

# **Due Diligence Report for Land Acquisition and Resettlement**

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December, 2016

**VIE: Integrated Rural Development Sector Project In  
Central Provinces  
Additional financing**

**Sub-project: Upgrading canal system of Rac River irrigation, Ha  
Tinh province**

Prepared by Ministry of Agriculture and Rural Development, Socialist Republic of  
Viet Nam for the Asian Development Bank

## EXCHANGE RATE

Currency: Vietnam dong (VND) and US dollars (USD)  
Exchange rate of September 2016, USD 1 = VND 22,270<sup>1</sup>

## ABBREVIATIONS

ADB	Asian Development Bank
AHs	Affected Households
APs	Affected Persons
APMB	Agriculture Project Management Board
CARB	Compensation Assistance and Resettlement Board
CPC	Commune Peoples' Committee
CPMU	Central Project Management Unit
CSB	Commune Supervisory Board
DARD	Department of Agriculture and Rural Development
DMS	Detailed Measurement Survey
DPC	District Peoples' Committee
GAP	Gender Action Plan
GoV	Government of Vietnam
HHs	Households
IOL	Inventory of Losses
IRDSPCP	Integrated Rural Development Sector Project in Central Provinces
LIC	Loan Implementation Consultant
LFDC	Land Fund Development Center
LURC	Land Use Registration Certificate
MARD	Ministry of Agriculture and Rural Development
ODA	Official Development Assistance
O&M	Operation and Maintenance
PIB	Project Information Booklet
PPC	Provincial Peoples' Committee
PPMS	Project Performance Monitoring System
PPMU	Provincial Project Management Unit
RE MDF	Resettlement and Ethnic Minority Development Framework
REMDP	Resettlement and Ethnic Minority Development Plan
RP	Resettlement Plan

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<sup>1</sup> The exchange rate of State Bank of Vietnam, on 15th September 2016.

ROW	Right-of-Way
SAH	Severely Affected Household
SES	Socio-Economic Survey
SP	Subproject
SPS	Safeguards Policy Statement
VND	Vietnamese Dong
VWU	Vietnamese Women's Union
WUGs	Water Users Groups

### **WEIGHTS AND MEASURES**

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

### **NOTES**

This Due Diligence Report for Land Acquisition and Resettlement is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

## Terminologies

Affected Person (APs)	- Any persons, households, firms or public or private institutions who, on account of a development project, would have their (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house, land (including residential land, land for business, agricultural, forestry activities, making salts or land for growing stocks, water resource or any intangible and fixed assets to be acquired, occupied, limited or adversely impacted, partly or wholly, temporarily or permanently; and/or (iii) business establishments, working area or living area or environment adversely affected to be relocated or not relocated. For the case of households, the term “affected persons” refer to all members in the households acting as an independent economic unit, adversely affected by the project or its components.
DMS	- With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS
Compensation	Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off date	- Means the date of project land acquisition announcement by competent agency. The AHs will be informed of the cut-off date for each project component, and any person who settled or assets created in the project area after the cut-off date will not be entitled to compensation and assistance under the project
Entitlement	- A range of various activities including compensation, assistance in income restoration, shift in occupation, relocation, etc, provided to affected people based on the type and level of impact which aims to restore their socio-economic conditions. .
Eligibility	- Means any persons who lived in the area before the cut-off date and (i) lose residential area (ii) suffer from asset loss or access ability to that assets, temporarily or permanently (iii) loss of income or livelihood, dislocation will have eligibility to receive compensation and/or assistance
Income restoration program	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life

Relocation	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business
Replacement cost	- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs
Replacement Cost Survey	- This refers to the process involved in determining replacement costs of affected assets based on empirical data
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed
Resettlement plan (RP)	- Is an action-plan including schedule, budget, strategies, objectives, eligibility, actions, responsibilities, monitoring.
Severely affected household (SAH)	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject.
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: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who have no other means of support, (v) landless, and (vi) ethnic minorities

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## **I. Overview**

### **1.1. Sub-project description**

1. ***The sub-project Upgrading canal system of Rac river irrigation*** aims to upgrade the N2 canal - primary canals which has the greatest irrigation capacity among the canals of Rac river irrigation system. The canal is 13.06km long, mainly being earth ones, having 45 facilities on canal. The upgraded canal will be capable of fully irrigate 1741ha of 2-crop rice and 104ha of aqua-cultural land.

2. The sub-project will contribute to the region sustainable socio-economic development. It will help improve living standard and reduce poverty for approximately 44,972 people of 6 communes and Ky Anh district, enhance water discharge (less water conveyance time from head-works to fields); Increase land use co-efficient and contribute in changing crop patterns; Minimize O&M cost. The SP will enhance access and usage of prioritized rural infrastructures for the poor, as same as increasing productivity and income of the local people, reducing exposure to such national disasters as floods and droughts.

