

Due Diligence report for Can Tho City River Embankment Project

Appendix 11. Due Diligence report for Can Tho City River Embankment Project

I. OVERVIEW

1.1 Project description

There is an on-going compensation and resettlement activities for the Government funded Can Tho river embankment project (hereafter called the Project) in Ninh Kieu district, the civil work of which will be included in the proposed CTUDR.

The Project includes two sections (i) from Ninh Kieu harbor to Cai Son bridge of Ninh Kieu district and (ii) from Quang Trung Bridge to Cai Rang bridge of Cai Rang district. The Project that has a total length of 10, 271 m at both sides of can tho river, passes through 5 wards of An Binh, Hung Loi, Xuan Khanh, An Lac and Tan An, of which:

- Embankment on the left side is 5,490 m long starting at the existing embankment located at no 2 guesthouse near Ninh Kieu Park and ending at the foot of Cai Son Bridge on Cai Son canal. The width of site clearance is 15m from the edge of embankment.
- Embankment on the right side has a total length of 4,781m starting from Quang Trung bridge to Cai Rang bridge of Cai rang district. Its starting point is at the existing embankment work that is about 76m from Quang Trung bridge to the upstream and ending at the edge of old Cai Rang bridge to the downstream. The width of site clearance is 15m from the edge of embankment to the terrestrial land.

Project owner: Can Tho city construction investment project management Unit.

Executive agency: Can Tho City people' committee

Duration: 2008 to 2010

Fund: State budget

1.2 Scope of work

Strengthening and construction of river embankments, on the left side of Can Tho River are under the Can Tho Urban development and Resilience project (CTURDP) funded by WB. Clearance already took place since 2008 in some sections of the River's banks where civil work will be included in the proposed CTUDR. Therefore the resettlement policy which applied for the sections already cleared have to meet the objectives of the WB policy on involuntary resettlement OP4.12. To assess if clearance was conducted in compliance with WB principles, a due diligence report was prepared for this Project.

The Due Diligence Report covers the scope of impacts and related issues caused by the activities of compensation and site clearance on the left banks of the Can Tho River, located in Ninh Kieu district.

Construction on the Can Tho River's embankment on the left side was divided into three sections.

- **Section 1:** Downstream of Can Tho River, starting from the foot of Cai Son Bridge and ending at Dau Sau canal has 908bm long.

