T. N. D.</u> | Chức vụ <u>C. T. H. H. B. N. K. 2</u> |
| - Ông/Bà <u>K. T. D. H.</u> | Chức vụ <u>H. T. H. T. H. T. H. T. H. K. 2</u> |
- Đại diện những hộ bị ảnh hưởng: 33 người

(Xem danh sách đại biểu tham dự đính kèm)

II. Nội dung

2.1 Các nội dung phổ biến thông tin:

- Phổ biến thiết kế của dự án: các thông tin chung về dự án như mục tiêu, địa điểm, phạm vi xây dựng.
- Phổ biến thông tin về phạm vi ảnh hưởng và Khung 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.

III. Ý kiến thảo luận

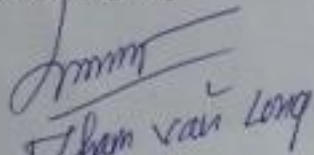
- Kế hoạch tưới tiêu dự kiến tưới theo chế độ cũ, khi có hồ đề nghị khi thì có phải sửa lại hệ thống tưới cho phù hợp để tưới lâu.
- Các hộ dân dự kiến sẽ thay thế di tháo, quá trình tiến hành cần có sự tham gia của hộ bị ảnh hưởng, quá trình thực hiện có ban giám sát công trình, mọi thủ tục cần có thì phải có là ban giám sát công trình.
- Thời hạn xây dựng, hệ thống cần lưu ý khi thi công để đảm bảo thuận tiện về giao thông.
- Một số hộ đề nghị đánh giá lại phạm vi hàng rào công trình vật kiến trúc bị thu hồi ảnh hưởng đến công trình còn lại. Đánh giá phạm vi đất đai bị thu hồi ^{vật kiến trúc} đánh giá để phải bồi thường phần công trình còn lại.
- Dự án thuê liên kết xã với môi trường.
- Quyền lợi đất đai phải có sự tham gia của hộ bị ảnh hưởng, yêu cầu của dự án là thu hồi đất của hộ bị ảnh hưởng từ 40%.
- Khi có phải bồi thường sự cần thiết là bồi thường cho hộ dân.

Cuộc họp tham vấn kết thúc vào lúc 11 giờ ngày 25 tháng 5 năm 2016.

Đại diện Ban QLDA tỉnh


Phan Lê Vũ

Đại diện Cộng đồng


Phan Văn Long

Đại diện UBND xã


Trương Lê Vũ

Đại diện tư vấn

DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP

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

(Danh sách đính kèm biên bản cuộc họp ngày 25 tháng 5 năm 2016 tại Xã Xuân Hòa

Tên DATP: Nông cấp, kế, duy giao, thị, cộng đồng miền và duy thuế
 Xã: Đông Hiệp huyện: Tây Sơn tỉnh: Phước Yên

| STT | Họ và tên | Giới tính | Chức vụ/Địa chỉ | Ký tên |
|-----|---------------------|-----------|-----------------|--------|
| 1 | Nguyễn Thanh Long | Nam | Kỹ Thuật 1 | |
| 2 | Lê Thanh Tùng | Nam | Kỹ Thuật 1 | |
| 3 | Ngô Phú | Nam | Kỹ Thuật 1 | |
| 4 | Phạm Văn Sáng | Nam | Kỹ Thuật 1 | |
| 5 | Phạm Văn Lương | Nam | Kỹ Thuật 1 | |
| 6 | Phan Minh Tiến | Nam | Kỹ Thuật 1 | |
| 7 | Nguyễn Văn Thơm | Nam | Kỹ Thuật 1 | |
| 8 | Nguyễn Thị Cúc | Nữ | Kỹ Thuật 1 | |
| 9 | Phan Thanh Văn Tiến | Nam | Kỹ Thuật 1 | |
| 10 | Nguyễn Kim Anh | Nam | Kỹ Thuật 1 | |
| 11 | Nguyễn Kim Sơn | Nam | Kỹ Thuật 1 | |
| 12 | Lê Minh Hoàng | Nam | Kỹ Thuật 1 | |
| 13 | Nguyễn Tân Hoàng | Nam | Kỹ Thuật 1 | |
| 14 | Phan Thị Hồng | Nữ | Kỹ Thuật 1 | |
| 15 | Nguyễn Thị Trú | Nữ | Kỹ Thuật 1 | |
| 16 | Nguyễn Thái Căn | Nam | Kỹ Thuật 1 | |
| 17 | Nguyễn Thị Sái | Nữ | Kỹ Thuật 1 | |
| 18 | Phan Thị Lang | Nữ | Kỹ Thuật 1 | |
| 19 | Trần Ngọc Hoàng | Nam | Kỹ Thuật 1 | |
| 20 | Phan Tấn | Nam | Kỹ Thuật 1 | |
| 21 | Trần Trọng Sinh | Nam | Kỹ Thuật 1 | |
| 22 | Phan Văn Ba | Nam | Kỹ Thuật 1 | |
| 23 | | | | |

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 25 tháng... năm 2016 tại An Hiệp)

Tên DATP: Nay cấp lễ, sinh gia thôn, công nhân miền và Hoa kiều An Hiệp
 xã An Hiệp huyện Tuy Đức tỉnh Phú Yên

| STT | Họ và tên | Giới tính | Chức vụ/Địa chỉ | Ký tên |
|-----|-------------------|-----------|--------------------|--------|
| 1 | Tô Phước Tân | Nam | Thôn Phú Phú | |
| 2 | Nguyễn Minh Thuận | Nam | Mỹ Phú 2 | |
| 3 | Phạm Văn Lợi | Nam | " 1 | |
| 4 | Bùi Thị Mỹ Dung | Nữ | chợ búa Hòa Lạc xã | |
| 5 | Nguyễn Trí | Nam | Thôn Mỹ Phú 1 | |
| 6 | Điền Ghĩa | Nam | " | |
| 7 | Lo Văn Kế | Nam | Thôn Mỹ Phú 1 | |
| 8 | Nguyễn Tân Tài | Nam | " | |
| 9 | Nguyễn Xuân | Nam | " | |
| 10 | Nguyễn Văn Thế | Nam | " | |
| 11 | Phạm Văn Đức | Nam | Thôn Mỹ Phú 1 | |
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Annex 2: Some Pictures of Public Consultation Meetings And Project Area



PCM in An Cu commune



PCM in An Hiep commune



PCM in An Hoa commune



Proposed road in An Hoa commune



Conjunction from An Hoa to An Hiep



Section from existing route to new route in An Hoa commune



Affected fence by expanding road



Some structures along the road will be affected



Affected yard



Affected fence