3. The subproject is implemented in 6 communes and town including Ky Khang, Ky Van, Ky Tho, Ky Tan, Ky Thu, Ky Trung and Ky Anh town. The proposed canal is constructed on the existing canal and no land is acquired, however due to route adjustment to avoid Urban residential area, trade and service infrastructure project in the southeast of Ky Anh district, only one section (805m) is newly constructed and requires acquisition of agricultural land areas of people in Ky Van commune, Ky Anh district.

### **1.2 Objectives of the report**

4. In this subproject of “Upgrading canal system of Rac river irrigation” requiring land acquisition in Ky Van commune, LFDC of Ha Tinh province, also the owner of Urban residential area, trade and service infrastructure project in the southeast of Ky Anh district, completed DMS and compensation and assistance payment to the AHs in May 2016 by using state budget and in accordance with the polices applied for the Urban Infrastructure Project mentioned earlier. The compensation and assistance plan was approved in the Decision No.864/QD-UBND dated 01/02/2016 (stage 1) and No. 1931/QD-UBND dated 06/5/2016 (stage 2) of Ky Anh DPC applied in Ky Thu, Ky Van, Ky Tan communes, Ky Anh district.



5. The decision of SP approval is valid from 22 May 2015, when additional financing loan covenants are effective. This means, implementation of compensation, assistance payment and resettlement for this SP has to comply with updated resettlement policy framework of the project. Therefore, this report will consider whether (i) implementation, assistance and resettlement of this SP matches with policies and regulations of land acquisition and social issues; (ii) compensation, assistance and resettlement implementation of this subproject follows regulations in the uREMDF approved by ADB, and (iii) in case of considerable gap between actual implementation of resettlement and objectives of the Government on resettlement and the social safeguard document approved by ADB, a corrective action plan should be made with the agreement of Ha Tinh PPC to conduct appropriate compensation, assistance and resettlement.

6. For this subproject, land area permanently acquired 10,367 m<sup>2</sup> which is all for annual crops. As of 05 September 2016, 40/40 AHs received compensation and assistance amount according to Decisions approving above compensation plan.

7. Total paid compensation and assistance amount is: VND 1,026,537,720 (USD 46,095). This amount is from the provincial budget.

## **II. Methodology**

8. DDR was implemented in September 2016 in Ky Van commune, Ky Anh district, Ha Tinh province. The evaluation team collected data, documents and worked with provincial LFDC, representatives of Ky Van commune and interviewed 17/40 AHs (including 100% of SAHs (12 AHs) and vulnerable AHs (8 HHs) of which 04 AHs of both SAH group and vulnerable group. Main activities including:

- (i) Collect data and legal documents related to compensation, assistance, and resettlement in Ha Tinh PPMU and Ha Tinh LFDC.
- (ii) Work with representatives of Ky Van CPC on completed activities related to compensation, assistance, and resettlement for AHs;
- (iii) Consult with affected households in each commune
- (iv) Interview and survey by questionnaires for 17 AHs (42.5%).

9. Contents in consultation meetings as below:
- (i) Cooperate with local authorities, concerned parties (district, commune and AHs) to review information dissemination
  - (v) Discuss with Ha Tinh LFDC in terms of DMS, establishment of compensation price, preparation of compensation plan, and payment for AHs
  - (vi) Review complaints and grievance redress process
  - (vii) Evaluate impacts and implemented strategies to recover income for SAHs
  - (viii) Interview, consult local authorities, AHs who received compensation and assistance on compensation prices, participation in DMS, compensation plan and information dissemination forms delivered to them
  - (ix) Interview and conduct questionnaire to 17 AHs to collect their feedbacks and evaluation of AHs on compensation, assistance and resettlement for AHs within the subproject. Evaluate the socio-economic condition of AHs on changing living condition and status of AHs after land acquisition;
  - (x) Compare applied policies with approved updated compensation, assistance and resettlement policy framework and analyze difference.
10. Meetings, discussions with Ha Tinh LFDC and representatives of Ky Van CPC and AHs in the commune on compensation, assistance and resettlement for SP are conducted with involvement of representatives of Ha Tinh PPMU. Feedbacks and list of participants are attached with meeting minutes and public consultation minutes for each commune. **Annex 1** is minute of consultation meeting in Ky Van commune and LFDC.
11. In total, there were 45 people including representatives from LFDC, Ky Van CPC and AHs participating in the public consultation. Below is a summary of contents in meetings with concerned parties:

**Table 1 Summary table of consultation contents**

No.	Agencies/Concerning parties	Discussed issues	Results
1	PPMU, LFDC, and CPC	Issues related to compensation, assistance and land acquisition	<ul style="list-style-type: none"> <li>(i) Contents in information dissemination documents, participation of related parties and number of participants are presented in information dissemination minutes including comments from AHs and response from the local authorities.</li> <li>(ii) DMS and making of compensation plan is involved by AHs.</li> <li>(iii) LFDC paid assistance amount for life stabilization to AHs with loss over 30% of their land agricultural land areas, and has not paid assistance to SAHs with loss from 10-30% and vulnerable AHs according to updated resettlement policy framework of the project. Ha Tinh PPC coordinated with CPC to screen missing assistance amount for those AHs.</li> <li>(iv) Compensation price is established by Ha Tinh PPC in consultation with AHs and all AHs agreed with this price;</li> <li>(v) Detailed compensation plan is open to public, agreed by AHs before approval</li> <li>(vi) Compensation was paid from February to May 2016;</li> <li>(vii) Some AHs complained about some crops, which were not compensated. LFDC explained that at the time of DMS, there were no crops therefore AHs did not get the compensation (AHs were early informed and also completed harvesting);</li> <li>(viii) Impacts of land acquisition on people's life are marginal due to small affected land area</li> <li>(ix) AHs agreed with compensation and assistance in cash.</li> </ul>
2	Affected Household	<ul style="list-style-type: none"> <li>(i) Information dissemination of the SP and issues related to land acquisition</li> <li>(ii) DMS, making price and compensation plan</li> <li>(iii) Comments of AHs on price and compensation plan;</li> <li>(iv) Grievance redress procedure</li> </ul>	<ul style="list-style-type: none"> <li>(i) AHs were aware of this SP via local broadcast system and meetings</li> <li>(ii) AHs were informed about DMS schedule and invited to the meetings on compensation and assistance plan. AHs agreed with compensation prices and plan</li> <li>(iii) Some AHs concerned that the canal system might ensure irrigation efficiency as in the past.</li> <li>(iv) Some recommendations on returning clear areas after the construction</li> </ul>

### **III. Land clearance scope and compensation and Assistance payment**

#### **3.1 Scope of land clearance and impact level**

12. The SP is implemented in 6 communes as mentioned above, however only 1 commune (Ky Van commune) requires land acquisition, 5 remaining communes have no land acquisition thanks to upgrading on the existing route. Identification of AHs and DMS was conducted from December 2014 by Ha Tinh LFDC; (see paragraph 19 of implementation unit).

13. DMS results showed that 10,367 m<sup>2</sup> land area acquired for the SP is of 40 AHs of Ky Van commune and affected land area is for growing rice and annual crops.

14. Of all 40 AHs, 8 vulnerable AHs include 3 poor HHs, 1 AH having disable household head and 5 AHs having female household heads (of 3 poor AHs, 1 AH is of poor and female headed AH) and 12 SAHs (All SAHs losing from 10-30% of total holding land areas, no AH losing more than 30%).

15. AHs with land acquired are informed 3 months prior to harvesting time of rice and crops. At the time of DMS, there were no crops on land; therefore no assets were affected by the SP.

#### **3.2 Implementation of compensation, allowances and resettlement**

16. DMS, compensation, Assistance payment, land clearance for this SP was implemented by Department of compensation and resettlement (DRC) of Urban Infrastructure Project for trade and services in the north of Ky An town under management of Ha Tinh LFDC. This DRC was established for the project under the decision No. 23/QD-PTQD dated 29 May 2015. Detailed compensation, Assistance data were approved by Ky Anh DPC (under Decision No. 684/QD\_UBND (stage 1) and Decision No. 1931/QD\_UBND (stage 2) dated 01/2/2016 và ngày 06/5/2016. Compensation, Assistance and resettlement plan was prepared and approved according to regulations mentioned in section 4.1.

17. As of 05 September 2016, compensation and allowances were paid to 40 AHs. Total compensation and Assistance amount for the whole SP is VND

**1,026,537,720, equal to USD 46,095.1;** (In which 02 poor AHs have been paid according to Ha Tinh policy)

**Table 2 Compensation, Assistance amount paid to AHs**

Land compensation	Assistance			Total compensation and assistance amount
	Assistance for job changing and finding jobs	Assistance for life stabilization	Poor HHs	
359,734,900	647,522,820	17,280,000	4,000,000	<b>1,026,537,720</b>

#### **IV. Policies and legal documents applied for compensation, assistance for the SP**

##### **4.1 Legal basis**

- Pursuant to Land Law 2013 dated 29 November 2013;
- Pursuant to Decree No. 43/2014/ND-CP dated 15 May 2014 of the Government detailing a number of articles of the Land Law;
- Pursuant to Decree No. 44/2014/ND-CP dated 15 May 2014 of the Government on land prices;
- Pursuant to Decree No. 47/2014/ND-CP dated 15 May 2014 of the Government on compensation, assistance, and resettlement when the state acquires land;
- Pursuant to Circular No. 36/2014/TT-BTNMT dated 30 June 2014 of MONRE on land pricing method; compilation of and adjustment to land price lists; determination of specific land prices and consultancy on land pricing;
- Pursuant to Decisions of Ha Tinh PPC, Ky Anh DPC and documents related to compensation, assistance and land clearance of the SP;
  - Pursuant to Decision no.94/QD-UBND dated 27 December 2014 of Ha Tinh PPC on issuance of land price applied in Ha Tinh province;
  - Decision no. 01/2016/QD-UBND dated 08 January 2016 of Ha Tinh PPC on issuance of “Compensation price for houses, structures, tombs, boats, fishing materials, trees, crops and aqua-cultural productions” when State acquires land in the territory of Ha Tinh province;
  - Decision no. 75/2014/QD-UBND dated 03 November 2014 on issuance of regulations on compensation, allowance and resettlement when the States acquires land in the territory of Ha Tinh province;

