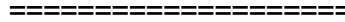


SOCIALIST REPUBLIC OF VIETNAM  
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT



**Mekong Delta Integrated Climate Resilience and Sustainable Livelihoods  
(MD-ICRSL) Project**

**Subproject on Infrastructure to prevent coastal erosion and to support  
aquaculture production in An Minh and An Bien districts, Kien Giang  
province**

**RESETTLEMENT ACTION PLAN**

*Prepared by*

Central Project Office

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## ABBREVIATION

AP	Affected person
CPC	Communal People's Committee
CPO	Central Project Office
DARD	Department of Agriculture and Rural Development
DMS	Detailed Measurement Survey
DPC	District People's Committee
DCLFD	District Center for Land Fund and Development
EMPF	Ethnic Minorities Policy Framework
EMDP	Ethnic Minorities Development Plan
ESMF	Environmental and Social Management Framework
GOV	Government of Vietnam
HH	Household
IOL	Inventory of Losses
IMA	Independent Monitoring Agency
LAR	Land Acquisition and Resettlement
LURC	Land Use Right Certificate
MOF	Ministry of Finance
MOLISA	Ministry of Labors – Invalids and Social Affairs
NGO	Non-government Organization
OP	Operating Policy
PAD	Project Appraisal Documents
PPC	Provincial People's Committee
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
PPMU	Provincial Project Management Unit
TOR	Terms of Reference
USD	United States Dollar
VND	Vietnamese Dong
WB	World Bank

## GLOSSARY

Project impacts	Any impacts relating directly to land acquisition or limit using legal areas or protected areas
Affected persons	Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.
Cut-off date	Is the date when the PPC issues the Notification of Land acquisition for the relevant project (Article 67.1 of the Law on Land in 2013) before implementation of detailed measurement survey. A census survey will be done before the cut-off date is announced to establish a list of potential affected households.
Eligibility	Any person who used the land affected by the project and listed before the cut-off-date: (i) with formal legal right to land; (ii) without formal legal right to land but have a claim to such land or assets recognized under the laws of the country (iii) without recognizable legal right or claim to the land they are occupying.
Replacement cost	<p>For agricultural land, the replacement cost is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, plus the cost of transporting building materials into the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.</p>

Resettlement	Covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning-physical relocation. Resettlement can, depending on the case, include (i) acquisition of land and physical structures on the land, including businesses; (ii) physical relocation; and (iii) economic rehabilitation of affected persons (APs), to improve (or at least restore) incomes and living standards.
Entitlements	Include compensation and assistance for APs based on the type and extent of damage.
Inventory of Losses (IOL)	Is process of accounting for physical assets and income affected by project.
Socio-economic Baseline Survey (BLS)	A socio-economic baseline survey of households, businesses, or other project-affected parties needed to: identify and accurately compensate or mitigate losses, assess impacts on household economy, and differentiate affected parties by level of impact.
Vulnerable groups	People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits, including: (i) female householder with dependent persons (widowed or with disabled husband), (ii) invalid persons (disabled), lonely elderly; (iii) poor; (iv) person without land for livelihood; and (v) ethnic minority people.
Livelihood	Economic activities and income streams, usually involving self-employment and or wage employment by using one's endowments (both human and material) to generate adequate resources for meeting the requirements of the self and household on a sustainable basis
Income restoration	Re-establishment of sources of income and livelihoods of the affected households.
Stakeholders	Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

## SUMMARY

**1. Introduction.** This Resettlement Action Plan (RAP) is prepared for the “Subproject on Infrastructure to prevent coastal erosion and to support aquaculture production in An Minh and An Bien districts, Kien Giang Province” under the “Mekong Delta Integrated Climate Resilience and Sustainable Livelihoods Project” funded by a loan of the Government of Vietnam from World Bank. The RAP is developed basing on a Resettlement Policy Framework of the project and results of the socio-economic survey, inventory of loss and community consultation.

**2. Impacts and scope of land acquisition.** This Resettlement Action Plan considers resettlement impacts caused by the construction of 9 sluice gates of the subproject. The subproject will acquire permanently 132,240 m<sup>2</sup> of production land, 6,882 m<sup>2</sup> of residential land and will acquire temporarily 108,000 m<sup>2</sup> of public land in 8 communes of the subproject. There are 58 HHs affected through land acquisition, including 58 severely affected HHs due to physical displacement and 9 vulnerable HHs; no ethnic minority people is affected. Other impacts are losses of crops, trees and structures.

**3. Resettlement Policy Framework and Matrix of Entitlement.** A resettlement policy framework for compensation was prepared based on current policies and decisions of the Vietnamese government. This document will guide the preparation of this resettlement plan and resettlement implementation for the project. General objectives of the policy and this resettlement document aim to ensure that all affected people by the project will receive compensation for lost assets at replacement cost. Supports will be supplied for severely affected households, displaced households, households losing income, and households belonging to a vulnerable group in order to improve their livelihoods and standards of living or at least to restore them to pre-project levels...

**4. Consultation and participation of community.** All affected people participated in community consultation about project information, project’s impacts, proposals, recommendations for relocation. Feedback information from consultations was taken into account for the preparation of this resettlement plan.

**5. Implementation process.** Tasks of resettlement, compensation, assistance will be implemented by the District Center for Land Fund and Development (DCLFD), PPMU, and Central Project Office (CPO) and internal monitoring units. In the process of implementation, it is required strict coordination between the various implementation units: DCLFD, PPMUs, local agencies, local authorities and local social organizations, affected people in the area of the project.

**6. Grievance redress mechanism.** In the implementation process, any grievances of affected people will be solved based on procedures mentioned in RPF for compensation and resettlement of the project as well as in this RAP. Complaints will be solved by local authorities, project’s officers in a transparent way. An independent monitoring consultant will monitor the grievance process. Complainers will not pay any administrative costs.

**7. Monitoring and evaluation.** Officials of PPMU and CPO will follow-up and monitor RAP implementation process. In addition, an Independent Monitoring Consultant will be recruited to monitor the implementation process and assess living conditions of APs during and after the process of RAP implementation..

**8. Implementation plan.** Activities of compensation, support and resettlement will be implemented in 1.5 year, from 2016 to 2017 and DCLFD will be mainly responsible for RAP implementation.

**9. Costs and budgets.** The total cost of Resettlement Action Plan is 39,393,725,680 VND; equivalent to 1,754,732 USD (exchange rate: 1 USD = 22,450 VND). This cost includes compensation costs for production land, structures, crops, assistance, income restoration program and other cost for RAP implementation.



## 1. INTRODUCTION

### 1.1. The Mekong Delta Integrated Climate Resilience and Sustainable Livelihoods Project

The Government of Vietnam and the World Bank is preparing “Mekong Delta Integrated Climate Resilience and Sustainable Livelihoods Project”. The Project Development Objective is to enhance tools for climate-smart planning, and improve climate resilience of land and water management practices in selected provinces of the Mekong Delta in Vietnam. The project will directly or indirectly benefit over one million people living in the three sub-regions: (a) the upper delta (An Giang, Dong Thap and Kien Giang); (b) the peninsula (Ca Mau, Bac Lieu and Kien Giang); and (c) the coastal estuary (Ben Tre, Tra Vinh and Soc Trang). Additional rural and urban households and agribusiness in upstream and downstream regions also directly or indirectly benefit from the project intervention.

**The project is envisioned to be the first phase of a long-term World Bank engagement in the Mekong Delta to strengthen integrated climate resilient management and development, across different sectors and institutional levels.** More specifically, it will support information systems, the institutional arrangements, and the roadmap for building regional and provincial-level planning capacity for sustainable Delta-wide development. In parallel, the Project will also seek opportunities for 'low regret' investments and scope out longer term development options to be financed under future phases. The project would comprise of a combination of structural and non-structural investments, and will be informed by the World Bank financed *Building Resilience in the Mekong Delta TA* (P149017). The Project is proposed to span a period of 6 years, with the financing of US\$ 376 million (\$300 m from IDA; \$76 m from GoV).

**The project concept and approach builds up from the vision articulated in the Mekong Delta Plan developed by the Dutch,** whereby the delta was viewed as different hydro-ecological zones cutting across provinces and sectors. During the scoping of the proposed project, the task team has placed heavy emphasis on coordination with other Bank projects, and those of other development partners. The five components proposed under the project are:

**Component 1: Enhancing Monitoring, Analytics, and Information Systems** (*Estimated US\$52 million, of which US\$47.5 million will be financed by IDA*). Putting the Mekong Delta on a more sustainable and resilient trajectory in the face of climate change, upstream Mekong basin development, and environmentally damaging practices within the Delta itself, will require investments in both infrastructure and the enhanced capacity to monitor, plan, and manage the Delta’s land and water resources. Component 1 provides the framework for ensuring the capacity to undertake “smart investments” and cope with anticipated wide-scale environmental changes.

**Component 2: Managing Floods in the Upper Delta** (*Est. US\$ 101 million, of which US\$ 79.1 million will be financed by IDA*). The primary objective of this component is to protect and/or reclaim the benefits of controlled flooding (flood retention) measures while increasing rural incomes and protecting high value assets in An Giang and Dong Thap provinces. This will potentially consist of: i) modifying water and agricultural infrastructure to allow for more beneficial flooding (expanding flood retention capacity) in rural areas and offer new agricultural/aquaculture cropping alternatives; ii) providing livelihoods support measures to farmers so they have alternatives to the wet season rice crop, including aquaculture; iii) constructing/upgrading infrastructures for protecting select high value assets; and iv) facilitating agricultural water use efficiency in the dry season.

**Component 3: Adapting to Salinity Transitions in the Delta Estuary** (*Est. US\$ 109.1million, of which US\$ 82 million will be financed by IDA*). This component aims to address the challenges

related to salinity intrusion, coastal erosion, sustainable aquaculture and improved livelihoods for communities living in the coastal areas of Ben Tre, Tra Vinh, and Soc Trang provinces. This will potentially consist of: i) construction of coastal defenses consisting of combinations of compacted earth embankments and coastal mangrove belts; ii) modification of water and agricultural infrastructure along the coastal zone to allow flexibility for sustainable aquaculture activities and adapt to changing salinity levels; iii) support to farmers to transition (where suitable) to more sustainable brackish water activities such as mangrove-shrimp, rice-shrimp, and other aquaculture activities; and iv) supporting climate smart agriculture by facilitating water use efficiency in the dry season.

**Component 4:** Protecting Coastal Areas in the Delta Peninsula (*Est. US\$ 101.4 million, of which US\$82.2 million will be financed by IDA*). This component aims to address the challenges related to coastal erosion, groundwater management, sustainable aquaculture, and improved livelihoods for communities living in the coastal and river mouth areas of Ca Mau and Kien Giang. This will potentially consist of: i) restoration of coastal mangrove belts and construction/rehabilitation of coastal dikes in erosion areas; ii) modification of water control infrastructure along the coastal zone to allow flexibility for sustainable aquaculture activities; iv) control of groundwater abstraction for agricultural/aquaculture and development of freshwater supplies for domestic use; v) support to farmers to practice more sustainable brackish water activities such as mangrove-shrimp and other aquaculture activities; and vi) supporting climate smart agriculture by facilitating water use efficiency.

**Component 5:** (*Est. US\$ 12.1 million, of which US\$9.2 million will be financed by IDA*). Project Management and Implementation Support. This component will be split into project management support and capacity building for MONRE and MARD. This component is expected to provide incremental running costs and consultant and advisory services for overall project management, financial management, procurement, safeguards and monitoring and evaluation.

## **1.2. Subproject on Infrastructure to prevent coastal erosion and to support aquaculture production in An Minh and An Bien districts in Kien Giang Province.**

This subproject has been defined in August 2015 following selection of the subproject. Located in the Peninsula sub-region, the primary objective of this subproject is to address the challenges related to coastal erosion, freshwater shortage, sustainable aquaculture, and improved livelihoods for communities living in the coastal areas.

The project area encompasses the coastal parts of An Bien and An Minh districts, which have been zoned for alternating rice-shrimp farming. The land elevation is approx. 0.7 meter above mean sea level. In the dry season, the land would become dry if there were no dykes. In the wet season, the land is inundated by freshwater coming from the Cai Lon River and from tidal water during high tides for several hours a day.

On the outer Quoc Phong dyke, there are 28 openings with only 1 sluice gate. Fifteen gates have been taken into account of plan for a national project invested by the central government. The existing problems are that during high tides, sea water flood the bunds of the shrimp farms and during low tides, water is drained out completely.

Erosion on the surface is taking place at the boundary with Ca Mau province due to larger tidal fluctuation and waves influenced by the East Sea. From Rach Ong back to Cai Lon River, the mudflat extends far out as deposition prevails.

The subproject will be implemented by Kien Giang PPC from 2016-2018. Map of subproject area is shown in the Figure 1 below.