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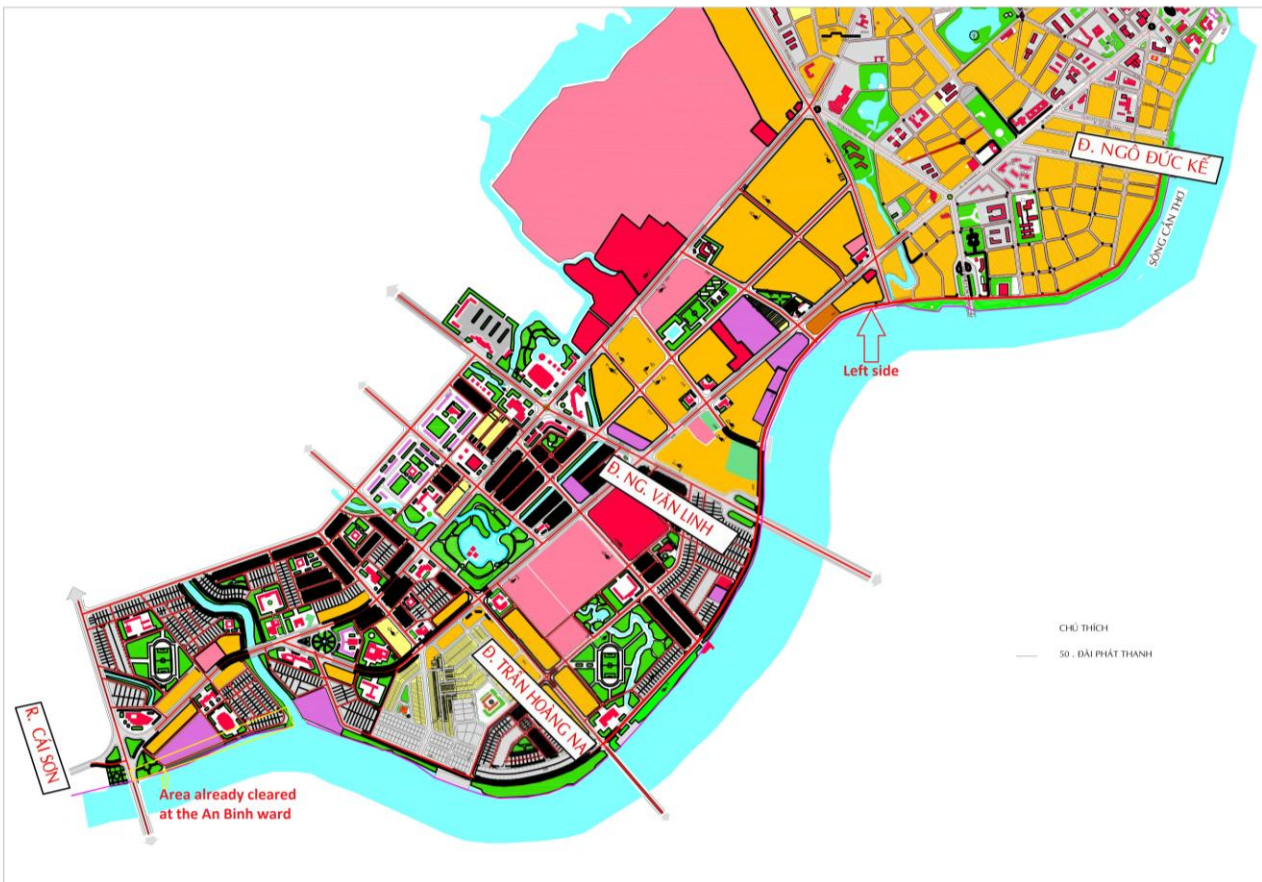
- **Section 2:** Upstream of Dau Sau canal at the beginning point located at the embankment of Dau Sau food processing factory and ending point is at the embankment of water pumping station of Can Tho city military headquarter has its length of 3,092m;
- **Section 3:** Upstream of Can Tho river going along the river bank in parallel with Hai Ba Trung and Nguyen Thi Minh Khai roads. Its starting point is the work connecting to the embankment of Can Tho military headquarter and its ending point is the protective embankment of Guesthouse No 2. The total length is 1,490m.

Planned construction works are the following:

- Constructing sidewalk combined with landscaping along the embankment to create a recreation area for residents and attractive landscapes along Can Tho River.
- Lighting system:
- Drainage system behind the embankment;
- Water sprinkling system for trees and park
- A staircase system to reach the top of the embankment;

The layout of site clearance of Can Tho Embankment project is presented in Figure 1.

Figure 1. Overall layout of site clearance of Can Tho Embankment Project



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II. OBJECTIVES AND DUTIES OF CONSULTING SERVICE

2.1 Objectives

The main objective of the due diligence review is to assess if the resettlement activities conducted under the City-funded Project along the left banks of the Can Tho River comply with the WB OP4.12. In particular the due diligence review will assess if affected people were able to restore or improve their livelihood as before the project. In case of non-compliance, correctives actions are proposed.

2.2 Activities Conducted

The Consultant worked closely with the PMU, the local authorities of the project districts, including district Compensation and Land Clearance Committees (DCLCCs), ward People Committees (WPCs), conduct site visits, meetings, discussion and interviews with project affected people (PAPs), and relevant project stakeholders to review the status of land acquisition, compensation payment and involuntary resettlement activities conducted in the Can Tho river embankment project.