- Decision no.1958/QD-UBND dated 22 May 2015 of Ha Tinh PPC on approval of Urban residential area, trade and service infrastructure construction project in the north of Ky Anh town, Ky Anh district (phase 1); and adjusted decision no.3025/QD-UBND dated 06 August 2015;
- Decision No. 54/2015/QD-UBND dated 27/10/2015 of Ha Tinh PPC on authorization for DPCs to identify specific land prices in Ha Tinh province;
- Decision no. 2294/QD-UBND dated 26 November 2015 of Ky An DPC on issuance of specific land price to calculate cost for compensation, land clearance of some projects in Ky Anh district inclusive of infrastructure project mentioned above and N2 canal in this SP;
- Announcement No.46/TB-UBND dated 06 February 2015 of Ky Anh district on announcing land acquisition to implement the infrastructure project, Ky Anh district; and Decision no. 41/QD-PTQD dated 28 September 2015 on adjusting and supplementing members of Department of Compensation and Resettlement;
- Decision of Ky Anh DPC on approval of compensation plan when the state acquired land to implement “ Urban residential area, trade, service infrastructure project in the northeast of Ky Anh district (phase 2) in Ky Thu, Ky Van, Ky Tan communes, Ky Anh district; Decision no. 864/QD-UBND dated 01 February 2016 (phase 1) and No. 1931/QD-UBND dated 06 May 2016(phase 2)
- Minutes: To agree with moving Canal N2 location and commitment of handing over land areas of Ha Tinh LFDC before construction commencement on 31 March 2016.
- Profile of one AH as follow:
  - (i) Announcement of Land acquisition of Ky Anh district for each HH dated 09 October 2015 on “land acquisition announcement for implementation of Urban Residential area, trade, service infrastructure in the southeast of Ky Anh district (phase 1) in Ky Van, Ky Anh district”
  - (ii) DMS minutes signed between Ha Tinh LFDC/DRC of “Urban residential area, trade, service infrastructure project in the southeast of Ky Anh district” and AHs (on 15<sup>th</sup> October 2015);
  - (iii) Commitment form of land origin and time of using those land areas (25<sup>th</sup> February 2016);
  - (iv) Compensation and assistance pricing (25<sup>th</sup> March 2016);

## V. Main findings:

### 5.1 Implementation procedures

18. DMS, compensation, Assistance payment, land clearance for this SP was implemented by Department of compensation and resettlement (DRC) of Urban Infrastructure Project for trade and services in the north of Ky Anh town under management of Ha Tinh LFDC. DRC was established for this project under Decision No. 23/QD-PTQD dated 29<sup>th</sup> May 2015;

19. Activities related to compensation, assistance, land clearance of the SP are described in the following table:

**Table 3 Order of conducted activities related to land clearance of the SP**

No	Activities	Implementation time
1	Decision No. 1448/QD-UBND on approval of Upgrading canal system of Rac river irrigation and Urban residential area, trade and service infrastructure project in the North of Ky Anh town, Ky Anh district.	<i>Dated 23<sup>rd</sup> April 2015 (Rac river SP) and 22<sup>nd</sup> May 2015 (Infrastructure project)</i>
2	Invite people to the meeting of information dissemination about the SP and collect people's opinions ( <i>Public Consultation</i> )	<i>3/2014</i>
3	Measurement unit: Measure, place landmarks of land area to be acquired of each AH and investigate HH names and their areas affected by the SP.	<i>12/2014</i>
4	Issue detailed announcement of land acquisition for each AH ( <i>Public Consultation</i> )	<i>9<sup>th</sup> October 2015</i>
5	Make minutes of measurement, scale of land acquired on site	<i>9<sup>th</sup> October 2015</i>
6	Meet people to disseminate affected scale and deliver the announcement of land acquisition for each AH, Inventory of assets on acquired land areas ( <i>Public consultation</i> )	<i>12<sup>th</sup> October 2015</i>
7	Invite people to join department of land clearance to conduct DMS of affected assets on acquired land areas	<i>15 October 2015</i>
8	At CPC, review: Land types, locations, origin, and loss proportion	<i>November, 2015</i>
9	Investigate vulnerable AHs: Poor AHs, Ethnic minority AHs, female headed AHs, and HHs under preferential treatment policy	<i>November, 2015</i>
10	Define replacement price: For land, crops and structures	<i>29 December 2015 and 25 March 2016</i>
11	Prepare compensation plan for each AH	<i>29 December 2015 and 25 March 2016</i>