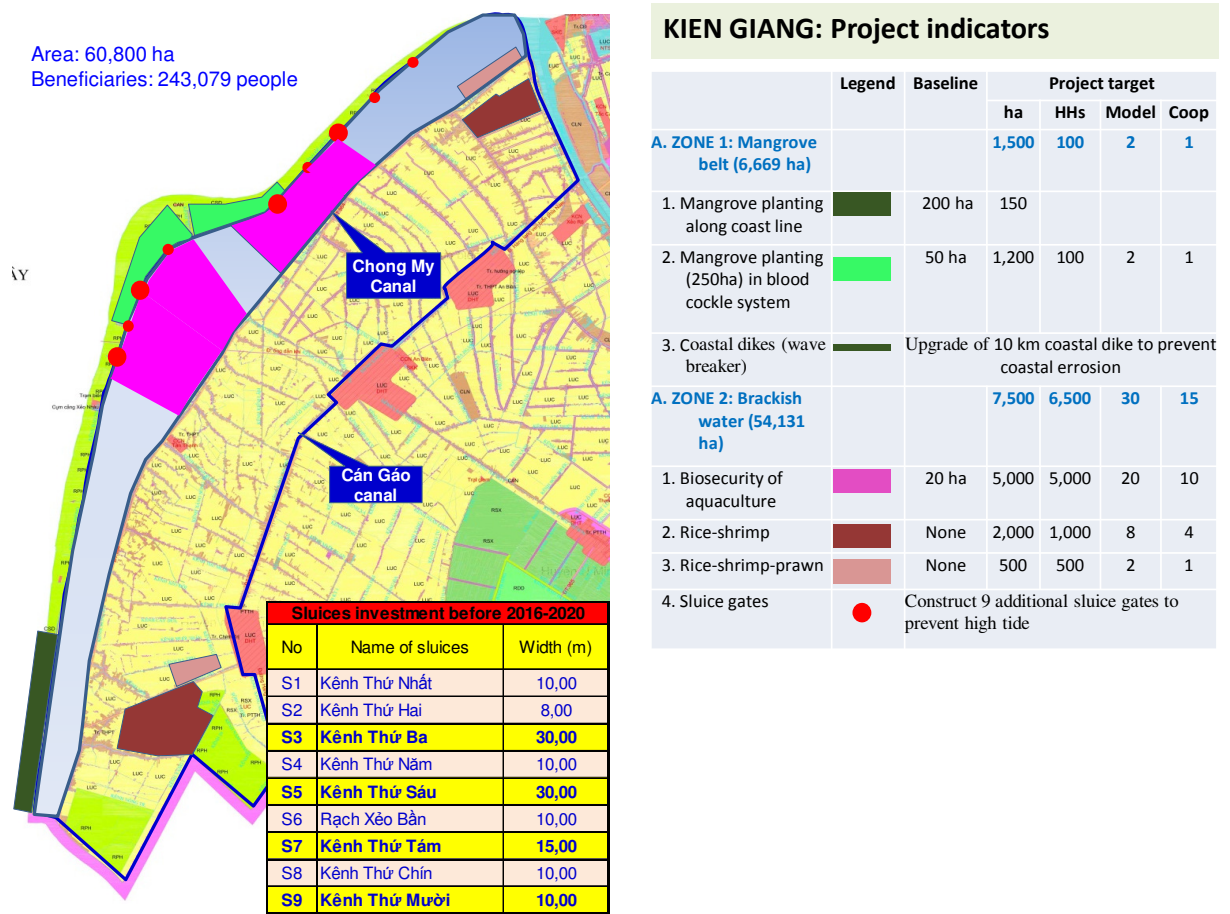


Figure 1. Map of subproject area and proposed construction

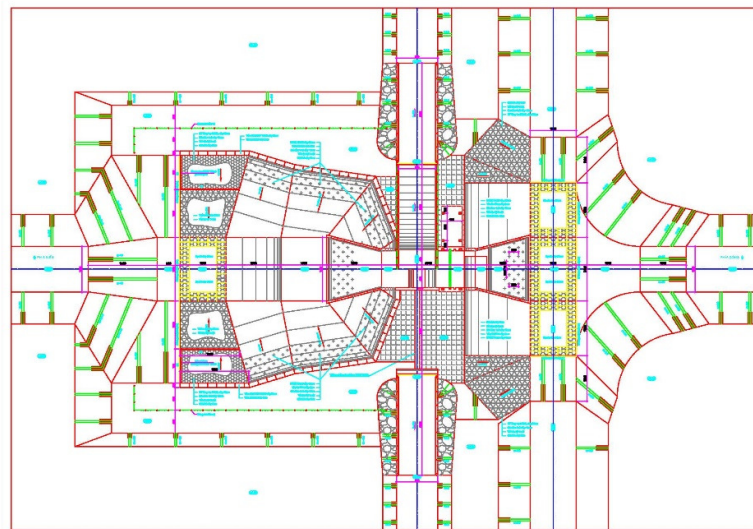
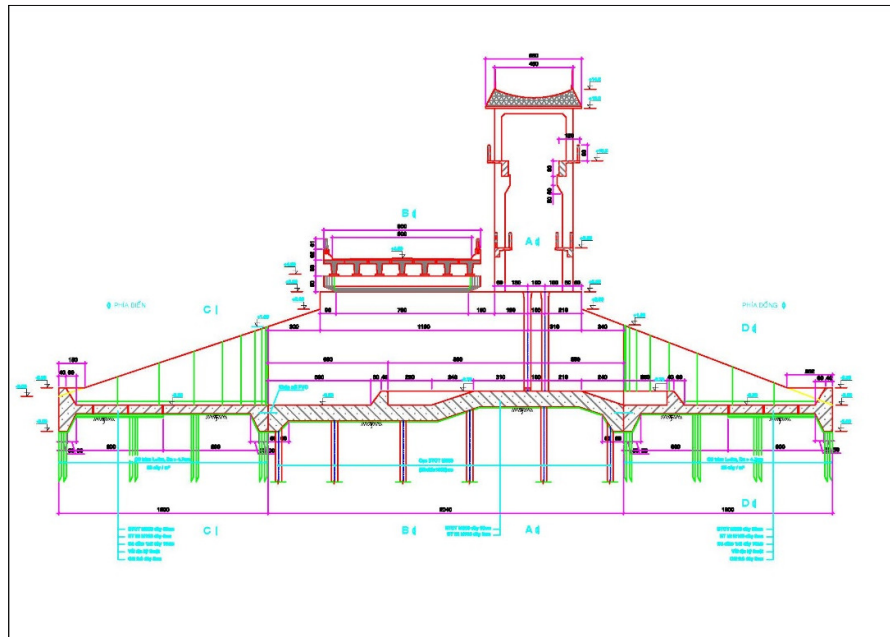
**Key objectives of the subproject**

- Construction/ rehabilitation of coastal defenses consisting of combinations of compacted earth embankments and coastal mangrove belts;
- Modification of water control infrastructure along the coastal zone to allow flexibility for sustainable aquaculture activities;
- Support to farmers to practice more sustainable brackish water activities such as mangrove-shrimp and other aquaculture activities;
- Supporting climate smart agriculture by facilitating water use efficiency.

**Key proposed activities/investments of the subproject**

The key proposed activities of the subprojects are presented in the following table.

	1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year	5 <sup>th</sup> year	6 <sup>th</sup> year
<b>A. ZONE 1: Increase coastal mangrove belts and upgrade of coastal dikes</b>						
<b>1. Planting mangrove along the coast line (150 ha)</b>						
a. Survey and design						
b. Seedings						
c. Planting						
d. Monitoring						
<b>2. Planting mangrove in aquaculture systems (250ha, 100HHs)</b>						
a. Establish farmer groups/coops						
b. Survey and design of mangrove plantation						
c. Demonstration models (blood cockles, black tiger shrimp)						
d. Training for farmers (100 HHs)						
e. Earthwork + seedings (to meet 50% of mangrove)						
f. Toilet						
g. Certification of aquaculture-mangrove eco farming (1,200ha)						
<b>3. Study on coastal protection solutions</b>						
<b>4. Infrastructure to prevent coastal erosion (10km wave breaker)</b>						
<b>B. ZONE 2. Brackish water aquaculture (54,131ha)</b>						
<b>1. Support biosecurity shrimp culture (total 5,000 ha)</b>						
a. Establish farmer groups/coops (500ha/coop)						
b. Demonstration single species crops (two crops of shrimp)						
d. Demonstration rotation crops (shrimp and crab, seabass, blue crab...)						
e. Training for farmers (5000 HHs, ~1ha/hhhs)						
f. Infrastructure for improving water quality and biosecurity						
<b>2. Integrated BW aquaculture + Fresh water crops (2,500 ha)</b>						
a. Establish farmer groups/coops						
b. Demonstration models (shrimp- rice, shrimp-rice/prawn...)						
c. Training for farmers (2,500 HHs)						
d. Infrastructure for improving water quality and biosecurity						
<b>3. Water control infrastructure to prevent high tide</b>						
a. Construct additional sluice gates (9 gates)						
<b>C. Linking farmers to markets</b>						
1. Promoting contract farming (i.e materials, events, etc.)						
2. Product branding						



**Figure 2. Sample design of a sluice**

The remaining 6 sluices will be funded by Kien Giang Province. However, construction of these 6 sluice gates is only planned and no land acquisition took place. As these sluices are linked to the Project, once construction will be decided, compensation and resettlement for these sluice gates will have to follow RPF policy.

### **1.3. Objective of Resettlement Action Plan**

The RAP is prepared based on the guidance set forth in project's Resettlement Policy Framework, as well as the World Bank's OP 4.12 Involuntary Resettlement, and relevant regulation and laws of Vietnam. The RAP is developed to (i) identify the full range of people affected by the project and justifies their displacement after consideration of alternatives that would minimize or avoid displacement; (ii) outline eligibility criteria for affected parties,

establishes rates of compensation for lost assets, and describes levels of assistance for relocation and reconstruction of affected households.

This RAP will be updated after the completion of the detailed design and DMS with exact scope and level of impact of subproject. Thus, RAP implementation will help project owner to have the database to estimate the associated costs and important legal basis, procedures in the project implementation process, while contributing to resolve complaints of the affected people.

## 2. SCOPE OF IMPACT

### 2.1. Potential resettlement impacts

The construction of 9 sluice gates will request land acquisition. Planting 10 km of mangrove combined with wave-breakers along the coast will not request land acquisition. Change in types of livelihoods is likely to occur and appears to be an important social issue. This issue is covered under the Regional Social Assessment (RSA) However, these impacts are not associated with involuntary taking of land or any other resettlement impacts. During the RAP preparation, a screening of potential linked/associated activities was completed. For this subproject, the 6 remaining sluices (not under the Project) are only planned by the government and no compensation/land acquisition activities are foreseen at this stage or in near future.

Inventory of loss (IOL) was implemented basing on technical design of the construction of the 9 sluice gates. The IOL collected data on people, land, structure, crops, etc. affected by the subproject. In October of 2015, the IOL was conducted among households affected by the subproject in 8 communes: Van Khanh, Tan Thanh, Dong Hung A, Van Khanh Dong, Thuan Hoa communes in An Minh district and Nam Yen, Tay Yen, Nam Thai communes in An Bien district. Besides, a socio-economic survey was conducted among 100% of affected households at the same time of IOL (58 households). The questionnaires of IOL and SES are presented in the Annex 1. Overall estimates of land acquisition and resettlement are shown in the following table.

**Table 1. Summary of estimated land acquisition impacts of subproject**

Total	Ethnic minorities	Permanent impacts					Temporary impacts	
		No. of AH	No. of physically displaced HH	Production land acquisition (m2)	Residential land acquisition (m2)	No. of affected graves	No. of AH	Land acquisition (m2)
58	0	58	58	132,240	6,882	0	0	116,000

According to the inventory of losses, there are 58 affected households; no ethnic minority household is affected. All of 58 households are affected severely due to physical displacement. Area of permanent production land acquisition is 132,240 m2. Area of temporary land acquisition is 116,000 m2.

### 2.2. Impact categories

Impacts of construction works both permanent and temporary includes: (i) impacts on the lands; (ii) impacts on houses and structures (iii) impacts on crops. All the 58 HHs affected through

land acquisition are also severely affected due to physical displacement. Among the 58 AHs, there are 9 vulnerable HHs, including 5 poor HHs and 4 lonely female-headed HHs with dependents. There is no HH of ethnic minorities.

### 2.2.1. Impacts on land

The subproject will acquire permanently 132,240 m<sup>2</sup> of production land, 6,882 m<sup>2</sup> of residential land and will acquire temporarily 116,000 m<sup>2</sup> of public land in 2 districts of the subproject. Quantities of land acquisition in each district are shown in the following table.

**Table 2. Scope of land acquisition**

No.	Commune	No. of AHs	Permanent production land acquisition (m <sup>2</sup> )	Permanent residential land acquisition (m <sup>2</sup> )	Temporary production land acquisition (m <sup>2</sup> )
1	An Minh	24	82,370	4,042	68,000
2	An Bien	34	49,870	2,840	48,000
	<b>Total</b>	<b>58</b>	132,240	6,882	<b>116,000</b>

### 2.2.2. Impacts on houses and structures

58 houses will be displaced with total area of 6,882 m<sup>2</sup>; all of them are simple houses with leaf roof or iron roof. Besides, other structures are also affected as listed in the following table.

**Table 3. Inventory of affected structures**

Structure	Unit	An Minh	An Bien
Outside Kitchen	m <sup>2</sup>	120	300
Cage	m <sup>2</sup>	330	332
Electric meter	set	12	20
Water meter	set	2	2
Fence	m <sup>2</sup>	116	84
Gate	m <sup>2</sup>	12	36
Toilet	m <sup>2</sup>	24	48
Borehole	set	8	14
Tank	m <sup>3</sup>	4	18
Yard	m <sup>2</sup>	120	360
Pond	m <sup>3</sup>	0	12000

### 2.2.3. Impacts on plants

The affected plants consist of fruit tree, timber tree, ornamental tree and upland crops. Detail of affected plants by district is shown in the following table.

**Table 4. Affected crops of households**

Plant	Unit	An Minh	An Bien
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Fruit tree	Plant	560	548
Timber tree	Plant	24	12300
Ornamental tree	Plant	14	400
Upland crops	m2	3000	100

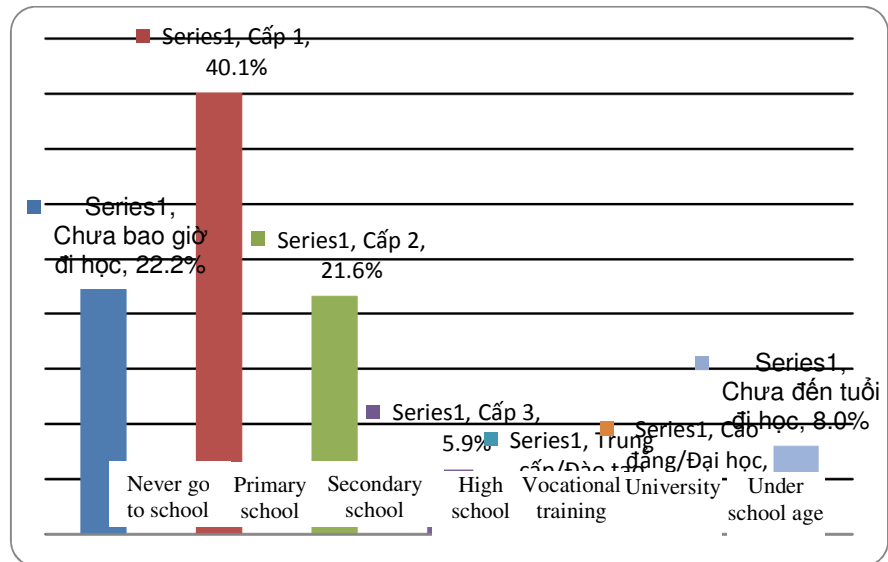
#### 2.2.4. Severely affected households and vulnerable households

58 severely affected households of the subproject were identified due to physical displacement. Among affected households, there are 9 vulnerable HHs, including 5 poor HHs and 4 female householders with dependent persons (widowed or with disabled husband). These households, besides compensation for lands, assets and crops losses, will receive further supports for severely affected HHs or vulnerable HHs as regulations of the state and the provinces.

### 2.3. Socio-economic information of affected households

#### Educational level

Education reflects the quality of labor resources and capacity for training of the people in the area of subproject. Survey results show that the majority of people have low education: more than 50% of people never go to school or drop-out at primary school; ratio of high school graduation or higher education level is very low.



**Figure 3. Ratio of affected people by education levels**

People have low level of education in the subproject area because production conditions are not favorable, living standard are low and income unstable. Therefore, students dropped out early to get income for the family. The high dropout rate in the area is also because the area is quite remote with few roads (high reliance on river transportation) and schools are quite distant (over 20 kms for secondary schools in some areas).

**Table 5. Ratio of affected people by education levels in 2 districts**

Education level	An Minh	An Bien
Never go to school	23.5%	21.0%
Primary school	40.1%	40.1%



Secondary school	21.6%	21.6%
High school	8.0%	3.7%
Vocational training	0.0%	1.2%
University	2.5%	0.6%
Under school age	4.3%	11.7%

### Major employment and incomes of affected people

People have much difficulty in seeking job for stable income. Although the two districts have large agricultural land area, agricultural production meets difficulty due to climate change and limited infrastructures. Instead, fishery and aquaculture are the main livelihood sources, giving higher incomes for local people.

**Table 6. Ratio of affected people by occupations in 2 districts**

Occupation	An Minh	An Bien
Agriculture	3.7%	1.9%
Fishery	11.7%	4.9%
Aquaculture	18.5%	9.3%
Business	1.9%	7.4%
Trade	1.9%	4.3%
Worker	4.3%	5.6%
State employee	0.6%	2.5%
Part time labor	24.7%	22.8%
Driver	0.6%	0.0%
Unemployment	4.3%	4.9%
Student	13.0%	17.9%
Retirement	5.6%	4.9%
Under labor age	8.0%	13.0%
Other	1.2%	0.6%

### Housing

Most people's houses are simple with leaf roof or iron roof. Concrete houses and semi-concrete houses are very few in An Bien. Majority of people said they would use the compensation money for repairing house or buy new land to build a more stable house.

**Table 7. Ratio of affected people by houses in 2 districts**

Housing types	An Minh	An Bien
Concrete house	2.9%	2.9%
Semi-concrete house	22.9%	11.4%
Wood house	28.6%	34.3%
Simple house	45.7%	45.7%
Temporary house	0.0%	5.7%

### Land Use Right Certificate

Out of 58 households in the survey, 22 HHs (38 %) does not have Land Use Right Certificate (LURC). They will be assisted under the project policy. The other 36 HHs with LURC are eligible for receiving full compensation of their land affected by the subproject.

### **3. LEGAL FRAMEWORK AND ENTITLEMENTS**

#### **3.1. The Legal framework of the Government of Vietnam**

The principal legal documents applied for this RAP include the followings:

The Constitution of the Socialist Republic of Viet Nam (2013, effective from 01 January, 2014) confirms the right of citizens to own and protects the ownership of house and production materials of citizens, compensation by market rate is made for impacts by the projects implementing for the purposes of national defense, security or public benefits (Article 32). Similarly, organizations and individuals have land use rights certificates and the rights are protected by laws and the in-case of land recovery for the purposes of national defense, security and socioeconomic development, compensation shall follow provisions of laws (Article 54).

In addition to the constitution, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation and resettlement. The principal resettlement documents include the Land Law No. 45/2013/QH13; the Decree No. 43/2014/NĐ-CP on Detailed Regulations on Implementation of the Land Law No. 45/2013/QH13; the Decree No. 47/2014/ NĐ-CP on Compensation, Assistance, and Resettlement when the State Recovers Lands; the Decree No. 44/2014/NĐ-CP on Land Prices; the Circular No. 37/2014/BTNMT on Detailed Guidance on Compensation and Assistance when the State Recovers Land; and Circular No. 36/2014/TT-BTNMT on specifying detailed methods of valuation of land prices, construction, adjustment of land prices; specific land prices valuation and land prices valuation consulting service. These are the key legal documents that applied to land recovery and resettlement.