The consultant undertook the following tasks to conduct the due diligence:

- Review OP 4.12, the government's and the project's involuntary resettlement policy – Review the project's legal framework
- Collect available information, reports and documents related to the project's involuntary resettlement implementation including linked activities
- Meet, discuss and interview the PMU, involuntary resettlement implementing agencies, other concerned stakeholders to obtain information and understand the project involuntary resettlement process, its implementation status, results, successes and issues.
- Conduct site visits, stakeholders discussion and consultation, including focus group discussions, interviews of PAPs with sensitivity to the local context.
- Review and analyze all aspects of compensation, implementation and grievance redress mechanisms;
- Conduct in-depth analysis of outstanding cases of the project to propose appropriate measures, in consultation with PMU and local authorities to resolve them in a satisfactory manner.
- Analyze compliance with the government policy and consistency of the project involuntary resettlement outcomes with Bank's policy objectives
- Develop action plan with recommendations in consultation with PMU
- Prepare Due Diligence Report

The following tasks were conducted as part of the due diligence review :

Review in order to assess if:

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- Disclosure of resettlement information was appropriately done.
- Consultation was appropriately carried out with affected households.
- Compensation (for Land, Structures and other assets) were made at market price as regulated by the GoV's legal framework, in a timely and appropriate manner, and provide comparison with the requirement of Bank policy of provide compensation at full replacement cost for loss of assets.
- All assets have been compensated (i.e. especially structures built on non-residential land (agriculture or other type of land));
- Those losing residences or businesses were provided with appropriate and timely support for their relocation – either to government-built involuntary resettlement area, or relocate on their own but with appropriate compensation/assistance and support;
- Poor and vulnerable HH received specific assistance or support;
- The overall compensation/support was done in a way that allowed affected households to restore their livelihoods to the pre-project level.
- A Grievance Redress Mechanism (GRM) was in place to resolve complaints/address the concerned of affected households, and this GRM is effective and useful.
- Households who were severely affected (losing income sources or have to resettle) have restored their standard of living to the pre-project level. Special attention is paid to vulnerable people/groups

On the basis of the findings:

- Where gaps exist (between the Government's entitlements and what affected household actually received), and if any affected households found not being able to restore or improve the livelihood, recommend how these gaps/issues could be addressed, by whom, and when to ensure the affected households fully restore their livelihood to the pre-project level.
- Finally, by assessing the above criteria, confirm if the compensation/ involuntary resettlement done by the city are consistent with the requirement of Bank's OP 4.12 (full restoration of the lost assets and livelihood).

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III. METHOD OF DUE DILIGENCE

3.1 Approach and methodology

The following methods have been applied by consultant to collect information, analysis and establishment of due diligent report:

- a. Reviewed results of DMS and compensation plan, decisions of CT-CPC and minute meetings of public consultation to assess: (a) to which extent of negative impacts on PAHs in both physical displacement and livelihood, which is reflected in the documents of DMSs mentioned above; (b). Quality of DMSs, preparation and (c) application compensation policy to PAHs
- b. Reviewed the applied compensation unit rates.
- c. Interviewed the PAHs (individuals, Focused group discussion, and meeting) on process, awareness and satisfaction of PAHs in the implementation of compensation plan.
- d. Interviewed local authorities, local communities, and related stakeholders to determine the awareness and participation of PAHs in the process of preparation and implementation of RP.
- e. Conducted separate meetings with female headed households with dependents and disadvantaged economy and other vulnerable HHs.
- f. Conducted in-depth interview with local staff and related agencies to appraise the implementation of the IRP if it is applicable.

3.2 Implementation plan

The Consultant conducted the following activities:

- Work with the PMU to collect the information and documents in need;
- Work with the Compensation, Support and Resettlement Committee of Ninh Kieu district to collect information related to the implementation of land acquisition and resettlement in the district;
- Work with the People's Committees of the affected wards to collect feedback on the implementation of the compensation and site clearance as well as claims of affected households;
- Conduct consultations and interviews with affected households in the wards on the compensation and site clearance.
- The Consultant interviewed 100% of displaced households (175 HHs), and 45 other affected households accounting for 11% of all other affected households.