No	Activities	Implementation time
12	LFDC delivered compensation options to AHs and posted the compensation plan at locality	30 December 2015 and 26 March 2015
13	Decision No.1619/QD-UBND on approval of detailed design and total cost estimate of the SP	17 June 2016 (Rac river subproject)
14	Invite people to the meetings of SP designs and collect their opinions (Public consultation)	9/2015
15	Closing meeting of compensation plan posting (Public consultation)	29 November 2015
16	Submit the compensation plan to Ky Anh District Department of environment and nature resources for appraisal	10 January 2016 and 16 April 2016
17	Conduct a meeting of the Appraisal Board about the compensation plan for AHs	1/2016
18	Approve compensation plan and costs: Decision 684/QD-UBND (stage 1) and Decision No.1931/QD_UBND (stage 2)	01 February 2016 and 06 May 2016
19	Make land acquisition decision for each AH	8/2016
20	Conduct a meeting to deliver Land acquisition decision, compensation payment decision for each AH	02 February 2016 and 22 June 2016
21	AHs agreed to receive payment and signed to commit to hand over land area in time.	02 February 2016 and 22 June 2016

## 5.2 Information dissemination and participation:

20. Meetings and information dissemination procedures complied with Vietnam Government and Ha Tinh PPC regulations, including: Public consultation about the SP, DMS results, compensation plan delivery inclusive of compensation price framework and assistance amounts. Meetings were conducted and documents were posted at the CPC office. Survey showed that 100% of AHs participating in the meetings.

21. During DMS, an announcement was sent to each commune. All AHs agreed with DMS results and signed in the DMS minutes.

22. DMS results compensation amount of AHs were posted at CPC office and all AHs received enough amount as in the plan.



23. According to the survey, AHs understood compensation and assistance items in the plan.

### **5.3 Affected asset measurement procedures**

24. Data showed that, most of AHs agreed with the DMS results of affected assets (land and on-land assets). All acquired assets were listed and AHs signed in the DMS minutes;

### **5.4 Eligibility**

25. For this SP, all AHs have land use right certificates then they will receive compensation for affected land and on-land assets.

### **5.5 Evaluation of opinions of AHs on compensation price**

26. Compensation and assistance policies applied for this SP under the Decision No. 75/2014/QD-UBND dated 03 November 2014 of Ha Tinh PPC on issuance of regulations on compensation, allowance and resettlement when the States acquires land in the territory of Ha Tinh province.

27. According to Decision No. 54/2015/QD-UBND of Ha Tinh PPC for authorizing DPCs to establish specific prices for each project, the compensation price for affected land area by SP was established by Ky Anh DPC and have been approved according to Decision No. 2294/QD-UBND dated 26 November 2015 of Ky Anh PPC. This compensation price was discussed with AHs and they agreed with this price.

28. Regarding land compensation: Investigated AHs stated that they were satisfied with compensation price applied for agricultural land area;

### **5.6 Assistance**

29. According to Ha Tinh policies and policies applied for AHs of the SP, AHs with affected agricultural land area will receive (i) assistance for training to change their career which is double value of affected land area; (ii) assistance for life stabilization under Decision No. 75/2014/QD-UBND. 40 AHs were paid assistance for job changing.

30. There are 12 SAHs in this subproject and have not paid

31. Regarding policies for vulnerable AHs: DRC paid 2 million VND /1 AH for 2 poor AHs, other vulnerable AHs according to the project resettlement framework

have not got assistance. In total, there were 08 vulnerable AHs including 03 poor AHs, 1 AH with disable household head, and 5 female headed AHs (of 3 poor AHs, 1 AH is of both poor HH and female headed AH).

32. Therefore, compared with updated resettlement policy framework, missing assistance amounts include: (i) assistance for life stabilization for 12 SAHs with assistance amount in cash equal to 30 kg rice for each AH member in 3 months (with rice price is VND 12,000 per kg); (ii) assistance for 8 vulnerable AHs (assistance in cash equal to 30 kg rice/one person in 36 months for 3 poor AHs (deduct 2 millions/1HH for 02 poor AHs who was already assisted by the policy of Ha Tinh province) and VND 2,000,000/AH for 5 other vulnerable AHs);

### **5.7 Livelihood restoration**

33. According to DMS results, there were 12 SAHs (all SAHs losing from 10-30% of total holding land areas, no AH losing more than 30%). Consultation results shows that all AHs state that their livelihood and income remains unchanged when their land is acquired because they have other income sources and they hope to receive cash so that they will continue to invest on the remaining land and other jobs by themselves.