The Land Law 2013 provides a comprehensive framework for land acquisition and resettlement. The main points of the Law are summarized below:

- The organization in charge of compensation and site clearance has to prepare a plan for compensation, support and resettlement The approved plan for resettlement must be posted at commune/ward People's Committee office and at common public places where land is recovered (Article. 69).
- Under Art, 69, agencies in charge of resettlement implementation have also to conduct consultations on compensation plan through meetings with affected HH; compensation plans have to be posted at ward/commune PC office; the consultation results must be recorded in minutes which are certified by local authorities and affected HH;. Opinions from AH have to be compiled; consultation has to be conducted with HH who have objections on the plan for compensation, support and resettlement and for improving the plan
- The Law identifies principles and methods of land valuation with principle of market rate (Art. 114 3).

- Resettlement sites must be developed and fully completed before relocation of APs. Land recovery can only be conducted after the construction of houses and infrastructure in the resettlement area is completed. (Article 85).
- Support for training, career change and facilitating job searching have to be provided for HH losing agriculture land (Article 84).
- Structures and other non-land assets are not compensated for the following cases: i) illegally established; ii) located on land not used in accordance with the land purpose are not compensated; and iii) built after the cut-off date (Article 92).
- For agricultural land which was used before 01st July, 2004 , HH without LURC or not eligible to LURC, compensation is done for land currently used for cultivation and without exceeding the land allocation standards (Art, 77.2).
- Monitoring and evaluation is required in a more general basis and is not specific to resettlement; it includes all aspects of the implementation of the Land Law (Art. 200);
- Decree No. 47/2014/ND-CP on compensation, support and resettlement upon land recovery by the State is the main implementing Decree. Main content is summarized below:
- For HH directly engaged in agricultural production ineligible for compensation under the Land Law PPC shall consider support for them (Art. 24);
- Support for stabilization of livelihood is based on severity of impacts on agriculture land (Art. 19);
- Support for resettlement in case of recovery of residential land. HH receiving an amount of compensation for land lower than the value of the minimum resettlement lot are entitled to support for the difference between the minimum resettlement lot value and the amount of compensation for land. In addition to compensation for land, relocated HH are entitled to a resettlement support amount (Article 22.);
- Resettlement areas shall be established for one or more than one project. Houses and residential land in resettlement areas shall be arranged in different grades and areas suitable to different levels of compensation and payment capacity of resettled persons (Article 26 3);
- Consultation plans on compensation, support and resettlement shall be posted up to get opinions of for at least 20 days from the starting date of posting (Article 28);
- For projects requiring relocation of the whole community, affecting the livelihood, socioeconomic situation and cultural tradition of the community, investors have to elaborate a policy framework on compensation, support and resettlement. (Art. 17.1).

Decree No. 44/2014/ND-CP identifies mechanism for compensation at market rates. Compensation rates for land must be based on investigation, information on land plots, market rates and suitable valuation method; Decree 44 identified several methods for land valuation. Circular No. 36/2014/TT-BTNMT specifies detailed methods of valuation of land prices, construction, adjustment of land prices; specific land prices valuation and land prices valuation consulting service.

Circular No. 37/2014/BTNMT identifies the contents of plans on compensation, support and resettlement elaborated, must have the following principal contents: i) area of each category of land to be recovered; ii) estimated number of AH; iii) estimated amounts of compensation and settlement support; iv) expected resettlement areas; v) budget and funding sources; vi) Schedule of plan implementation; time-bound implementation schedule (Art. 10).

Each province Peoples' Committee issued decisions on compensation, assistance and resettlement when the State acquires land, based on the Land Law and implementing decrees. For Kien Giang Province, the decisions regarding resettlement are the followings:

- Decision No. 22/2015/QD-UBND dated June, 17 2015 of Kien Giang PPC promulgated regulation for compensation, assistance and resettlement for land acquisition in Kien Giang province.
- Decision No. 35/2014/QD-UBND dated December 22, 2014 of Kien Giang PPC on issuing price of lands in Kien Giang province from 2015 to 2019.
- Decision No. 35/2012/QD-UBND dated November 30, 2012 of Kien Giang PPC on issuing unit price of houses and structures.
- Decision No. 31/2008/QD-UBND dated October 20, 2008 of Kien Giang PPC on issuing unit price of crops and trees.

### **3.2. The World Bank's Operation Policy on Involuntary Resettlement (OP 4.12)**

#### **3.2.1. The WB's involuntary resettlement policy objectives**

- Involuntary resettlement should be avoided where feasible, or minimized by exploring all viable alternative project designs;
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the PAPs to share in the project benefits. The PAPs should be meaningfully consulted and should have opportunities to participate in planning and implementing the resettlement programs;
- PAPs should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

#### **3.2.2. Required measures for the best resettlement results**

- Consulting PAPs/DPs about feasible measures for compensation and resettlement plans;
- Providing PAPs/DPs with options for resettlement and recovery;
- Offering PAPs/DPs opportunities to participate in and choose planning options;
- Compensating fully at replacement costs for losses attributable to the project;
- Resettlement sites must be provided with fundamental infrastructure and services same as the DPs' previous residential areas at least;
- Providing DPs with allowances, supports, vocational training and income assistance to facilitate their relocation;
- Identifying special supports for vulnerable groups and;
- Setting up an institutional structure to ensure the successful compensation and resettlement.

#### **3.2.3. Compensation Criteria and Eligibility**

The eligibility for obtaining entitlements to compensation follow the principles below:

- i. Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country) – in the instance, it is also useful to document how long they have been using the land or the assets associated with it;

- ii. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets, provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- iii. Those who have no recognizable legal right or claim to the land they are occupying.
- iv. Persons encroaching land after the cut-off date determined in the project RP are not entitled to any compensation or assistance from the project.

#### **3.2.4. Valuation and compensation for losses**

Methods used for the valuation of losses in WB funding projects are based on full replacement costs. For this project, the losses consist of damages to land, structures and other assets and these replacement costs will be evaluated as follows:

- The full replacement cost of land includes the land value as defined in accordance with the prevalent market price plus administration fees (i.e. costs for transaction, LURC etc.).
- For affected houses and other structures, the valuation is based on the market prices of construction materials and labor costs to build a replacement house of equal or better quality and area to the affected one.

For works partly or wholly affected by the project, the compensation includes the market price of building materials plus costs for transportation, labor and contractor fees, registration fees and transfer taxes. Asset depreciation and value of salvaged materials are not deducted.

#### **3.3. Comparison between Government of Vietnam and World Bank approaches**

The GOV's policies and practices both in resettlement and compensation are mostly compatible with the WB's guidelines. There are several differences between the GOV's regulations and WB's policies in terms of compensation, assistance resettlement and livelihood rehabilitation for PAPs. The summary of differences of the two policies and a harmonizing policy with the proposed measures to close the gaps between two policies to be applied for this project, are presented in Table 5.

As a WB member country, the GOV has committed that, should the international agreements signed or acceded to by GOV with the WB contain provisions different from those in the present resettlement legal framework in Vietnam, the provisions of the international agreements with the WB shall prevail. According to Clause 2 of Article 87 of the Land Law 2013, "for the projects using loans from foreign and international organizations for which the State of Vietnam has committed to a policy framework for compensation, support, resettlement, the framework is applied".

To comply with WB OP 4.12 policy on Involuntary Resettlement, articles in the laws and regulations of Vietnam that do not guarantee the PAPs' right to compensation at replacement costs, or eligibility articles that do not extend the right of being restored and/or assisted to households without valid land papers, or otherwise limit the compensation required by WB OP 4.12, will not apply. The requirements of WB OP 4.12 will fully apply in all cases.

**Table 8. Comparison of Vietnam’s and World Bank’s Policies related to Involuntary Resettlement**

Subjects	Bank’s OP 4.12	Government of Vietnam	Project Measures
<b>1. Land Property</b>			
<p><i>1.1. Policy objectives</i></p>	<p><i>PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i></p>	<p>Not mentioned.</p> <p>However, there is a provision of support to be considered by Provincial People’s Committees (PPC) to ensure they have a place to live, to stabilize their living and production. (Article 25 of Decree 47).</p> <p>In case the amount of compensation/ support is not enough for resettled people to buy a minimum resettlement plot/ apartment, they will be financially supported to be able to buy a minimum resettlement plot/apartment (Article 86.4 of Land Law 2013 and Article 27 of Decree 47)</p>	<p>Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p>
<p><i>1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying</i></p>	<p><i>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</i></p>	<p>Only agricultural land used before July 1, 2004 is eligible for compensation. Other cases may be considered for assistance by PPC if needed.</p>	<ul style="list-style-type: none"> <li>- Agricultural land used prior to 1/7/2004 is supported with an amount of equal to 100% of the land at full replacement cost;</li> <li>- Agricultural land used after 1/7/2004 will be supported with an amount of 80% of the land value</li> <li>- Residential land and non-agricultural land will be supported with an amount of at least 60% of the land at the replacement cost.</li> <li>- For residential land, in case, the relocated PAP belongs to poor or vulnerable groups or HHs, the project will provide assistance to ensure that the PAP is able</li> </ul>

<b>Subjects</b>	<b>Bank's OP 4.12</b>	<b>Government of Vietnam</b>	<b>Project Measures</b>
			to relocate and re-establish themselves to a new site.
<i>1.3. Compensation for illegal structures</i>	<i>Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.</i>	No compensation	- Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure. -
<b>2. Compensation</b>			
<i>2.1. Methods for determining compensation rates</i>	<i>Compensation for lost land and other assets should be paid at full replacement costs,</i>	Compensation for lost assets is calculated at price close to transferring the assets in local markets or the cost of newly-built structures. PPCs are granted to identify compensation prices for different categories of assets. Independent land valuator can be used to determine land prices, which will be appraised by land appraisal board before PPC approval.	Independent appraiser identifies replacement costs for all types of assets affected, which are appraised by land appraisal board and approved by. Provincial People's Committees to ensure full replacement costs.
<i>2.2. Compensation for loss of income sources or means of livelihood</i>	<i>Loss of income sources should be compensated (whether or not the affected persons must move to another location)</i>	Assistance in respect of income loss is given only for registered businesses. Assistance measures to restore income sources are provided.	All income losses are to be compensated and, where necessary to achieve the objectives of the policy, development assistance in addition to compensation will be provided.
<i>2.3. Compensation for indirect impact caused by land or structures taking</i>	<i>It is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups.</i>	Not addressed.	Social assessment has been undertaken and measures identified and being implemented to minimize and mitigate adverse impacts, particularly upon poor and vulnerable groups.
<i>2.4. Livelihood restoration and assistance</i>	<i>Provision of livelihood restoration and assistance</i>	Livelihood restoration and assistance measures are provided. No follow-up for full	Provision of livelihood restoration and assistance measures to achieve the policy objectives. These will

<b>Subjects</b>	<b>Bank's OP 4.12</b>	<b>Government of Vietnam</b>	<b>Project Measures</b>
	<i>to achieve the policy objectives.</i>	livelihood restoration after resettlement completion.	be monitored as detailed in the RAP
<i>2.5.Consultation and disclosure</i>	<i>Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms</i>	Focus mostly on consultation during planning (consultation on draft plan of compensation, support and resettlement and plan for training, occupation change and facilitating job searching); information sharing and disclosure.	Consultation and participation incorporated into RAP design, along with information sharing with PAPs and stakeholders.
<b>3. Grievance redress mechanism</b>			
	<i>Grievance redress mechanism should be independent</i>	The same governmental body makes decisions on compensation and resettlement, and also handles grievances at the first step.  However, complainants can go to court at any steps as PAP wishes.	More effective Grievance and Redress mechanisms are to be established, built on the existing governmental system, with monitoring by an independent monitor
<b>4. Monitoring &amp; Evaluation</b>			
	<i>Internal and independent monitoring are required</i>	Citizens are allowed to supervise and report on breaches in land use and management on their own (or through representative organizations), including land acquisition, compensation, support and resettlement (Article 199, Land Law 2013).  There is no explicit requirements on monitoring of the resettlement works, including both internal and independent monitoring	Both internal and independent monitoring is to be regularly maintained (on a monthly basis for internal and bi-annual basis for independent monitoring). A final report will be done to confirm whether the objectives of OP 4.12 were achieved.

**3.4. General principles for compensation, resettlement and restoration**

All projects affected people (PAP) who have assets within or reside within the area of project land-take before the cut-off date are entitled to compensation for their losses. Those who have lost their income and/or subsistence will be eligible for livelihood rehabilitation assistance based on the criteria of eligibility defined by the project in consultation with the PAPs. If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.



- The compensation rates will be determined based on the results of independent appraisal of the land/crops/assets (associated with the land) in a timely and consultative manner. All fees and taxes on land and/or house transfers will be waived or otherwise included in a compensation package for land and structures/or houses or businesses. The local authorities will ensure that PAP choosing relocation on their own, obtain, without additional costs, the necessary property titles and official certificates commensurate with similar packages provided to those who choose to move to the project resettlement sites.
- Land will be compensated “land for land”, or in cash, according to PAP’s choice whenever possible. The choice of land for land must be offered to those losing 20% or more of their productive land. If land is not available, Project Management Unit (PMU) must assure itself, that this is indeed the case. Those losing 20% or more of their land will have to be assisted to restore their livelihood. The same principles apply for the poor and vulnerable people losing 10% or more of their productive landholding.
- PAPs who prefer “land for land” will be provided with land plots with the equivalent productive capacity for lost lands or a combination of land (a standard land plot) in a new residential area nearby for residential land, and cash adjustment for difference between their lost land and the land plots provided. The resettlement area will be planned properly and implemented in consultation with the PAPs. All basic infrastructures, such as paved roads, sidewalks, drainage, water supply, and electricity and telephone lines, will be provided.
- PAPs who prefer “cash for land” will be compensated in cash at the full replacement cost. These PAPs will be assisted in rehabilitating their livelihoods and making their own arrangements for relocation.
- Compensation for all residential, commercial, or other structures will be offered at the replacement cost, without any depreciation of the structure and without deduction for salvageable materials. Structures shall be evaluated individually. Any rates set by category of structure must use the highest value structure in that group (not the lowest).
- Households whose income generation activities, or livelihoods are affected as a result of construction (temporary impact) will be compensated for at replacement costs principle.
- As for the displaced households affected with shelter (displaced from existing residential land because the remaining land area is not feasible for building house or entire land acquisition), the local resettlement board needs to conduct consultations and makes agreed solutions to assist for new shelter for affected households.
- The displaced households affected with shelter that capable of building house on the remaining land (not subject to displacement) will be applied general policies of the project in accordance with the agreed entitlement matrix.
- The PAPs will be provided with full assistance (including a transportation allowance) for transportation of personal belongings and assets, in addition to the compensation at replacement cost of their houses, lands and other properties.

- Compensation and rehabilitation assistance must be provided to each PAP at least 30 days prior to the taking of the assets for those who are not to be relocated and 60 days for those who will have to be relocated. Exceptions should be made in the case of vulnerable groups who may need more time.
- If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.
- Additional efforts, such as economic rehabilitation assistance, training and other forms of assistance, should be provided to PAPs losing income sources, especially to vulnerable groups, in order to enhance their future prospects toward livelihood restoration and improvement.

### **3.5. Compensation Policies**

All APs who are identified in the project-impacted areas on the cut-off date of the Project baseline survey (BLS) will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to enhance, or at least restore their livelihoods in real terms relative to pre-project levels; and to improve the standards of living of the affected poor and other vulnerable groups. The cut-off date will be the date when the PPC issues the Notification of Land acquisition for the relevant project (Article 67.1 of Land Law 2013) before implementation of DMS. A census survey will be done before the cut-off date is announced to establish a list of potential affected households. Those who encroach into the investment area or building their new assets (rehabilitation, construction of houses/structures, new tree planting) after the cut-off date will not be entitled to compensation or any other assistance. We should note that the following sections present only entitlements matching with the actual impacts of the subproject as identified above.

#### **3.5.1. Compensation Policy for Permanent Impact**

*For Loss of Agricultural land*

*Legal land users:*

If the lost area represents less than 20% of a Household's (HH's) land holding (or less than 10% for poor and vulnerable groups), and the remaining area is economically viable, compensation in cash will be at 100% replacement cost for the lost area.