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IV. STATUS OF LAND ACQUISITION AND COMPENSATION

4.1 Scale of land acquisition and Detail measurement survey

Can Tho Embankment construction project (at section (i) from Ninh Kieu harbor to Cai Son bridge of Ninh Kieu district and section (ii) from Quang Trung Bridge to Cai Rang bridge of Cai Rang district) was approved by CT-CPC under Decision No. 2605/QĐ-UBND dated 15 November, 2007.

The project intended to acquire land of 5 wards: An Binh, Hung Loi, Xuân Khánh, An Lạc and Tân An of Ninh Kieu district.

The AHs' DMS started on 15 July, 2010 and so far DMS was completed for 579/580; 01 AH refused DMS as he didn't agree with his land to be acquired. Currently, the city's land fund development center has been collaborating with the related line agencies and mass organizations to discuss with him to authorize DMS for his land. 524 compensation plans were submitted to Can Tho City PC for approval and 522 already approved; 55 compensation plans are under preparation.

Table 1. Status of DMS

No	Ward	Total of PAHs	DMS completed	Not yet DMS	Submission for approval	Total approved
1	An Bình	115	115	0	114	113
2	Hung Lợi	204	203	1	197	196
3	Xuân Khánh	61	61	0	54	54
4	An Lạc	95	95	0	87	87
5	Tân An	105	105	0	72	72
Total		580	579	1	524	522

The total number of PAPs is 580, of which 441 PAPs have their land affected; the remaining 139 PAPs are landless and have house encroaching beyond canals, river, or on their relative lands, or on land rented from state. Types of impacts on land are presented in Table 2.

Table 2. Category of PAPs

No	Ward	Total of PAHs	Landless PAHs			PAHs have land affected
			Houses on canals	Houses on their relative land	Rented houses from state	
1	An Bình	115	11	4	3	97
2	Hung Lợi	204	11	10	15	168
3	Xuân Khánh	61	3	5	0	53
4	An Lạc	95	19	4	8	64
5	Tân An	105	38	0	8	59
Total		580	82	23	34	441

Among the 580 PAPs there are 175 PAPs who had to relocate, 72 PAPs are entitled to resettlement plot in a Serviced Resettlement Site (RS). The remaining 103 PAPs will be allocated a minimum

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plot of land in the resettlement site as they have no rights or claims on land. 173 out of 175 RHs received their land plots in the resettlement site through a lottery process (52 households in An Binh Ward relocated to resettlement site to build house). The remaining 2 RHs have didn't yet receive their land plots because they are currently too busy to undertake the plot allocation process (they received compensation and had no complaint).

Distance from the former residence of the households to new housing in the resettlement site is about 5 - 6km. The infrastructures at the resettlement site include: access roads, electrical systems, and lighting, water supply and sewerage systems. The status of relocated HHs are presented in Table 3.

Table 1. Status of Relocated PAPs

No	Ward	No. of PAHs	Relocated PAHs			Plots already allocated
			Total	Eligible for resettlement in resettlement site	Considered to be allocated a minimum and plot in resettlement site	
1	An Bình	115	52	29	23	51
2	Hung Lợi	204	25	8	17	25
3	Xuân Khánh	61	20	16	4	20
4	An Lạc	95	31	6	25	31
5	Tân An	105	47	13	34	46
Total		580	175	72	103	173

Total land area acquired by the project is 42,290m² of which agricultural land area is 34,605m² accounting for 81,8% and residential land area is 7,684 m² (18,2%). Most of the land acquired (25,998m², 61.5%) is located in Hung Lợi ward, (residential land area: 1,016m² and agriculture land 24,983m²). Impacts on land are presented in Table 4.