### **5.8 Grievance redress mechanism**

34. Grievance procedures of 4 steps were disseminated to AHs as regulated in Law on Grievance no. 02/2011/QH13. This is also appropriate with procedures in the uREMDF of this project.

35. After discussing with Ha Tinh LFDC, no AHs had complains about compensation amount.

36. During evaluation of the survey team, no AHs had complains.

## **VI. Socio-economic profile of AHs**

37. During preparing DDR, the socio-economic survey has been conducted for 17/40 HH in Ky Van commune, including 100% SAHs and vulnerable AHs (in which 4 AHs of both SAHs and vulnerable AHs).

38. Almost AH heads are at the age of 45 to 60, some household heads are at the age of above 70. Main income is from agricultural productions and working as

freelance labors. Most of AHs completed secondary schools; household heads with age from above 70 mainly leave their land for their offspring and get assistance from them.

## **VII. Difference between applied policies in this SP and updated resettlement policies of the project:**

39. Compared with updated resettlement framework of the project and applied compensation and assistance plan applied in this SP, there is a short of assistance for vulnerable AHs and SAHs who lose from 10% to 30% of their total productive land.

## **VIII. Conclusions**

40. SP only causes impacts on the agricultural land areas, no impacts on houses, structures thus land acquisition does not greatly affect people's livelihood. AHs agreed with compensation amount.

41. As analyzed above, during implementation of compensation and assistance plan and resettlement, including grievance redress mechanism, information dissemination, public consultation procedures and DMS were appropriate with regulations of Vietnam Government and the province, particularly fully informing AHS and posting DMS results and compensation plan at CPC office.

42. SAHs who lose from 10% to 30% of their total productive land have not been received yet assistance for severely AHs. They have to pay this assistance to ensure compliance with regulations and principles of uREMDF.

43. An time-bound corrective action plan was prepared by LIC and discussed with CPMU, Ha Tinh PPC. An corrective action plan for AHs in this SP aims at ensuring consistency in implementing different components of the project.

## **VIII. Corrective action plan**

44. Gap between actual situation of implementing compensation, assistance and resettlement and regulations of the country, Ha Tinh province and approved updated resettlement framework was discussed with Ha Tinh PPMU.

45. Ha Tinh DARD and PPMU agreed with this proposed corrective action plan and committed to implement this plan in quarter 4 of 2016, when this DDR is

endorsed by ADB. Implementation unit, Ha Tinh PPMU, coordinated with Ha Tinh LFDC and Ky Van CPC to implement this plan.

46. Amount needed including:

- Additional assistance for 12 SAHs, with total amount of: VND 34,560,500, equal to USD 1,552.
- Assistance for the vulnerable AHs including: 8 vulnerable AHs with total amount of VND 83,760,000, equal to USD 3,761.

# Annexes

## Annex 1. Public consultation minutes

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

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

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

Xã *Kỳ Vân*, ngày *6* tháng *9* năm *2016*

Tên DATP: Nâng cấp, sửa chữa hệ thống kênh tưới vùng giữa thủy lợi sông Rác  
huyện Kỳ Anh

Xã *Kỳ Vân* huyện *Kỳ Anh* tỉnh Hà Tĩnh

I. Thành phần tham dự:

- Ông/Bà <i>Trương Văn Dũng</i>	Chức vụ <i>CB CBAT CPMP</i>
- Ông/Bà <i>Phạm Anh Tiến</i>	Chức vụ <i>TV TPK LIC</i>
- Ông/Bà <i>Nguyễn Hồng Sơn</i>	Chức vụ <i>CB CBAT PPNV</i>
- Ông/Bà <i>Nguyễn Tiến Văn</i>	Chức vụ <i>Đại diện TT PTBA tỉnh Hà Tĩnh</i>
- Ông/Bà <i>Lê Văn Bảy</i>	Chức vụ <i>PCT UBND xã Kỳ Vân</i>
- Ông/Bà <i>Nguyễn Ut Hải</i>	Chức vụ <i>Chủ tịch địa chính xã Kỳ Vân</i>
- Ông/Bà <i>Lương Hoài Phong</i>	Chức vụ <i>CF CCB xã Kỳ Vân</i>

- Đại diện những hộ bị ảnh hưởng: *32* người.

(Xem danh sách đại biểu tham dự đính kèm)

II. Nội dung

- Họp tham vấn các hộ BAH về chính sách đền bù của Dự án; tiền độ và các vấn đề liên quan đến chi trả bồi thường cho hộ BAH;
- Thảo luận về các nội dung, ý kiến của của hộ bị ảnh hưởng liên quan đến bồi thường, chi trả và giải phóng mặt bằng;

III. Ý kiến thảo luận

*Chính quyền xã và lực lượng chức năng thống nhất đưa hình  
số dự di dời*

*Các hộ BAH tham dự cuộc họp kiến nghị có ý kiến  
gợi ý về giá bồi thường, và phân bổ bồi thường*

- Một số hộ có ý kiến về việc xem xét lại thiết kế kênh để đảm bảo tưới và tiêu trong mùa lũ. QLDA từ giờ nhận xét ý kiến về công việc lại và đưa ra thiết kế.
- Một số hộ phản ánh về diện tích lúa mùa chưa được tưới thủy. TTPTĐT đã giải thích về thời gian tưới khi cần tưới trước khi thu hoạch và để có thủy lợi lúa không bị hạn cao. Tại khu diện tích bị thiếu có lúa mùa nên không được tưới thủy.
- Các hộ không tham mưu ý kiến về thủy lợi vùng KĐD/CĐ.