If the lost area represents 20% or more of the HHs' land holding, (or 10% or more for the poor and vulnerable groups) or the remaining area is economically not viable, then "land for land" compensation should be considered as the preferred option. If no land is available, then PMU must demonstrate this to the World Bank's satisfaction before proceeding. If land is not available, or if the PAP prefers cash compensation, then cash compensation will be provided for the lost area at 100% of land replacement cost, and the PAP will be provided with rehabilitation measures to restore the lost income sources, such as agricultural extension, job training, provision of non-agricultural land at a location appropriate for running off-farm business or services. If the PAPs wish, and there is land of similar value elsewhere, the project should also assist these PAPs to visit these areas and help with legal transactions should they wish to acquire them. For agricultural land lying intermixed with residential areas, and garden and pond land lying adjacent to residential areas, apart from compensation at the price of

agricultural land having the same use purpose, monetary support shall also be provided; with the prices for such support being equal to between 50% and 70% of the prices of adjacent residential land; and with the specific support levels being decided by the Provincial People's Committees (PPC) to suit local conditions.

*Users with temporary or leased rights to use communal/public land (PAPs who rent communal or public land):*

Cash compensation at the amount corresponding to the remained investment put on the land or corresponding to the remained value of the land rental contract, if it exists.

For PAPs currently using land assigned by State-owned agricultural or forestry farms on a contractual basis for agricultural, forestry, or aquaculture purposes (excluding land under special use forests and protected forests), compensation shall be provided for investments made on the land, but not for the land itself, and these PAPs will also receive additional support for income rehabilitation if they are directly involved in agricultural activities as per Government's regulations. Where PAPs receive land on a contractual basis but are other than the individuals specified as above, they shall only receive compensation for investments made on the land.

*Land Users who do not have formal or customary rights to the affected land.*

Instead of compensation, these PAPs will receive rehabilitation assistance at 80% of the land value in cash. Agricultural land used before July 1, 2004 will be compensated at 100% as per Article 77.2 of the land law. These PAPs will be entitled to the rehabilitation measures mentioned above, to ensure that their living standards are restored.

In cases where the land is rented through civil contracts between individuals, households or organizations, then the compensation for crops, trees or aquaculture products will be paid to the affected land users and PMU shall assist the renter to find similar land to rent.

In cases when PAPs utilize public land (or protected areas), with an obligation to return the land to the Government when requested, the PAPs will not be compensated for the loss of use of the land. However, these PAPs will be compensated for crops, trees, structures and other assets they own or use, at full replacement cost.

The social and baseline assessment should consider if a physical impediment caused by the MD-ICRSL Project (such as a new public safety restriction) will impose additional costs on PAPs, and whether additional compensation is required to offset these costs.

*For Loss of Residential Land*

Loss of residential land without structures on it: for legal and/or legalizable land users, all compensation for loss of land will be made in cash at full replacement cost. For land users who have no recognizable land use right, financial assistance will be provided. The amount will be determined by the respective PPC.

Loss of residential land with structures built thereon, where the remaining (non-acquired) land is adequate to rebuild the structure (reorganizing PAP):

Compensation for loss of land will be made in cash at (i) full replacement cost for legal and legalizable land users; (ii) Financial assistance of an agreed amount will be provided to land users who do not have recognizable land use rights.

Loss of residential land with structures built thereon, and the remaining land is not adequate to rebuild the structure (relocating PAP):

(i) For PAPs who have legal or legalizable rights to the affected land:

- A land plot of equivalent size and quality, in a well-developed resettlement site. Where land is not available, an apartment will be provided to the PAP. This will be done in consultation with the PAP. Full ownership title to the land or apartment will be given at no cost to the PAP.

OR,

- On request of and with full consultation with the PAP, cash compensation at full replacement cost, plus the amount equivalent to the value of the infrastructure investments calculated as an average for each household in a resettlement site. In this case, the household will be expected to relocate themselves.

In the event that the compensation amount to be paid is less than the cost of a minimum land plot /apartment in the project's resettlement site, PAPs will be given the support needed to allow them to acquire the new land plot/apartment at no additional cost to them. If a land plot/apartment in the resettlement site is not PAP's chosen option, a financial assistance, equivalent to the difference in the value of the chosen and actually received land plot/apartment will be provided to them.

(ii) PAPs who do not have formal or customary rights to the affected land:

- The households whose land is affected will be assisted in cash with an amount of 60% of the land at the replacement cost.
- If the PAP has no place to move, a land plot or an apartment satisfactory to them will be provided in the resettlement site and they can either pay in installment or rent it for living.

In case the relocated PAPs belong to poor or vulnerable groups or households, additional assistance (in cash and kind) will be provided to ensure that they are able to fully relocate to a new site.

#### *For Loss of House/Structures*

Compensation or assistance in cash will be made for all affected private-owned houses/structures, at 100% of the replacement costs for materials and labor, regardless of whether or not they have title to the affected land or a construction permit for the affected structure. The compensation/assistance amount will be sufficient to rebuild the affected house/structure of the same quality. As per OP 4.12 cash compensation will be at full

replacement cost in local markets. No deductions will be made for depreciation or salvageable materials.

If the house/structure is partially affected, a financial assistance will be provided to enable PAPs to repair the affected house/structures to restore it to the former condition, or better, at no additional cost to them.

#### *Tenants*

- Tenants of state-owned or organization-owned houses will be: (i) entitled to rent or buy a new apartment of an area at least equal to their affected ones or (ii) provided a financial assistance equivalent to 60% of replacement cost of the affected land and houses. The affected structures built at the PAP's own costs will be compensated for at full replacement costs.
- Tenants who are leasing a private house for living purposes will be provided with transportation allowance for moving assets, and will be assisted in identifying alternative accommodation.

#### *For Loss of Standing Crops and Trees or aquaculture products*

For annual and perennial standing crops, trees or aquaculture products, regardless of the legal status of the land, cash compensation at full replacement cost will be paid to the affected persons who cultivate the land. The compensation will be sufficient to replace the lost standing crops, trees or aquaculture products at local market rates. Perennial crops or trees will be compensated at a rate calculated on their life time productivity. Where affected trees can be removed and transported, compensation will be paid for the loss of the tree plus the transportation cost.

#### *For Loss of Income and/or Business/Productive Assets*

For PAPs losing income and/or business/productive assets as a result of land acquisition, the mechanism for compensating will be:

- Allowance for stable production, business: All affected businesses and production households whose income is affected will be compensated and/or supported for losses in business equivalent to 30% of their actual annual income: (i) For licensed businesses the compensation will be based on their average yearly income as declared with the taxation agency over the previous three years, and (ii) For unregistered affected businesses but have made their tax obligations the compensation will be supported by 50% of the specified support.
- Employees who are affected by acquisition of residential/commercial land acquisition, public land or land of enterprises: Allowance equivalent to the minimum salary as per the regulations to affected employees during the transition period which can be for a maximum of 6 months. Assistance in finding alternative employment will also be given.
- If the business has to be relocated, the project will assist in finding an alternative site with location advantage and physical attributes similar to the land lost, and with easy

access to a customer base, satisfactory to the PAP. Alternatively, the PAP will receive compensation in cash for the affected land and attached structures at replacement cost, plus transportation allowance for movable assets.

#### *Compensation for Graves*

Compensation for the removal of graves/ tombs will include the cost for buying of land for re-burial, excavation, relocation, reburial and other related costs which are necessary to satisfy customary requirements. Compensation in cash will be paid to each affected family or to the affected group as a whole as is determined through a process of consultation with the affected community. The level of compensation will be decided in consultation with the affected families/communities. Household and individual graves are considered physical cultural resources (PCR) and even though the costs associated with their relocation will be covered in the resettlement plan, the WB OP 4.11 on Physical Cultural Resources should be triggered and relevant cross references should be made to the Environmental Management Plan or Project Implementation Manual.

#### **3.5.2. Allowances and Rehabilitation Assistance**

Besides the compensation for affected assets, PAPs will be provided with financial assistance to cover their expenses during the transition period. The assistance levels will be adjusted, taking into account inflation factor and price increase to be appropriate to the payment time. They include, but are not limited to:

#### *For Impacts on Residential Land*

- Transportation Allowance to relocating PAP:
- The support level moving to new location: moving in the city will be decided by PPC, in accordance with local.
- • Removal Support: Organizations and PAPs that are allocated or leased land by the state or are lawfully using land and have to relocate their productive and/or business establishments are entitled to financial support for dismantling, relocating and re-installation of the establishment. Support levels will be determined by actual costs at the time of removal, based on self-declaration of the organizations and verification by the agency in charge of compensation. This will then be submitted to the relevant authorities for approval.
- • House Renting Allowance or temporary accommodation will be provided to PAPs who may be forced to relocate from their original homes and are still awaiting the replacement land plots or apartments. In the case of replacement land plots, the rental allowance will extend to the period during which the new house is being built.

#### *For Impacts on Agricultural Land:*

- Allowance for Loss of Livelihood (during transition period): (i) PAPs losing 20 - 70% of their agricultural landholding (or 10 - 70% for the poor and vulnerable groups) will be provided with compensation by 30 kg of rice /person/month for 6 months if they do not have to relocate, and for 12 months in case of relocation. In

some special cases, in extremely difficult areas, the compensation may be provided for a maximum of 24 months; (ii) PAPs losing more than 70% of their agricultural landholding will be assisted at the above rate for a period of 12 months if they do not have to relocate, and 24 months in case of relocation. In some special cases, in extremely difficult areas, the compensation may be provided up to a maximum of 36 months; (iii) Households affected by loss of less than 20% of land, where the remaining land is rendered unviable for continued use, will be assisted with the above support plus any additional support as determined, for a period of 12 months. In case of land-for-land compensation, PAPs will be assisted with seedlings, agricultural-forestry extension programs, husbandry etc.

- Support for Skill/Job Change: The project will offer a range of training options in consultation with the affected PAPs and relevant to the market demand and needs of the area. The financial compensation will at most 5 times the agricultural land prices established by PPC of the acquired agricultural land, but subject to the local land allocation limit as per Government's regulations.
- Support for training, apprenticeships on vocational training establishments: At least one member of each affected household will be entitled to vocational training and assistance in getting employment in the PPC. The PAPs participating in such training programs will be exempted from payment of tuition fees. After finishing training courses, they will be given priorities to be recruited in local manufacturing industries.
- Assistance for agricultural, garden and pond land adjacent to, but not included in the category of residential land: Additional assistance (equivalent 40% of the cost of compensation for the adjacent residential plot) for garden land and pond land; and (at 50% of the cost of compensation for the adjacent residential plot) for agricultural land.

*Other allowances/ assistance:*

- Repair Allowance: If house/structure is partially affected and the remaining structure is viable for continued use, the project will provide a repair allowance equivalent to 20% of the compensation for the affected part of the structure, to enable PAPs to restore it to former or better conditions.
- Relocated households which eligible for resettlement, but self -accommodation: an amount supported for investment in infrastructure cost/m<sup>2</sup> announced by the Ministry of Construction, the land area to support is the actual recovery land but not exceeding the limit of land allocation in accordance with regulations.
- Households relocating with school-going children will be supported with 1-year tuition as regulated by the Ministry of Education
- Allowances/ Assistance Targeted to Vulnerable Households:
- For landless households: Assistance through provision of an apartment with either payment by installment to buy it or rent it for living (at PAP's choice). Additional assistance will be considered if needed to ensure the PAP have a place to live.

- Social Policy: (i) Relocated Households which included heroic mothers, heroic armed force, heroic labor, war veterans, wounded or dead soldiers; (ii) Poor Relocated Household or Poor Household whose 10% or more of their productive land affected or where <10% land affected but the remaining land will be provided with support as regulated by the PPCs (to be certified by local authority).
- Other vulnerable groups: Female headed households with dependents, household with disabled persons, elderly without any source of support, poor and near poor household and ethnic minority households will get the same additional support given to poor households in accordance with the provincial policy.
- PAPs who will lose income sources will be entitled to take part in Income Restoration Programs. Rehabilitation measures like agricultural extension services, job training and creation, credit access and/or other measures as appropriate will be given to PAPs losing income sources to ensure their livelihood could be restored to the pre-project level.

Apart from the assistances mentioned above, based on the actual situation, the Project may consider other assistances to secure life stabilization, culture, production and livelihoods of APs.



**Table 9. Entitlement matrix**

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
<p><b>1. Productive land<sup>1</sup></b> (Agricultural, garden, pond land, etc.) either in or out of the residential area.</p>	<p><b><u>Legal land users</u></b> <b>1.1. Marginal loss (&lt; 20% of land holding or &lt; 10% for vulnerable group)</b> The remaining area of affected plot is still economically viable for use or meets the expected personal yield.</p>	<ul style="list-style-type: none"> <li>- Cash compensation at replacement cost (free from taxes and transaction costs) for the affected area of the land</li> </ul>	<ul style="list-style-type: none"> <li>- Affected households to be notified at least ninety days before land recovery by the Project.</li> <li>- The owner of land will hand over the land within 20 days from the date District Compensation Board fully pays compensation for land.</li> </ul>
	<p><b>1.2. Loss of no less than 20% or no less than 10% for vulnerable groups</b></p>	<ul style="list-style-type: none"> <li>- Land for land compensation should be as the preferred option. If land is not available, or at the PAP's choice, cash compensation can be provided for the lost area at 100% of land replacement cost. The PAP will be provided with the additional rehabilitation measures to restore the lost income sources.</li> </ul>	<ul style="list-style-type: none"> <li>- Affected households to be notified at least ninety days before land recovery by the Project.</li> <li>- The owner of land will hand over the land within 20 days from the date District Compensation Board/ has paid compensation and other allowances in full.</li> </ul>

<sup>1</sup>The sub-categories of productive land such as agricultural, forestry, garden, aquaculture and pond will be compensated at different rates. These will be specified and detailed in the Resettlement Action Plans to ensure the compensation is reflective of current rates and takes into account geographic variation.