Table 2. Type of land affected

No	Ward	Total of PAHs	Affected land (m ²)		Total affected land
			Residential land	Agricultural land	
1	An Bình	115	2,977	3,874	6,851
2	Hung Lợi	204	1,016	24,983	25,998
3	Xuân Khánh	61	1,586	1,692	3,278
4	An Lạc	95	851	2,752	3,603
5	Tân An	105	1,254	1,305	2,559
Total		580	7,684	34,605	42,290

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4.2 Consultation and disclosure

The compensation and site clearance process of Can Tho River embankment project complied with decision 25/2012/QĐ-UBND dated 3 October 2012 and Decision 12/2010/ QĐ-UBND dated 02 April 2010 of CT-CPC about implementation process of compensation, support and resettlement when land recovered by Government. Accordingly, the public consultation was conducted several times in the following process:

- After the CT-CPC issued a decision of planning land for the Can Tho River embankment project, the agency which implements compensation and site clearance (i.e. the Land Fund Development Center (LFDC)) conducted consultation with affected HH to disclose the information on the land acquisition plan. The content of consultation covers: i) the reason of land recovery ii) area and location of acquired land based on the exist cadastral maps or approved detailed construction plan and relocation plan, and ii) DMS process. Many forms of land acquisition announcement has been made such as through the local mass media and posted at Ward People's Committee (WPC) and public places where the land has to be recovered.
- LFDC collaborated with the relevant functional agencies, WPCs where land is located to inform HH on General plan on compensation, support and resettlement to the affected organizations, households and individuals and collect opinions from AHs as a basis for adjusting the overall compensation plan to be suitable for approval.
- After the project was approved including the Overall plan on compensation, support and resettlement in October 2010, LFDC coordinated with relevant local agencies, WPCs in the project areas. Investors announced investment projects and overall plan on compensation, support and resettlement; posted on WPC and other public places where land acquired.
- After the AHs' DMS was completed (it was conducted intermittently since October 18, 2010 until now), a copy of the DMS record was sent to the AHs to check. In case of inadequacy of assets not yet surveyed, the AHs can ask for additional checking. LFDC started to make detailed compensation plan for each AHs, draft detailed plans on compensation, support and resettlement of AH, and its results were publicly posted at WPC and residential places for further opinions. At the same time, the result of DMS was sent to affected organization, or individuals the compensation, support unit rate to check, compare and collect opinions directly on compensation unit rate and send back to LFDC to check (if necessary). Period of posting and reviewing public comments was at least twenty (20) days from the date starting posting. The posting and end of posting the DMS was recorded in writing, under the certification of representatives of WPC. Compensation plan was then adjusted, finalized and submitted for approval.
- LFDC coordinated with affected WPC and Investor to conduct information discrimination and post publicly the approval decision on compensation, support and resettlement in detail at the headquarter of WPC and the residential places. At the same time, the decisions on compensation, support and resettlement was sent to AHs who have land acquisition,

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including unit rates of compensation, support, arrange houses or resettlement land (if possible), time and place of compensation, support and time for handing over land acquired to LFDC. The dissemination meetings were recorded in writing under the witness of the local government.

Summary information on consultations and information disclosure are presented in Table 5.