Cuộc họp tham vấn kết thúc vào lúc 12h ngày 6 tháng 9 năm 2016

Đại diện Ban QLDA tỉnh

*Sở*

Đại diện Cộng đồng

*Thuận*  
Đỗ Thị Thuận



Đại diện UBND xã

Đại diện tư vấn



### DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP

Tham vấn cộng đồng về Chính sách an toàn Tái định cư  
(Đính kèm biên bản cuộc họp ngày 6 Tháng 2 năm 2016 tại xã Kỳ Văn

Tên DATP: Nâng cấp, sửa chữa hệ thống kênh tưới vùng giữa thủy lợi sông Rác huyện Kỳ Anh

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Phan Thị Huyền (Vợ)	Nữ	Thôn 1 - Thanh Sơn	Huyền
2	Le Thị Thảo (Con)	Nữ	"	Thảo
3	Võ Thị Thanh (Vợ)	Nữ	"	Thanh
4	Đào Thị Lâm (Vợ)	Nữ	"	Lâm
5	Nguyễn Thị Dương	Nữ	"	Dương
6	Khương Thị Đức (Con)	Nữ	"	Đức
7	Nguyễn Trọng Bình (Con)	Nam	"	Bình
8	Nguyễn Văn Hùng	Nam	"	Hùng
9	Nguyễn Tiến Việt	Nam	"	Việt
10	Võ Thị Xuyến	Nữ	"	Xuyến
11	Khương Thị Hương	Nữ	"	Hương
12	Đặng Thị Xuân	Nữ	"	Xuân
13	Nguyễn Thị Hoài	Nữ	"	Hoài
14	Nguyễn Thị Ngọc	Nữ	"	Ngọc
15	Lê Thị Kiên	Nữ	"	Kiên
16	Nguyễn Thị Tâm (Con)	Nam	"	Tâm
17	Thái Hữu	Thầy	"	Hữu

**DANH SÁCH ĐẠI BIỂU THAM DỰ CUỘC HỌP**

Tham vấn cộng đồng về Chính sách an toàn Tái định cư

(Đính kèm biên bản cuộc họp ngày ...6. Tháng 2 năm 2016 tại xã ... Kỳ Anh

Tên DATP: Nâng cấp, sửa chữa hệ thống kênh tưới vùng giữa thùy lợi sông Rác huyện Kỳ Anh

STT	Họ và tên	Giới tính	Chức vụ/Địa chỉ	Ký tên
1	Nguyễn Văn Xuân	Nam	Xóm 4 - Thôn Bó	Xuân
2	Lê Đức Tuấn	Nam	Thôn Thanh Sơn Kỳ Anh	Lê Đức Tuấn
3	Nguyễn Văn Long	Nam	T. Sơn - Kỳ Anh	Long
4	Nguyễn Việt Hòa	Nam	T. Sơn Kỳ Anh	Việt Hòa
5	Nguyễn Xuân Trung	Nam	T. Sơn Kỳ Anh	Trung
6	Nguyễn Trọng Lợi	Nam	T. Sơn Kỳ Anh	Lợi
7	Nguyễn Văn Dũng	Nam	T. Sơn Kỳ Anh	Dũng
8	Nguyễn Thị Huệ	Nữ	T. Sơn Kỳ Anh	Huệ
9	Đường Thị Lý (Thị)	Nữ	T. Sơn Kỳ Anh	Lý
10	Đặng Đình Việt	Nam	"	Việt
11	Nguyễn Văn Xuân	Nam	"	Việt
12	Lê Văn Lộc	Nam	"	Lê Văn Lộc
13	Đào Thị Hồ (L.V. Thôn)	Nữ	"	Hồ
14	Đặng Đức	Nam	"	Đức
15	Đặng Đức Thái	Nam	"	Thái
16				
17				



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**

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

TP.TGD Hà Tĩnh ngày 6 tháng 9 năm 2016

Tên DATP: Nâng cấp, sửa chữa hệ thống kênh tưới vùng giữa thùy lợi sông Rác  
huyện Kỳ Anh

Xã ..... huyện TP.TGD Hà Tĩnh tỉnh Hà Tĩnh

Chúng tôi gồm:

**I. Đại diện nhóm CPMU/Tư vấn LIC:**

- |                                       |   |
|---------------------------------------|---|
| - Ông/Bà <u>Tiến Hộ Dũng</u> .....    | Chức vụ <u>Chủ tịch CSAT CPMU</u> ..... |
| - Ông/Bà <u>Phạm Anh Tuấn</u> .....   | Chức vụ <u>TV CSAT LIC</u> .....        |
| - Ông/Bà <u>Nguyễn Kiên Sơn</u> ..... | Chức vụ <u>Chủ tịch CSAT PPMU</u> ..... |
| - Ông/Bà <u>T</u> .....               | Chức vụ .....                           |
| - Ông/Bà .....                        | Chức vụ .....                           |

**II. Đại diện chính quyền địa phương:**

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| - Ông/Bà <u>Từ Hải Dũng</u> .....    | Chức vụ <u>Chủ tịch TP.TGD</u> ..... |
| - Ông/Bà <u>Phạm Thị Lợi</u> .....   | Chức vụ <u>TP. BT GPMB</u> .....     |
| - Ông/Bà <u>Tiến Đoàn Nhật</u> ..... | Chức vụ <u>Phó Phó TP.TGD</u> .....  |
| - Ông/Bà <u>Lê Đình Hùng</u> .....   | Chức vụ <u>TP. TGD HT</u> .....      |
| - Ông/Bà <u>Nguyễn Tuấn Vũ</u> ..... | Chức vụ <u>N</u> .....               |

**A. Nội dung làm việc:**

- Họp tham vấn cân bộ tỉnh, huyện, xã và các tổ chức đoàn thể ở các xã nêu trên về chính sách đền bù của tiểu dự án, tiến độ và các vấn đề liên quan đến chi trả bồi thường cho hộ BAH, bao gồm cả giá bồi thường.
- Thảo luận về các nội dung, ý kiến của của chính quyền địa phương liên quan đến bồi thường, chi trả và giải phóng mặt bằng.

B. Các ý kiến trong cuộc họp

- TTPTGD đề xuất biên giới của Thủ tục hành chính, để một thao chức xử lý các thủ tục hành chính.
- Các bộ có thể đề xuất thay đổi các quy định về thủ tục hành chính và các quy định về quy trình xử lý đơn, hồ sơ.
- TP GD đề nghị có một đơn vị quản lý và quản lý các quy định về chất lượng, TT, HD và TĐC. Các bộ có thể thay đổi trước khi có bộ chất lượng và các bộ đề xuất các quy định về thủ tục hành chính và các quy định về thủ tục hành chính.
- TP GD đề nghị có một đơn vị quản lý và quản lý các quy định về thủ tục hành chính và các quy định về thủ tục hành chính.

C. Tổng kết/kết luận

TPGD đề nghị biên giới của Thủ tục hành chính, để một thao chức xử lý các thủ tục hành chính.

TPGD đề nghị có một đơn vị quản lý và quản lý các quy định về thủ tục hành chính và các quy định về thủ tục hành chính.

TPGD ngày 6 tháng 9 năm 2016

Bản 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 của chính quyền địa phương

(TTPTGD Hồ T/S)

*[Signature]*

Đại diện CPMU tư vấn LIC

*[Signature]*  
Thư ký Hội đồng

(INTEGRATED RURAL DEVELOPMENT) SECURITY PROGRAM  
DANH SÁCH THAM DỰ HỢP

Ngày (date): 6/9/2016 Địa điểm (Location): TT Phát triển Công nghiệp

STT (No.)	Họ tên (Name)	Chức vụ (Position)	Cơ quan/Đơn vị (Agency)	Chữ ký (Signature)	Điện thoại (Tel)
1	Từ Hải Cường	Quản lý Giám đốc	TT Phát triển Công nghiệp	0912772858	
2	Phạm Thế Lợi	Trưởng phòng BTRM	"	09127359328	
3	Trương Dấn Nhất	Phó phòng BTRM	"	0913301240	
4	Lê Đình Hưng		"	0949588929	
5	Nguyễn Tuấn Vũ		"	0962678965	
6	Lương Xuân Phương	TCB CCB	15/11/2015 - 10/1/2016	09887922310	
7	Kê Trùng Châu	CCVHXH	"	097.909.6502	
8	Lương Thị Giai	CS-UBND	"	0977124946	
9	Đào Văn Tuấn	Đội Công nhân	"	0962.952.015	
10	Trần Ngọc Châu	Đội Công nhân	"	0973.220.478	
11	Nguyễn Lê Kiên	CCV Công nhân	"		
12	Nguyễn Quang Dũng	Phó Giám đốc	Đoàn Công nhân	0989.717.585	
13					
14					
15					



**Annex 2. Some photos of public consultation meetings and  
of proposed location of upgrading canal**



Public consultation in Ky Van commune



Beginning point of the canal – Ky Van commune



Upgrading on existing route



Upgrading on existing route