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	<p><b><u>Land Users who do not have formal or customary rights to the affected land</u></b></p>	<ul style="list-style-type: none"> <li>- PAPs will receive assistance corresponding to 80% of land replacement cost. Agricultural land used before July 1, 2004 will be compensated at 100% as per Article 77.2 of the land law. In addition to above, rehabilitation/training assistance will be provided.</li> <li>- In case the PAP uses public land where there was previous agreement to return the land to the Government when so requested, they will not be compensated for the acquired public land but will be compensated for structures, crops, trees and other assets on the land at 100% of the replacement cost.</li> </ul>	
<p><b>2. Residential land</b></p>	<p><b>2.1. Relocated PAPs (58 HH)</b></p>	<p><i>(i) Legal or legalizable land users (36 HH):</i></p> <ul style="list-style-type: none"> <li>- Self-relocated HH: Cash compensation at full replacement cost plus an amount equivalent to the value of the infrastructure investments.</li> </ul> <p><i>(ii) PAPs who do not have formal, or customary rights to the affected land (22 HH):</i></p> <ul style="list-style-type: none"> <li>- If affected lands are not entitled to the compensation, PAPs will be assisted in cash</li> </ul>	<ul style="list-style-type: none"> <li>- Affected household to be notified at least 180 days before land recovery by the Project.</li> <li>- All HH opted for self-relocation; they will be assisted by local authorities to find adequate plot of land in the same commune For relocating households, assistance is in form of land-for-land of similar characteristics with title at</li> </ul>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>with an amount of at least 60% of the land at the replacement cost.</p> <ul style="list-style-type: none"> <li>- In case the relocated PAP belongs to poor or vulnerable groups or HHs, the project will provide assistance to ensure that the PAP is able to relocate and re-establish themselves to a new site.</li> </ul>	<p>no cost. The replacement land is no less than 40m<sup>2</sup>, or compensation in cash with equal value if PAPs for self-relocation.</p>
<p><b>3. Houses</b></p>	<p>3.1. <b>Full impact</b> (i.e., house is partially acquired by the project but no longer viable for continued use or the entire structure is acquired).  <b>(58 HH)</b></p>	<ul style="list-style-type: none"> <li>- Compensation in cash for the entire affected structures will be provided at 100% of the full replacement cost for materials and labor, regardless of whether or not they have title to the affected land or permit to build the affected structure. The amount will be sufficient to rebuild a structure the same as the former one at current market prices. No deductions will be made for depreciation or salvageable materials.</li> <li>- Compensation for other structures/fixed assets will be at full replacement cost and will be in cash.</li> </ul>	<ul style="list-style-type: none"> <li>- The calculation of rates will be based on the actual affected area and not the useable area.</li> </ul>
<p><b>4. Crops and trees, aquaculture products</b></p>	<p>Owners regardless of tenure status  <b>(58 HH)</b></p>	<ul style="list-style-type: none"> <li>- For annual and perennial standing crops or trees, aquaculture products regardless of the legal status of the land, compensation in cash</li> </ul>	<ul style="list-style-type: none"> <li>- PAPs will be given notice several months in advance regarding evacuation. Crops grown after</li> </ul>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		will be paid to the 58 affected households, who cultivate the land, at full replacement cost in local markets to ensure the compensation is sufficient to replace the lost standing crops, trees or aquaculture products.	issuance of the deadline will not be compensated.
<b>5. Loss of Income/ Livelihood due to loss of productive land</b>	Impacts due to permanent loss of 20% or more of their total productive land or where <20% land affected but the remaining land is rendered unviable.  (Legal, legalizable land users and PAPs with lease agreement over the affected land)  <b>(58 HH)</b>	<ul style="list-style-type: none"> <li>- <b>Vocational conversion assistance:</b> 58 households affected by loss of productive land, irrespective of the degree of impact, will be provided with additional assistance of 5,000,000 VND/household.</li> <li>- Entitled to the income restoration program prepared under the Project.</li> </ul>	
<b>6. Allowances /Assistance Targeted to Vulnerable Households</b>	<b>Loss of land and non-land assets</b>  <i>Affected vulnerable groups regardless of severity of impacts. The vulnerable groups were defined as in Terms of Terminology</i>  <b>(9 HH)</b>	<ul style="list-style-type: none"> <li>- All vulnerable HH will receive a cash allowance of 8,000,000 VND/HH.</li> <li>- These households are entitled to take part in Income Restoration Program -</li> </ul>	<ul style="list-style-type: none"> <li>- If the household eligible to more than one additional support allowance for the vulnerable people, only one package with the highest value will be applied</li> <li>-</li> </ul>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
<p><b>7. Temporary impacts</b></p>	<p><b>Temporary loss of land and assets.</b></p>	<p>Compensation for all damaged or lost assets, including trees, crops at full replacement cost</p> <p>Rental in cash for the land acquired at a rate which will be no less than the net income that would have been derived from the affected property during disruption;</p> <p>Restoration of the land within 3 months after use: The contractor is expected to return the land in its original condition within 3 months of the termination of the civil works.</p>	<p>If the quality of land is radically changed when returned to PAPs, requiring PAPs to change in the types of land use; then PAPs should be compensated for all envisaged cost of losses.</p>

## **4. RESETTLEMENT AND INCOME RESTORATION**

### **4.1. Proposed income restoration program**

The overall objective of the project policy is to ensure that all people affected by the sub-project are able to maintain and, preferably, improve their pre-sub-project living standards and income-earning capacity through compensation and allowance for the loss of physical and non-physical assets. According to the compensation and resettlement policy framework for the subproject and Decisions of compensation, assistance and resettlement when Government of Vietnam acquires land in the territory of Kien Giang province, income restoration measures will be provided for 58 severely AHs. The suitable income restoration programs will be fully designed and implemented with the consultation of AHs during subproject implementation.

#### **Supporting for agricultural extension training programs**

Because agricultural land area has been acquired partially so the remaining area for agriculture production will be smaller (although the affected persons will continue to cultivate due to the land acquisition area is small, not affected to household's production capability), the PPMU will support in term of technical support, agricultural extension training or will provide some inputs such as agricultural material under the Kien Giang province regulations.

The training program for affected persons will be contracted to Kien Giang Agricultural Extension Centers and Agriculture and Rural Development Division at district level within subproject areas. One proposed training program will be the application of sustainable rice-shrimp model using VietGap standard.

The training will be organized (to severely affected communes) at commune or inter-commune area (to less affected communes). The objective of this training is to provide guidance for affected persons in order to use compensation money more effectively.

#### **Plan of agricultural extension support**

After being compensated and receiving training, the vulnerable affected households: poor households and women headed households will be selected by the commune to participate in pilot livelihood demonstrations: Application of sustainable rice-shrimp model using VietGap standard. These households will share experience with other affected households.

#### **Institution arrangement in income restoration program**

Chairman of women union and chairman of Farmer Union of affected communes/precincts/towns will be responsible to implement the income restoration and livelihood development program for affected households in the subproject. Together, under the leadership of 1 leader from commune/precinct/town people's committee (chairman or vice chair in charge of economic management).

During implementation of this program, these persons will coordinate will affected persons to prepare for the training (time, location, etc.) monitoring training quality ( document, practice, effectiveness...), monitoring of implementation of pilot livelihood demonstration at affected households, organizing experience exchange meetings on livelihood models between affected

households, support in multiply the models to other households, report the result of implementation of income restoration and livelihood development program to affected household of the subproject and to Compensation, Assistance and Resettlement Board.

Total cost of income restoration program for affected households is 677,500,000 VND. Details of cost estimate are as follows.

**Table 10. Cost of income restoration program**

Activity	No. of activity	No. of person	No. of day	Unit rate (VND)	Amount (VND)
<b>Support for agricultural model</b>	10	3	1	7,000,000	210,000,000
<b>Training on basic skills</b>					
Hire trainers	2	3	3	1,140,000	20,520,000
Support for trainees	2	58	3	80,000	27,840,000
Drinking support	2	58	3	10,000	3,480,000
Stationary	2	58	3	20,000	6,960,000
Rent training place	2	3	3	400,000	7,200,000
<b>Training on the model</b>					
Support lecturers	10	3	5	150,000	22,500,000
Support for trainees	10	58	5	80,000	232,000,000
Drinking support	10	58	5	10,000	29,000,000
Stationary	10	58	5	20,000	58,000,000
Compensation of using field for training	10	3	1	2,000,000	60,000,000
<b>Total</b>					<b>677,500,000</b>

### **Arrangement of resettlement**

All affected peoples who lost residential land wanted to receive compensation in cash and will resettle by themselves. Beside compensation for affected land and house, they will receive assistance in cash for severely affected household due to physical displacement and house displacement support. The Communal People's Committees will also create favorable condition for them to buy new land in the available land fund of the commune for building new house. These lands are within the existing residential areas of the communes with basic infrastructures such as road, electric cable, etc. Therefore, the displaced people will be able to resettle within their communes.

## 5. PUBLIC CONSULTATION AND INFORMATION DISCLOSURE

### 5.1. Information disclosure

As per Bank's requirement, the RAP will be disclosed in Vietnamese at local level, particularly at the office of PPMU, DPCs, CPCs and at the Central Project Office in Hanoi before and after it is approved by the Government of Vietnam. The English version of this RAP will be also disclosed at the World Bank Info Shop in Washington D.C. prior to project appraisal.

### 5.2. Community consultation

#### *Consultation during RAP preparation*

During RAP preparation, 58 affected households participated in the consultation meetings at DPC offices of An Minh and An Bien districts on 27, 28 October, 2015. Annex 2. presents the summary of Public Consultation at commune level. The contents of consultation meetings were as follows:

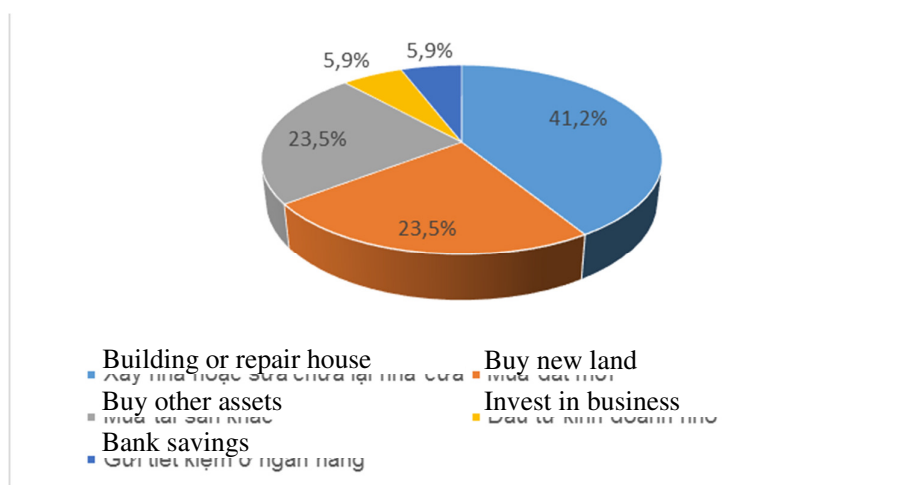
- (i) Information to local authorities and the PAPs of the sub-project in a transparent manner.
- (ii) Notification about the RAP implementation to local authorities at district/city and commune/ward/town level.

Besides, they also provided their concern, including:

- The impacts on the people's life in the sub-project area, the advantages and difficulties of resettlement, their idea of compensation and resettlement.
- The impacts on the people's life in the local area, infrastructure, the advantages and difficulties of resettlement.
- Comments on the compensation and proposed RAP

The main concerns of HH expressed during the consultation meetings are summarized below.

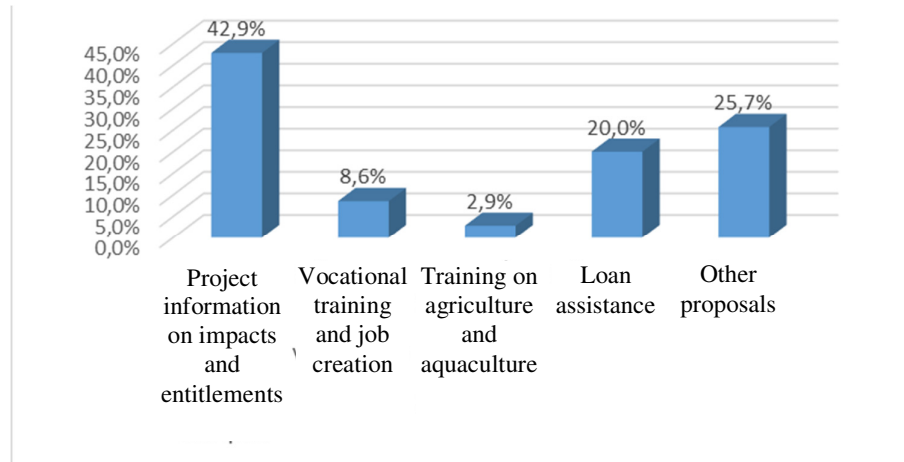
- Affected peoples who lost agricultural land or residential land wanted to receive compensation in cash to resettle by themselves. Besides, people had other requests to the authorities to provide information of the subproject. Therefore, it is important for the project to organize consultation, information dissemination on information of the subproject.



**Figure 4. Intention of affected people on using compensation amount**



In the low economic condition, low education, the project information should be disclosed transparently to avoid unnecessary complaint of people during project implementation, especially with information of construction method, land acquisition, entitlement of affected people. Therefore, 42.9% of people requested to get updated information on impacts and entitlements. Besides, 20% wanted to be assisted to get loan for investment in production. There were few proposals on vocational training or agriculture/aquaculture extension.



**Figure 5. Proposals of affected people to subproject**

A second round of consultation took place in Can Tho City, on 29 January 2016, following disclosure of draft Resettlement Policy Framework, Resettlement Plans and Regional Social Assessment (RSA). Representatives of MARD, of each province (PPC, DONRE, DARD,) and affected districts (DPC) joined the workshop.

A presentation of the safeguard documents was done by the Consultant. Provinces and District agreed with the proposed documents and the livelihood models proposed. Regarding the RPF and the RP, the following comments and concerns were provided:

- Provinces have experience with ODA project and understand WB policy on resettlement;
- Some provinces, wanted to have information on the definition of illegal land users; the definition was clarified;
- All provinces confirmed that they already provide livelihood support for farmers losing agriculture land;
- Provinces also implement programs for poor households;
- For reinforcement of dykes, if HH are partially affected, it is difficult for them to stay there; we should consider to acquire all the land;
- Regarding livelihood restoration activities, it is more useful to create jobs than to propose microcredits programs;

Comments and concerns have been taken into account for the preparation of the final documents.

***Consultation during RAP implementation***

Before starting the updated RAP in accordance with the detailed design, the PPMUs, District Center for Land Fund and Developments, DPCs, CPCs will hold public meetings in each

affected commune to provide additional information for people affected and provide opportunities for them to participate in public discussions on policy and procedures for resettlement. Send an invitation to all those affected before the meeting at the same place. The purpose of this meeting is to clarify the information has to date of the meeting and provide opportunities for affected people to discuss concerns and clarify information.

Along with written notice to the affected people, to use measures other information to information for people affected and the general public, such as posters in the visible region at headquarters of Commune/District People's Committee, where affected people are living, alerts stations, local newspapers. Both men and women of the affected households as well as members of the community who are interested are encouraged to participate.

During the meeting will explain the project, and the rights and entitlements of households, and the meeting will be an opportunity to raise questions relating. Similar meetings will be held periodically throughout the project cycle. The organization of opinion must be recorded in writing, certified by the commune People's Committee, Representative Committee of the Vietnam Fatherland Front and communal representatives who were acquired land.

### **5.3. Project leaflets**

Leaflets provide information about the project will be developed and provided to people affected by the project during the project preparation phase and implementation phase to ensure that people grasp and aware of the benefits of the project. Leaflets of project provides compensation policies, supporting details presented in the Resettlement Policy Framework aims to develop measures to mitigate the social impact, the sub-project land acquisition and clearance.

## **6. IMPLEMENTATION ARRANGEMENT**

The implementation of resettlement activities requires the involvement of agencies and organizations at the national, provincial, district and commune level. Each provincial people's committee will take general responsible for the implementation of the general policy framework and specific resettlement plan of the sub-project of that province. Compensation, Assistance and Resettlement Committees shall be established at district/province level. The provisions and policies of the RPF and the RAPs will form the legal basis for the implementation of compensation and resettlement activities in the MD-ICRSL Project.

### **6.1. At Central level**

The Ministry of Agriculture and Rural Development (MARD), on behalf of the Government, is the project owner, has overall responsibility for the whole project. The provincial governmental authorities of the project provinces are the Employers of the sub-projects, has responsibility for investment decisions under sub-projects managed by the Ministry and the provinces. A Project Steering Committee (PSC) will be established, including representatives of the MARD, relevant Ministries and sectors, the provincial governmental authorities of the

project provinces, to be responsible for frequent monitoring and managing the Project during its implementation process.

The Central Project Office (CPO) in the MARD will take the overall responsibility to supervise and monitor the resettlement activities in order to assure the compliance with RPF.

- Cooperate with PPCs to conduct compensation and resettlement to assure compliance with RPF and suit with construction progress;
- Organize training and building capacity for project implementing agencies (PPMU and Resettlement Committee) on implementation procedure of RPF and RAP;
- Cooperate with PPMU to monitor internally compensation and resettlement of overall project;
- Select and coordinate the independent monitoring consultants for overall project;
- Report periodically on resettlement to MARD and WB.

## **6.2. At Provincial level: Provincial People's Committee of Kien Giang**

PPCs take the overall responsibility for compensation, site clearance, and resettlement within the province. The PPCs are responsible for:

- Inform or authorize DPCs to announce about land acquisition when the sub-project location is selected;
- Issue decision on land acquisition to land-owners;
- Approve RAPs of their respective sub-projects;
- Approve overall plan on land acquisition;
- Instruct DPCs to implement compensation, resettlement, and site clearance;
- Provide adequate funds for compensation in a timely manner;
- In special cases, the provincial authority's approval is needed for compensation plans, the provincial authority establishes an appraisal council at provincial level to appraise the compensation plans submitted by the DCLFDs so that advice will be provided for the provincial authority to approve such plans in accordance with the Government's regulations on compensation, assistance and resettlement, and the WB's involuntary resettlement policy (OP4.12) applied to the project;

Subproject owner/ PPMU shall be responsible for managing compensation and site clearance of their respective subprojects, including:

- Update RAP;
- Submit sub-project RAPs to the PPCs before making compensation payment;
- Co-operate closely with Departments, agencies, sectors, and the project DPCs in implementing resettlement and site clearance to ensure that the implementation of compensation and resettlement is in line with the construction schedules;
- Monitor internally implementation of compensation and resettlement of the sub-projects, preparing quarterly reports on implementation progress of compensation and resettlement of the sub-projects to CPO.

### **6.3. At District level**

District People's Committees (DPCs) are responsible for:

- Approving compensation plans prepared by DCLFDs and submitting the PPC for endorsement;
- Issuing decisions on land acquisition from individuals and households;
- Settling complaints and grievances of the APs within jurisdiction.

District Center for Land Fund and Developments (DCLFDs) shall take responsibility for implementation of compensation and site clearance for works located in their respective districts, including:

- Preparing compensation plans to submit to DPCs for approval;
- Implementing the approved plan on compensation and site clearance.

### **6.4. At Commune level**

Commune People's Committees (CPCs) are responsible for:

- Disseminating and mobilizing people to implement RPF;
- Planning land use and protecting public safety corridors;
- Providing cadastral maps for Resettlement Committees, determining the origin of land use and mobilizing their staffs to be members of DMS teams;
- Co-operating with DCLFDs in delivering information and organizing community consultation;
- Settling APs' queries relating to inventory of their assets;
- Facilitating and assisting APs in restoring their livelihoods, incomes, and stabilizing their lives.

### **6.5. Implementation procedure**

The implementation procedure complies with Decree No. 47/2014/ND-CP dated 15/5/2014, Circular No. 14/2009/TT-BTNMT dated 01/10/2009 of MoNRE.

With the above legal base and the organizational structure, coordination of stakeholders, the basic operation of the compensation and resettlement is conducted according to the following steps:

#### ***Step 1: Assignment of CLFDs and introduce and announce land acquisition policy***

- Right after the Government and WB reach common principal agreement on the loan, the SPMU will prepare necessary documentation and fulfil required procedures and submit them to PPC to request for land allocation for project investment.
- PPCs have responsibilities for assigning specific tasks to CLFDs. The SPMU, on behalf of project investor will send its representative to participate in the CLFDs as their standing members. CLFD will be responsible for reviewing resettlement documents to submit to PPC for decision.

#### ***Step 2: Prepare cadastral document for acquired land***

- Pursuant to documents on land acquisition policy of PPC, the DONRE instructs Land use right registration offices of same level to prepare cadastral document; Adjust

cadastral map suitably to the current status and abstract of cadastral map for places with official cadastral maps or carry out cadastral abstraction for places without official cadastral map. Correct and make copy of cadastral documents (cadastral books) to submit to CLFD. Make a list of acquired land lots with the following contents: map identification mark, lot identification mark, name of land user, area of lot with same use purpose, land use purpose.

### ***Step 3: Information Dissemination Prior to DMS***

- Determination and announcement of land acquisition are based on appraisal document of land use demand of DONRE submitting to PPC for approval and issuance of land acquisition announcement (including reason of land acquisition, area and location of required land based on existing cadastral documents or approved detailed construction plan; land acquisition announcement, direction of preparation of detail compensation plan and implementation of compensation payment). PPC is responsible for steering and widely spreading land acquisition policy, regulations on land acquisition, compensation, allowance and resettlement when the land is acquired by State for purpose of national defense, national interests, public utilities and economic development.
- CPCs are responsible for openly posting land acquisition policy at office of CPCs and at residential area where there is acquired land, and announcing publicly on ward radio stations.
- Before issuing Decision on land acquisition, at least 90 days for agricultural land and 180 days for non-agricultural land, the local authorities (in this case it is DPCs) will inform in written forms the PAPs on reasons of land acquisition, time, plan and schedule of land acquisition, general compensation, allowance and resettlement plan.
- Based on the resettlement and land acquisition plan approved by the chairman of DPCs, the CLFDs and SPMU, in cooperation with affected CPC, will organize meetings with land users, including AHs and individuals located within the project demarcated areas, to inform about the project and documents related to compensation, allowance and resettlement policies; explain on and guide on filling up the DMS forms; deliver the DMS forms to the PAPs to the affected land users for their own filling their affected land and assets. The meeting should be recorded in written protocol and stored. Disseminated information will be posted throughout the project resettlement implementation at the office of CLFDs and affected CPCs.
- Disseminated information at affected communes includes:
  - The project area, scale;
  - Project's impacts;
  - Compensation policies and entitlement for types of loss;
  - Implementation arrangement and responsibilities;
  - Grievances mechanism.

### ***Step 4: Issuing Decision on Land acquisition***

- After the land acquisition noticed in compliance with the process above, if affected land owner agrees, PCs of competent authorities are able to issue a decision on land acquisition and implement the policies of compensation, assistance and resettlement without waiting for the expiry of notice.

- Agency issuing decision on land acquisition for land of various types belong to: public land funds of the ward; Land of the organization, religious organization, the Vietnam residing abroad, foreign organizations having diplomatic functions, enterprises owning capitals invested from abroad implemented by PPC.
- PPC will issue decision to withdraw land managed by households and individuals, communities; Vietnamese resided overseas owning houses in Vietnam; or issuing land acquisition decisions in other cases as assigned by the PPC.

***Step 5: Make landmark for land acquisition***

- After receiving PPC and DPC's decisions on land acquisition for project implementation, SPMU will cooperate with DONRE and land cadastral agency contracted by the SPMU will carry out the field identification of the project boundary and put red demarcation marks on the site, handing over the area for implementation of measure, compensation, assistance and resettlement of PAPs. The Division of Natural Resource and Environment of district and related CPCs will assign their staff to join the land acquisition group and participate in these activities.

***Step 6: Conduct DMS***

- After land acquisition decision issued by competent levels, CPCs shall have responsibility for collaborating with organization in charge of compensation and site clearance (CLFDs) to implement the land acquisition plan, survey, investigation, measures for determining affected assets. Land owners are responsible for cooperate with the organization in charge of compensation, site clearance (CLFDs) in surveying, investigating, measuring to determine land area, statistics of houses and other assets on land for planning compensation, assistance and resettlement.
- In cases, land users who have land acquired do not collaborate with organization in charge of compensation and site clearance (CLFDs) in surveying, investigating, measuring, CPCs, ward father land frontier where land acquired and organization in charge of compensation and site clearance (CLFDs) to campaign and convince the land owner to implement.
- Results of DMS shall be legal basis for establishing compensation and resettlement plan. SPMU will put the data of DMS and manage them on computers, which will be visited by IMC when it monitors the implementation of RAP.

***Step 7: Determine replacement cost***

- Replacement cost works will be carried out as follows:
  - SPMU will hire an independent consultant to conduct replacement cost survey.
  - Selected consultant will conduct replacement costs investigation and survey. Method of replacement cost survey will be applied in accordance with government regulation (including the direct comparison method, collection method, deducted method and surplus method ...).
  - Results of replacement cost survey will be submitted to SPMU. The SPMU is responsible for the consultation of this results with the PPC to propose compensation price applying to the project and submit to PPC for approval.

***Step 8: Prepare detailed compensation, assistance and resettlement plan***

- Based on the table of detail statistics of compensation quantity of PAPs, minutes of inventory quantity, copy of land origin, list of households's members, households under preferential treatment and unit price, compensation and assistance policies for AHs, the organization in charge of compensation, allowance and resettlement shall apply prices to prepare compensation and assistance plan for every AHs of the project.
- Detailed compensation and assistance plan shall present sufficient quantity, volume, types, unit price, ratio of remaining quality (for affected asset with depreciation) of assets approached to compensated land of AHs and other basis for calculation.

***Step 9: Openly post compensation, assistance and resettlement plan to collect PAPs' feedbacks***

- After the compensation, assistance and resettlement plan is approved by authorized agencies, agencies in charge of compensation, assistance and resettlement shall publish and openly post the compensation, assistance and resettlement plan at the CPCs where there are land affected.
- The organization of the meeting must be recorded in writing, certified by representatives of CPCs, Fatherland Frontier Committees, representatives, representatives of those who have acquired land.

***Step 10: Development for income restoration program***

- Organization in charge of compensation, site clearance must have responsibility for recording the severely AHs, who will be consulted with on an IRP.
- Consultations will be made with local authorities, public and private service providing organisations such as career changing training centers, job introduction centers... to establish an IRP more appropriate to the capacity and needs of PAPs.

***Step 11: Completion of plan for compensation, assistance and resettlement***

- Agency in charge of compensation, site clearance is responsible for recording in written all ideas released by PAPs, including the number of supporting opinions, the number of opposing ideas, ideas different to the compensation, assistance and resettlement plan.
- Based on the opinions of PAPs, representatives of authorities, mass organizations, agency that is in charge of compensation recording the contributing ideas will collaborate with the CPCs where land acquired, conduct a dialogue with those who do not agree with plan of compensation, assistance and resettlement so that the plan is able to be adjusted.

***Step 12: Submission of compensation for appraisal and approval***

- After finalizing the detailed compensation plan based on PAPs' contributively opinions, agencies in charge of compensation shall submit it to competent authorities for appraisal and approval.

***Step 13: Disclosure of compensation, assistance and resettlement plan***

- After the compensation, assistance and resettlement plan is approved by authorized agencies, agencies in charge of compensation, assistance and resettlement shall publish and openly post the compensation, assistance and resettlement plan, including schedule and time for payment of the compensation and assistance payment, schedule for removal and relocation for site clearance.

***Step 14: Settle complaints for land acquisition decision***

- During land acquisition implementation, if there is any complaint from APs, CPCs will collect their opinions and letters of complaints and send them to higher competent agencies for consideration.
- When there is no decision on claim settlement, land acquisition will be still in progress. In case competent agencies settling complaints conclude that the land acquisition is illegal, the implementation of land acquisition shall be obligatory to stop; governmental agencies that issued the land acquisition decision shall make decision on cancellation of that land acquisition decision and compensate for losses (if any). In case competent agencies settling complaints conclude that the land acquisition is legal, the owners of acquired land have to comply with the land acquisition decision.

***Step 15: Implementation of payment of compensation, assistance and arrange of resettlement***

- CLFDs shall implement payment after decision on compensation, assistance and resettlement is approved. The payment of compensation, allowance to PAPs and arrange of their relocation should be carried out under supervision of CLFDs, representatives of affected CPCs and PAPs.
- In case of resettlement, organization in charge of compensation and site clearance shall hand over houses or land, land use right certificate, and house ownership certificate for AHs prior to land acquisition. In case, there is an agreement between compensation and site clearance organizations and AHs on receiving resettlement house and land after land acquisition, it is required to follow the agreement with signatures of both parties.

***Step 16: Handing over sites for construction and forcing to land acquisition***

- Within 30 days after organization in charge of compensation and site clearance paid compensation, allowances to AHs under plan approved, AHs have to hand over land to the organization in charge of compensation and site clearance.

***Step 17: Handing over construction contract***

- Construction contracts are only be handed over to contractors for starting construction as per the approved engineering designs after all PAPs have been received their compensation and assistance payment in compliance with the RAP policies.

***Step 18: Monitoring***

- Internal and external monitoring will be conducted as soon as possible after the updated RAP approved. The monitoring will conduct continuously during the project implementation. Independent (external) monitoring will make continual investigations in the process of monitoring and every 06 month, IMC will prepare an independent monitoring report to be submitted to the SPMU and WB for endorsement.
- IMC will also has an evaluating investigation at the time of 6 to 12 months after all project compensation and resettlement activities completed.

**6.7. Implementation plan**

The implementation schedule for resettlement activities for the sub-project is presented in the following table including (i) Community consultation activities, (ii) activities that have been completed for RAP preparation; and (iii) independent monitoring activities.



**Table 11. Implementation plan**

<b>Activity</b>	<b>Responsible party</b>	<b>Implementation plan</b>
<b>RAP preparation</b>		
Disclosure of social safeguards documents at Infoshop	WB	26 January 2016
Disclosure of RAP at office of PPMU, DPC and CPCs in Kien Giang province	Provincial Project Management Unit (PPMU)	26 January 2016
Disclosure of RAP of subproject at CPO	CPO	26 January 2016
Approval of safeguard policy documents of project and RAP of sub-project	WB and the GOV	Quarter 2/2016
Training on safeguard policy frameworks for the project officers and the DCLFDs.	CPO and resettlement consultants	Quarter 4/2016
Recruiting the independent monitoring agency	CPO	Quarter 4/2016
RAP updating	CPO and resettlement consultants	Quarter 1/2017
<b>RAP implementation</b>		
Disseminating project information to AHs	DCLFD and CPCs	Quarter 1/2017
Inventorizing affected assets and preparing compensation plans	DCLFD and CPCs	Quarter 2/2017
Paying compensation and clearing sites	Subproject owner, DCLFD, and CPCs	Quarter 2/2017
Monitoring resettlement internally every month and preparing quarterly reports	Subproject owner	Quarter 2/2017
Monitoring resettlement externally every six months and preparing monitoring reports	Independent monitoring agency	Quarter 2/2017

## **7. GRIEVANCE REDRESS MECHANISM**

In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism needs to be established. APs are not required to pay any fee during any of the procedures associated with seeking grievance redress including if resolution requires legal action to be undertaken in a court of law. The mechanism of complaint and grievances resolution steps is as below:

### **First Stage - At Commune People's Committee**

An aggrieved APs may bring his/her complaint to the One Door Department of the Commune/Ward People's Committee, in writing or verbally. The member of CPC/WPC at the One Door Department will be responsible to notify the CPC/WPC leaders about the complaint for solving. The Chairman of the CPC/WPC will meet personally with the aggrieved APs and will have 30 days following the receiving date of the complaint to resolve it. The CPC/WPC secretariat is responsible for documenting and keeping file of all complaints handled by the CPC/WPC.

### **Second Stage - At District People's Committee (DPC)**

If after 30 days the aggrieved affected household does not hear from the CPC, or if the APs is not satisfied with the decision taken on his/her complaint, the APs may bring the case, either in writing or verbally, to any member of the DPC or the DCLFD of the district. The DPC in turn will have 30 days following the receiving date of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DCLFD of district of any decision made. Affected households can also bring their case to Court if they wish.

### **Third Stage - At Province People's Committee (PPC)**

If after 30 days the aggrieved PAP does not hear from the DPC, or if the PAP is not satisfied with the decision taken on his/her complaint, the PAP may bring the case, either in writing or verbally, to any member of the PPC or lodge an administrative case to the District People's Court for solution. The PPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The PPC secretariat is also responsible for documenting and keeping file of all complaints that it handles. Affected households can also bring their case to Court if they want.

### **Final Stage - At Court**

If after 45 days following the lodging of the complaint with the PPC, the aggrieved PAP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Decision by the court will be the final decision.

Decision on solving the complaints must be sent to the aggrieved APs and concerned parties and must be posted at the office of the People's Committee where the complaint is solved. After

three days, the decision/result on solution is available at commune/ward level and after seven days at district or city level.

In order to minimize complaints to the provincial level, PMU will cooperate with the District Center for Land Fund and Development to participate in and consult on settling complaints;

Personnel: The Environmental and Resettlement staff assigned by PPMU will formulate and maintain a database of the APs' grievances related to the Project including information such as nature of the grievances, sources and dates of receipt of grievances, names and addresses of the aggrieved PAPs, actions to be taken and current status.

In case of verbal claims, the reception board will record these inquiries in the grievance form at the first meeting with affected people.

The independent monitoring consultant will be responsible for checking the procedures for and resolutions of grievances and complaints. The independent monitoring Consultant may recommend further measures to be taken to redress unresolved grievances. During monitoring the grievance redress procedures and reviewing the decisions, the independent monitoring agency should closely cooperate with the Vietnam Fatherland Front as well as its members responsible for supervising law enforcement related to appeals in the area;

The grievance resolution process for the Project, including the names and contact details of Grievance Focal Points and the Grievance Facilitation Unit (GFU), will be disseminated through information brochures and posted in the offices of the People's Committees at the communes and districts and PMU.

At the same time, an escrow account for resettlement payments should be used when grievance is resolving to avoid excessive delay of the project while ensuring compensation payment after the grievance has been resolved.

To ensure that the grievance mechanism described above are practical and acceptable by APs, it were consulted with local authorities and communities taking into account of specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving complaints and conflicting issues. The ethnic minority objects and efforts were also identified and determined which are culturally acceptable ways to find the solution.

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit

<http://www.worldbank.org/GRS>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org)

## **8. MONITORING AND EVALUATION**

Implementation of RPs will be periodically supervised and monitored by the respective PMUs in a close coordination with the respective Peoples' Committees at different administrative units and independent monitoring agencies. The findings will be recorded in quarterly reports to be furnished to CPO, and World Bank.

*Internal monitoring and supervision* will:

- (a) Verify that the baseline information of all APs has been carried out and that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements has been carried out in accordance with the provisions of this Policy Framework and the respective RP.
- (b) Oversee that the RPs are implemented as designed and approved.
- (c) Verify that funds for implementing the RPs are provided to the respective PMBs in a timely manner and in amounts sufficient for their purposes, and that such funds are used by the respective PMB's in accordance with the provisions of the RP and policy framework.
- (d) Record all grievances and their resolution and ensure that complaints are dealt with in a timely manner.

*Independent Monitoring:* An independent agency or agencies or individual consultant will be retained by PMUs to periodically carry out external monitoring and evaluation of the implementation of RPs. The independent agencies would be an academic or research institutions, non-Governmental Organizations (NGO) or independent consulting firms, all with qualified and experienced staff and terms of reference acceptable to the World Bank. Depending on the magnitude of project impact, borrower with consultation from Task's Team of the World Bank will decide the extent of using independent monitoring consultant. In addition to verifying the information furnished in the internal supervision and monitoring reports of the respective PMBs, the external monitoring agency will collect information from affected households.

A Resettlement Plan cannot be considered complete until a completion audit or survey confirms that all entitlements have been received by beneficiaries and livelihood restoration is progressing on schedule. If possible, the (internal/external) monitoring activities of RPs could be considered to be combined with similar action under Ethnic Minority Development Plan of the same subproject.

## 9. COSTS AND BUDGETS

All land acquisition, compensation and resettlement costs of the subproject are taken from the counterpart fund of the Kien Giang province and loan (if any).

The table below summarizes costs for implementation of RAP of the sub-project including compensation for land acquisition, affected houses, structures, architectural objects, plants, assistance and income restoration program. These costs are estimated basing on rates of 2015 in accordance with legal documents of Kien Giang province as follows.

- Decision No. 22/2015/QD-UBND dated June, 17 2015 of Kien Giang PPC promulgated regulation for compensation, assistance and resettlement for land acquisition in Kien Giang province.
- Decision No. 35/2014/QD-UBND dated December 22, 2014 of Kien Giang PPC on issuing price of lands in Kien Giang province from 2015 to 2019.
- Decision No. 35/2012/QD-UBND dated November 30, 2012 of Kien Giang PPC on issuing unit price of houses and structures.
- Decision No. 31/2008/QD-UBND dated October 20, 2008 of Kien Giang PPC on issuing unit price of crops and trees.

The cost is calculated at the present time and may vary according to the resettlement plan update. The cost of replacement cost and support of provincial policy may change, so the compensation cost will be updated as the RAP is updated. A replacement cost survey will be conducted during RAP updating following DMS.

The estimated cost of compensation and assistance is 34,506,440,000 VND. The total cost of Resettlement Action Plan, included management cost, contingency and income restoration program, is 39,393,725,680 VND (see Table 13). It is equivalent to 1,754,732 USD (exchange rate: 1 USD = 22,450 VND).

**Table 12. Total cost of Resettlement Action Plan**

No.	Items	Amount (VND)	Note
<b>A</b>	<b>Compensation and assistance</b>	<b>34,506,440,000</b>	
	Land compensation	15,270,720,000	See Table 14
	House compensation	15,828,600,000	See Table 15
	Structure compensation	1,979,360,000	See Table 16
	Crops compensation	641,760,000	See Table 17
	Assistance	786,000,000	See Table 18
<b>B</b>	<b>Management costs</b>	<b>690,128,800</b>	=2% of A
<b>C</b>	<b>Sub-total</b>	<b>35,196,568,800</b>	=A+B
<b>D</b>	<b>Contingency</b>	<b>3,519,656,880</b>	=10% of C
<b>E</b>	<b>Income restoration program</b>	<b>677,500,000</b>	See Table 7
<b>Total</b>		<b>39,393,725,680</b>	

## **Annex 1. Questionnaire for household survey and inventory of loss**

**MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT**

**CENTRAL PROJECT OFFICE**

Date of survey : \_\_\_\_ / \_\_ /2015

### **I. SOCIO-ECONOMIC SURVEY**

**1. Name of household head:** .....

**2. Address:**

Village: .....Commune:.....District.....Province.....

**Venerable group:** [   ]

(Female headed HH=1; Ethnic minority =2; Disable =3; Poor HH=4; Social-aid household =5; single elderly HH=6)

**A. General household information**

A1. **Household Composition** (living together OR contribution/ participating in the primary income/expenses of household)

( *circling the order of member* )

No	1.1 Name	1.2 Relationship with household head 0=household head 1=Husband/wife 2=Father/mother 3=Son/daughter 4=Son/daughter In- law 5=Grandchild 6=Nephew/niece 7.Other relationship	1.3 Sex  1=Male 2=Female	1.4 Year of birth	1.5 Nation al group	1.6 Education level (Class)	(Question for people was born from 1990 to 2008) Education situation			1.10 Health Insurance  1 = Yes 2 = No	1.11 <b>Primary occupation</b> 1.Farming 2.Raising livestock 3.Selling goods 4.Worker 5.Government employee 6.Private employee 7.Driver 8.Housewife 9.Retirement 10.Student 11.Hired 12.Others
							1.7  1=going to school>>2.1  2=Leave school >>1.10	1.8 Year of leaving school	1.9 Reasons of leaving school (Choose maximize 2 options) Looking at the table		
1											
2											
3											
4											
5											
6											
7											
8											
9											

Investigator: 1a. The number of generation : ..... 1b. The number of member : .....

Code for column 1.9: 1= economical difficult , 2=Leaving school to working, 3= Far from house to school/difficult travelling , 4 =unwanted studying, 5= academic failure , 6 = Do not study in high level for male , 7= Do not study in high level for female, 8= Others (detail).....

**B. Assets**

**1. House type classification**

- 1. Permanent housing (more than 1 floor/ brick wall, reinforced concrete roof)
- 2. Semi-permanent (Brick wall, brick/ metal roof ...)
- 3. Wood housing, leaf roof (Pole, wood/leaf roof ...)
- 4. Temporary housing (Bamboo houses, cottages, temporary wooden shield ...)
- 5. No house
- 6. Others (apartment buildings) :.....

**2. Does household have residential land use right certificate ?**

- 1. Yes
- 2. No

**3. Water use: Which source of water for daily use household use?(choose one option)**

	<b>Water for drinking</b>	<b>Water for washing</b>
- Safe water with water meter connected	<input type="checkbox"/>	<input type="checkbox"/>
- Public water tank	<input type="checkbox"/>	<input type="checkbox"/>
- Dug well	<input type="checkbox"/>	<input type="checkbox"/>
- River, spring, pond water	<input type="checkbox"/>	<input type="checkbox"/>
- Rain water	<input type="checkbox"/>	<input type="checkbox"/>
- Buying from other	<input type="checkbox"/>	<input type="checkbox"/>
- Other	<input type="checkbox"/>	<input type="checkbox"/>

**4. Sanitation condition? (choose one option)**

- 1. No WC
- 2. Septic toilet/ Semi-septic toilet
- 3. WC with disintegrative basin
- 4. Hole
- 5. WC in the pond, river, spring
- 6. Other:.....

**5. Main sources for lighting?(Choose one option)**

	<b>For living</b>	<b>For production</b>
- Oil lamp	<input type="checkbox"/>	<input type="checkbox"/>
- Gas, oil	<input type="checkbox"/>	<input type="checkbox"/>
- Electricity	<input type="checkbox"/>	<input type="checkbox"/>



- Generator/hydroelectricity
- Other.....

**6. Household amenities and consume**

Name	Yes	No	Name	Yes	No
1. Television			8. Car (except farm vehicles)		
2. Internet			9. Refrigerator		
3. Boat			10. Air condition		
4. Motorbike/ electric bicycle			11. Computer, laptop		
5. Phone			12. Washing machine		
6. Mobile phone			13. Water heater		
7. Gas stove			14. Other,..		

## C- INCOME AND EXPENSES

### 1. Main income source last 12months

No.	Income source	Total income (VND)
1	From agricultural activity (farm, raising livestock, aquaculture, reforestation)	
2	From business running	
3	Handicraft	
4	Salary	
5	Money saving	
6	Money supporting for social policy household	
	<b>Total</b>	

### 2. Household expenditure in last year

No.	Categories	Expenses (VND)
1	Daily activities (meal, drinking, electricity, water)	
2	Built, renovate house	
3	Education	
4	Health care	
5	Money for wedding, funeral	
6	Cost for production activities	
7	Other: _____	
	<b>Total (VND)</b>	

**3. Generally, evaluation the standard of living of HH compare with the others:**

- 1. Good
- 2. Medium
- 3. Straitened
- 4. Poor
- 5. No identify

**4. Have living conditions of HH been changed in last 3 years?**

- 1. Unchanged
- 2. Better
- 3. Worse

**D-ACCESS TO SOCIAL SERVICES**

**5. Evaluation social services compare with in last 3 years?**

No.	Problems	Better	Unchanged	Worse
1	Health care services			
2	Education			
3	Water supply			
4	Irrigation			
5	Infrastructure(bridge, drainage, road)			
6	Disease in agriculture production			
7	Disaster (flood, drought,...)			
8	Agricultural Extension Services			

**1. Other activities in the last month,**

No.	Activities	Often	Sometime	Rarely	Never
1	Reading magazine, book				
2	Watching television				

3	Listening radio				
4	Travelling				
5	Going to pagoda/church				
6	Joining in festival				
7	Other .....				

Note: Everyday watching TV, listening radio, reading magazine, book are considered often; other activities happen every month to be considered often. From this, giving conclusion for other cases)

### E- HEALTH

#### 1. Have had problem related to health during last 12 months in your family?

1. Yes
2. No → Moving to question D10

#### 2. If any, which disease?

1. Flu
2. Respiratory illness
3. Malaria
4. Cholera/ Dysentery
5. Hepatitis
6. Poison
7. Accident
8. Other: .....

#### 3. Where to cure? (choose many options)

- |                      |   |
|----------------------|---|
| 1. Commune station   | 2. Pharmacy                                       |
| 3. Surgery           | 4. Oriental Medicine                              |
| 5. District hospital | 6. Herbal/traditional treatment by local medicine |
| 7. Province Hospital | 8. Other: .....                                   |

9. National Hospital

10. No response

11. Health clinic

**4. Currently, which factors effect on people's health?**

1. Unsafe foods and vegetables
2. Polluted domestic water
3. Salt intrusion
4. Scare domestic water
5. Polluted environment/noise
6. Epidemics

Other:

**F-PRODUCTION ACTIVITIES**

**1. Land use status of household**

<b>Land category/use</b>	<b>Area in project site (m<sup>2</sup>)</b>	<b>Land use Right certificate</b> 1. Yes 2. Not yet	<b>Other places (renting land)(m<sup>2</sup>)</b>	<b>Land use Right certificate</b> 1. Yes 2. Not yet
Residential land				
Garden land				
Paddy-field				
Aquaculture land				
Forestry land				
Industry land (salt, ...)				

**2. Do you have plans for economic activities in next 1 or 2 years?( can choose many options)**

1. Maintaining the production activities
2. Widen the production and business model
3. Narrow down the production and business model
4. Stopping the production and business models
5. Converting the production and business models

6. No idea

**2.b. If having some changes, giving reasons**

.....  
.....  
.....

**3. Do you have plans now of how you will replace the income/food production from the agriculture land and/or business that will be recovered? (choose one OR many options)**

- 1. Continuing the old job
- 2. Restart business in a new location
- 3. Find a job
- 4. No yet decided
- 5. Other (please, describe):.....

**4. Obtained loan?**

- 1. Yes with .....VND
- 2. No                                    =>moving question 10

**5. If productive land is recovered by irrigation project, do you change in obtained loans?**

- 1. Yes        2. No

**6. If any, How to change?**

- 1. Increase   2. Unchanged   3. Reduce        4. No answer

**7. Which organizations did you lend money?**

**8. Form of loans**

- 1. Mortgage                            2. Unsecured loan                            3.Both of them

**9. Purpose of loans ( describe)**

- 1. Agriculture production
- 2. Raising livestock
- 3. Aquaculture
- 4. Reforestation
- 5. Handicraft
- 6. Buying permanent facility
- 8. Investing in small business/services
- 9. Health care
- 10. Education
- 11. Buying productive land
- 12. Buying residential land
- 13. Construction

7. Daily expenses

14. Other (describe):.....

**10. Why have you not lent money for 12 months? (choose 1 option)**

- 1. No demand
- 2. Need capital, but not known loan source
- 3. Need capital, not loan source
- 4. Have demand, but not enough condition (*describe*) .....
- 5. Other reason(*describe*).....

**11. Who can support (financial/spirit)? (choose 3 options)**

<b>Financial</b>	<b>Spirit</b>
1. Parents	1. Parents
2. Sibling	2. Sibling
3. Daughters and sons	3. Daughters and sons
4. Relative	4. Relative
5. Neighbors	5. Neighbors
6. Friends	6. Friends
7. Unions	7. Unions
8. No one	8. No one
9. Other ( <i>describe</i> ): .....	9. Other ( <i>describe</i> ): .....

**12. How do you intend to use the money that you will receive for the compensation of your land?(choose many option)**

1. Buy new land for agriculture production	8. Save in the bank
2. Buy new residential land	9. Repayment
3. Built house	10. Daily expenses
4. Renovate house	11. Buy other type of asset
5. Invest in small business, services, non agriculture	12. Health care
6. Invest in agriculture, reforestation, aquaculture	13. Spend on children's education

7. Join in vocational training ( <i>non agriculture</i> )	14. Distribution for their children and relative 15. Other (describe)...
---	---

**G-PROBLEMS RELATED TO PROJECT**

**1. Salt intrusion into water for agriculture.**

1. Yes, throughout the year
2. Yes, depend on season
3. *No salt intrusion* → *move to G3*

**2. Affected of salt water on:**

	Positive	Negative	Not effect	No idea
1. Change the production season				
2. Effect on agriculture production				
3. Effect on living condition				
4. Effect on people's health				
5. Irrigation fee				
6. Other (describe.....)				

**3. From 2010, Which hazard did you face ?**

	Yes	No
- Natural disaster	1 <input type="checkbox"/>	2 <input type="checkbox"/>
- Epidemic	1 <input type="checkbox"/>	2 <input type="checkbox"/>
- Salt intrusion	1 <input type="checkbox"/>	2 <input type="checkbox"/>
- Polluted environment	1 <input type="checkbox"/>	2 <input type="checkbox"/>
- Loss land	1 <input type="checkbox"/>	2 <input type="checkbox"/>
- Unemployment	1 <input type="checkbox"/>	2 <input type="checkbox"/>
- Other: .....	1 <input type="checkbox"/>	2 <input type="checkbox"/>



**4. G3. Have you known about climate change, sea level rise?**

- 1. Yes
- 2. No
- 3. No idea → *Move to G7*

**5. Which source have you known about climate change, sea level rise ?**

- 1. Internet
- 2. Village loudspeaker
- 3. Community activities
- 4. Neighbor
- 5. Television
- 6. Banner
- 7. Wife/Husband
- 8. Friend
- 9. Magazine
- 10. Leaflets
- 11. Relative
- Other source

**6. Do you know that irrigation project will implement?**

- 1. Yes (*Describe* :.....)
- 2. No *Move question 8*

**7. If any, which source? (Can choose many option and circling)**

- 1. Disseminated village meetings
- 2. Disseminated commune meetings
- 3. Watch TV/Listen radio/Read magazine
- 4. Village loudspeaker`
- 5. Officer and union
- 6. Wife/Husband
- 7. Relative
- 8. Friend/neighbor
- 9. Other (describe):.....

**8. Which positive effects have irrigation work brought?**

	<b>Yes</b>	<b>No</b>
- Prevent salt intrusion,	<input type="checkbox"/>	<input type="checkbox"/>
- Active water for irrigation	<input type="checkbox"/>	<input type="checkbox"/>

- Restoration the ecological environment
- Complete the transport infrastructure in rural area
- Convenience for travelling and goods traffic

**9. Which negative effects, have irrigation brought ?**

- |   | <b>Yes</b>               | <b>No</b>                |
|---|--------------------------|--------------------------|
| - Difficulty for agriculture production | <input type="checkbox"/> | <input type="checkbox"/> |
| - Local polluted environment            | <input type="checkbox"/> | <input type="checkbox"/> |
| - Ecological environment change         | <input type="checkbox"/> | <input type="checkbox"/> |
| - Impeding flood drainage               | <input type="checkbox"/> | <input type="checkbox"/> |
| - Impeding boat travelling              | <input type="checkbox"/> | <input type="checkbox"/> |

*Thanks for your cooperation!*

**II. INVENTORY OF LOSSES**

1. **Name of householder:**

.....

2. **Address:**

Village: .....Commune:.....

District.....Province.....

**1. Land use status of Household (affected land is in the area required for the construction area only)**

Land category/use	Area in and out of the project site) (m <sup>2</sup> )		Level of impact on each plot		Using status	Land legal status	Type of effect
			Affected area (m <sup>2</sup> )	Partially (1) Fully (2)			
1= Residential land 2= Paddy-field 3= Garden land 4= Aquaculture land 5= Forestry land 6= Commercial land 7= other types of land					1=Owner of land 2=Rented land	1=With land use Right certificate (LURC) 2=Without LURC but eligible to LURC 3= Not eligible to LURC 4= Conflict with master plan of Government 5. Lease / Long Term (owned by Gov) 6. Lease (renting from private individual)	1= Permanent 2= Temporary
		In	Out				
Plot1							
Plot2							
Plot3							
Plot4							
Plot5							
<b>Total</b>							



**2. Houses**

House type classification		Legal status	Level of impact on the building		Note
1. Villa	Floor Area (m <sup>2</sup> )	1. Have ownership Certificate 2. Have no legal ownership Certificate 3. Built on agricultural land 4. Rent from the house owner	Floor area to be affected (m2)	(Partially affected =1; Fully affected =2)	(pls take note if the HH run business at home, excepting item 7)
2. Class 1					
3. Class 2					
4. Class 3					
5. Class 4					
6. Temporary house					
7. Independent shop					

**Note:** The number of affected houses could be more than one, record for all affected houses with the above required information

**3. Information about the house out of the project affected sites (if any)**

- Number of house(s):[ ]

- Area of house(s) outside of the project area(m<sup>2</sup>): ..... m<sup>2</sup>

**4. Other structures on the affected land and living facilities**

(Other structures outside the houses listed above, living facilities are out and in house)

Structure	Kind of construction work(Under line the kind of work respectively)	Unit	Quantity	Note

1. Kitchen	1. Temporary house 2. Category 4	m <sup>2</sup>		
2. Breeding facilities	1. Temporary house 2. Category 4	m <sup>2</sup>		
3. Electric meter				
4. Water meter and estimate about the length of connection pipe				
5. Telephone				
6. Fence	1. Brick 2. Barbed wire or wood	M		
7. Gate	1. Metal sheet 2. Iron grill 2.	m <sup>2</sup>		
8. Toilet room./Bathroom(separate from house)	1. Brick, concrete 2. Bamboos, leaves	m <sup>2</sup>		
9. Soil grave a) In Cemetery b) Stand alone		Grave		
10. Grave (by brick, cement)		Grave		
11. Well	1. Drilled 2. Dug	M		
12. Water tank	1. Brick/ Concrete 2. Inox 3. Plastic	m <sup>3</sup>		
13. Yard (list only the yard built of cement and brick)		m <sup>2</sup>		
14. Fish pond		m <sup>3</sup>		
15. Others (Specify clearly the name of assets and affected rate for compensation calculation)				

##### 5. Affected trees, crops

(Only inventory number of affected trees, crops)

<b>Tree or farm production group</b>	<b>Year</b>	<b>Unit</b>	<b>Quantity</b>	<b>Note</b>
<b>a) Fruit trees (main trees)</b>		<b>Tree</b>		
1)				
2)				
3)				
4)				
5)				
<b>b) Timber trees (main trees)</b>		<b>Tree</b>		
1)				
2)				
3)				
4)				
5)				
<b>c) Pot plants (main trees)</b>		<b>Tree</b>		
1)				
2)				
3)				
4)				
5)				
<b>d) Annual crops (main trees)</b>		<b>m<sup>2</sup></b>		
1) Maize				
2) Potato				



Tree or farm production group	Year	Unit	Quantity	Note
3) Peanut				
4) Bean				
5) Rice				
e) Aquaculture		m <sup>2</sup>		

### C. QUESTIONS FOR CONSULTATION

#### 6. Which type of affected?

- a. affected on agricultural and productive land *Move Q7*
- b. affected on residential land *Move Q8*
- c. Both of them *Move Q7*

#### 7. If your agricultural or other productive land is affected, what are your preferences for compensation?

- a) Replacement land (if available in the commune) of same category and equal area and/or productivity
- b) Cash compensation
- c) Not yet decided

#### 8. Do you have sufficient remaining residential outside of the project affected site to rebuild your affected house/structures?

- i. Yes
- b) No

#### 9. If resettlement, what are your preferences for relocation?

- a) I want to relocate myself to other land that I own
- b) I want to relocate myself to new land that I choose
- c) I want to relocate to a group resettlement site to be provided by the project if offered
- d) I want to relocate to an individual resettlement site allocated by the commune
- e) Not yet decided

**10. How do you intend to use the money that you will receive for the compensation of your land?**

- a) Build or renovate house
- b) Buy new land
- c) Buy other type of asset(Describe asset\_\_\_\_\_)
- d) Invest in small business
- e) Save in the Bank
- f) Spend on children's education
- g) Other (Describe\_\_\_\_\_)

**11. How to affected of land acquisition on household's economic ?**

- a) Loss of agriculture land
- b) Stop trade/business/services
- c) Both of them

**12. Do you have plans now of how you will replace the income/food production from the agriculture land and/or business that will be recovered?**

- a) Buy new land for agriculture production
- b) Restart business in a new location
- c) Trade
- d) Small store
- e) Craft-making
- f) Find a job
- g) Other Describe \_\_\_\_\_

**13. Which proposes to local government related to the affected of the project on the family?**

- a) Be informed and consulted about the project, the effects and benefits of stakeholders
- b) Provide vocational training, introduce job due reduce productive land
- c) Training, technical improvements, agricultural extension, fishery extension
- d) Supported loans
- e) Other: .....

**14. Is it necessary to construct work in local ?**

.....  
.....

**15. Level of favor of work construction in local**

.....  
.....  
.....

**16. Problems should be noted to ensure safe, increase effective investment during construction time?**

.....  
.....  
.....  
.....  
.....

## Annex 2. Detailed Costs Estimates

### Table 13. Cost of land compensation

Land type	Unit	Quantity	Unit price (VND)	Amount (VND)
<b>An Minh</b>				
Residential land	m2	17,590	340,000	5,980,600,000
Agriculture land	m2	2,300	26,000	59,800,000
Garden land	m2	61,000	28,000	1,708,000,000
Aquaculture land	m2	280	24,000	6,720,000
Forest land	m2	1,200	15,000	18,000,000
<b>An Bien</b>				
Residential land	m2	16,710	400,000	6,684,000,000
Garden land	m2	2,960	30,000	88,800,000
Aquaculture land	m2	30,200	24,000	724,800,000
<b>Total</b>		132,240		<b>15,270,720,000</b>

Note: refer Decision No. 35/2014/QĐ-UBND dated December 22, 2014 of Kien Giang PPC on issuing price of lands in Kien Giang province from 2015 to 2019.

### Table 14. Cost of house compensation

House type	Unit	Quantity	Unit price (VND)	Amount (VND)
<b>An Bien</b>				
Grade 4 house with iron roof	m2	2,840	2,300,000	6,532,000,000
<b>An Minh</b>				
Grade 4 house with iron roof	m2	4,042	2,300,000	9,296,600,000
<b>Total</b>		6,882		<b>15,828,600,000</b>

Note: refer Decision No. 35/2012/QĐ-UBND dated November 30, 2012 of Kien Giang PPC on issuing unit price of houses and structures.

**Table 15. Cost of structure compensation**

<b>Structure type</b>	<b>Unit</b>	<b>Quantity</b>	<b>Unit price (VND)</b>	<b>Amount (VND)</b>
<b>An Bien</b>				
Cook house				
<i>Temporary</i>	m2	198	630,000	124,740,000
<i>Grade 4</i>	m2	102	2,200,000	224,400,000
Cage				
<i>Temporary</i>	m2	72	200,000	14,400,000
<i>Grade 4</i>	m2	260	372,000	96,720,000
Electric meter	set	20	600,000	12,000,000
Water meter	set	2	600,000	1,200,000
Fence				
<i>Brick fence</i>	m2	32	1,000,000	32,000,000
<i>Wood fence</i>	m2	52	95,000	4,940,000
Gate				
<i>Brick gate</i>	m2	60	1,000,000	60,000,000
<i>Steel gate</i>	m2	20	300,000	6,000,000
<i>Wood gate</i>	m2	100	150,000	15,000,000
Toilet				
<i>Brick</i>	m2	46	4,500,000	207,000,000
<i>Wood</i>	m2	6	500,000	3,000,000
Borehole	set	14	3,880,000	54,320,000
Tank				
<i>Brick</i>	m3	4	1,200,000	4,800,000
<i>Plastic</i>	m3	14	500,000	7,000,000
Cement yard	m2	360	800,000	288,000,000
Fish pond	m3	12,000	27,000	324,000,000
<b>An Minh</b>				
Cook house				
<i>Temporary</i>	m2	120	630,000	75,600,000
Cage				
<i>Temporary</i>	m2	330	200,000	66,000,000
Electric meter	set	12	600,000	7,200,000
Water meter	set	2	600,000	1,200,000
Fence				
<i>Brick fence</i>	m2	100	1,000,000	100,000,000
<i>Wood fence</i>	m2	160	95,000	15,200,000
Gate				
<i>Wood gate</i>	m2	12	150,000	1,800,000
Toilet				
<i>Brick</i>	m2	20	4,500,000	90,000,000
<i>Wood</i>	m2	22	500,000	11,000,000
Borehole	set	8	3,880,000	31,040,000
Tank				
<i>Brick</i>	m3	4	1,200,000	4,800,000
Cement yard	m2	120	800,000	96,000,000
<b>Total</b>				<b>1,979,360,000</b>

Note: refer Decision No. 35/2012/QĐ-UBND dated November 30, 2012 of Kien Giang PPC on issuing unit price of houses and structures.

**Table 16. Cost of crops and trees compensation**

Crops and trees	Unit	Quantity	Unit price (VND)	Amount (VND)
<b>An Bien</b>				
Coconut	Tree	490	450,000	220,500,000
Tamarind	Tree	22	700,000	15,400,000
Ambarella	Tree	2	420,000	840,000
Banana	Tree	34	30,000	1,020,000
Eucalyptus	Tree	300	30,000	9,000,000
Mangrove	Tree	12,000	12,000	144,000,000
Ornament	Tree	200	20,000	4,000,000
Ochnaceae	Tree	200	50,000	10,000,000
Vegetables	m2	100	5,000	500,000
<b>An Minh</b>				
Custard-apple	Tree	80	280,000	22,400,000
Jack fruit	Tree	40	420,000	16,800,000
Mango	Tree	60	700,000	42,000,000
Tamarind	Tree	40	700,000	28,000,000
Guava	Tree	12	100,000	1,200,000
Lemon	Tree	12	250,000	3,000,000
Coconut	Tree	236	450,000	106,200,000
Malabar almond	Tree	20	60,000	1,200,000
Ochnaceae	Tree	14	50,000	700,000
Pumpkin	m2	3,000	5,000	15,000,000
<b>Total</b>				<b>641,760,000</b>

Note: refer Decision No. 31/2008/QD-UBND dated October 20, 2008 of Kien Giang PPC on issuing unit price of crops and trees.

**Table 17. Cost of assistance**

	Unit	Quantity	Unit price (VND)	Amount (VND)
<b>Assistance</b>				
Assistance for severely affected household due to physical displacement	HH	58	4,000,000	232,000,000
Social assistance for vulnerable households	HH	9	10,000,000	90,000,000
Vocational conversion assistance	HH	58	5,000,000	290,000,000
House displacement support	HH	58	3,000,000	174,000,000
<b>Total</b>				<b>786,000,000</b>

Note: refer Decision No. 22/2015/QD-UBND dated June, 17 2015 of Kien Giang PPC promulgated regulation for compensation, assistance and resettlement for land acquisition in Kien Giang province.

**Annex 3. Summary of Public Consultation at commune level**

No.	Date	Location	No. of Participants	Consultation results
1	26/10/2015	Van Khanh CPC	10	<ul style="list-style-type: none"> <li>- Mr. Pham Hoai Thanh: Commune Land Officials</li> <li>- Mr. Đang Van Bich: Vice President of CPC</li> <li>- Affected HHs’ representatives</li> <li>- Content: Hope for the project to be implemented soon, once the sluice is invested to build here, people can proactively take salt water for raising shrimp at the same time, the sluice helps to prevent saline as well as keep fresh water for people to do 2 crops easily</li> <li>- Currently, the saline intrusion is pretty urgent in the local, people find it hard to do 2 crops stably.</li> <li>- The project has many positive impacts on improving local’s social-economic development, linking transportation.</li> <li>- Some are affected on houses, however, they all agree to compensation support policies given in the project.</li> </ul>
2	27/10/2015	Tan Thanh CPC	12	<ul style="list-style-type: none"> <li>- Mr. Ho Ly Kha: Vice President of CPC</li> <li>- Mr. Ly Kha: Vice President of CPC</li> <li>- Affected HHs’ representatives</li> <li>- Content: The project helps the local to develop freshwater fish raising like before, but recently, neither fish breeding nor growing rice due to the saline intrusion. If they did, it could help to develop rice production and freshwater fish breeding increasing people’s income.</li> <li>- Recently, the climate change changes production, sea water rising causes deep saline intrusion that hinders production, so instead</li> </ul>

No.	Date	Location	No. of Participants	Consultation results
				<p>of doing 1 shrimp season and growing 1 crop as before, they had been able to produce rice in recent years.</p> <ul style="list-style-type: none"> <li>- Besides appropriate compensation for people, the project also creates opportunities for affected people and Ethnic Minority HHs to be employed, creates training classes about career development to create jobs for the young EM.</li> <li>- Building sluices is necessary to help people develop agricultural development, proactively regulate water sources in agriculture. Facilitating structural career changes to better suit the recent climate change.</li> </ul>
3	28/10/2015	Nam Thai CPC	11	<ul style="list-style-type: none"> <li>- Mr. Nguyen Van Mang: commune Land Officials</li> <li>- Mr. Do Van Do: Head of Hamlet Sau Bien</li> <li>- CPC's Representatives</li> <li>- Affected HHs' Representatives</li> <li>- Content: There are 267 Khmer HHs in the commune, EM people live harmoniously with locals, they still maintain their own traditional festivals and customs.</li> <li>- EM people mainly work as hired labors and collect crabs and snails, thus, their income is unstable and underemployment is normal.</li> <li>- People live in temporary houses, so they need help to stabilize their lives.</li> <li>- Most of EM people living on land belonging to the defense dike are poor HHs having neither residential nor production land, besides, their education level is also very low partly because of transportation difficulties, so children seldom go to school.</li> </ul>





Photos of field survey



Household survey



Household survey



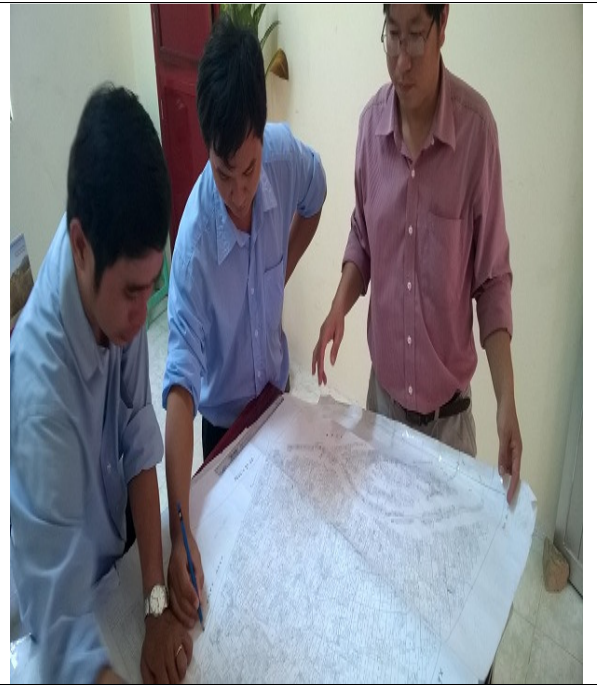
Household survey



Livelihoods of affected people



Field survey



Determine scope of impacts