Table 5. Consultation and information disclosure

No	Time	Locations	Contents of disclosure
1	07/1/2008	Tan An WPC (area III)	Implement Decision No.2605/QD-UBND dated 15/11/2007 of CT-CPC on approving investment projects construction of Can Tho River embankments.
2	11/1/2008	Hung Loi WPC (area II)	Implement Decision No. 2605 / QD-UBND dated 15/11/2007 of CT-CPC on approving investment projects construction of Can Tho river embankments
3	15/1/2008	An Lac WPC (area V and VI)	Implement Decision No. 2605 / QD-UBND dated 15/11/2007 of CT-CPC on approving investment projects construction of Can Tho river embankments
4	17/1/2008	An Binh WPC (area I and III)	Implement Decision No. 2605 / QD-UBND dated 15/11/2007 of CT-CPC on approving investment projects construction of Can Tho river embankments
5	17/1/2008	An Lac WPC (area III and IV)	Implement Decision No. 2605 / QD-UBND dated 15/11/2007 of CT-CPC on approving investment projects construction of Can Tho river embankments
6	18/1/2008	(Khu vực I) Xuan Khanh WPC (area I)	Implement Decision No. 2605 / QD-UBND dated 15/11/2007 of CT-CPC on approving investment projects construction of Can Tho river embankments
7	26/2/2008	Hung Loi WPC (area I, II and III)	Implement Decision No. 2605 / QD-UBND dated 15/11/2007 of CT-CPC on approving investment projects construction of Can Tho river embankments
8	27/2/2008	Xuan Khanh WPC (area III)	Implement Decision No. 2605 / QD-UBND dated 15/11/2007 of CT-CPC on approving investment projects construction of Can Tho river embankments
9	28/2/2008	Hung Loi WPC (area II)	Implement Decision No. 2605 / QD-UBND dated 15/11/2007 of CT-CPC on approving investment projects construction of Can Tho river embankments
10	28/9/2010	Hung Loi WPC (area II)	Announced compensation unit rate at affected areas based on Decision No. 12 / QD-UBND 04/02/2010 and the Decision No. 68 / QD-UBND dated 29/12/2009 of CT-CPC
11	29/9/2010	Hung Loi WPC (area I)	LFDC conducted meeting to inform the AHs as follows: <ul style="list-style-type: none"> - All issues on DMS of AHs would be checked and re- checked by the functioning staff to match the actual situation of AHs. - For enterprises, production and business establishments have registered, when they are affected will be supported as decided. - About resettlement: project compensation council based on legal situation of AHs to consider resettlement or allow buying land

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No	Time	Locations	Contents of disclosure
			plots for resettlement. - Announced site clearance delineation of Can Tho River embankment - Announced the land and structure compensation unit rates on Can Tho website.
12	18/10/2010	Xuan Khanh WPC (area I, III and IV)	LFDC conducted meeting to inform the AHs the content as follows: - Posted Notice No. 262 / TB-UBND dated 05/8/2010 of Ninh Kieu District People's Committee the land acquisition Can Tho River embankments project and Official Letter No. 4208/UB-KT dated 11/09/2010 of CT-CPC to approve the overall plan for compensation, support and resettlement of Can Tho River embankment in the area Ninh Kieu district. - All issues on DMS of AHs would be checked and re- checked by the functioning staff to match the actual situation of AHs. - For enterprises, production and business establishments have registered, when they are affected will be supported as decided. - About resettlement: project compensation council based on legal situation of AHs to consider resettlement or allow buying land plots for resettlement. - Announced site clearance delineation of Can Tho River embankment - Announced the land unit rate and compensation unit rate of house construction on Can Tho electronic newspaper for people to access.
13	22/10/2010	An Binh WPC (area I and III)	
14	26/10/2010	Tan An WPC (area III)	
15	31/10/2010	An Lac WPC (area III and IV)	
16	28/10/2012	Xuan Khanh WPC	Posted publicly compensation, support and resettlement plan of project at WPC for AHs contribute opinions. Public the list of HHs were relocated into Thoi Nhut resettlement area (phase 2).
17	25/9/2012	Hung Loi WPC	Announced compensation unit rate in affected areas based on Decision No. 12/QD - UBND 04/02/2010 and the Decision No. 68/QD - UBND dated 29/12/2009 of CT-CPC.

Consultation and disclosure was conducted in compliance with the provisions of the Government of Vietnam and World Bank's requirements.

4.3 Approved compensation plan and payment

Compensation plans were prepared for 524 out of 580 AHs and 55 are under preparation. 522 compensation plan were approved among the 524 AHs; regarding the 2 remaining HHs, their compensation plan is under review. 39 approval decisions on the compensation plans have been issued for AHs with a total cost of compensation, support and compensation and cost for setting up compensation plan is **126,262,983,273 VNĐ**. Decisions from Can Tho City PC regarding approval of compensation plans for AHs are presented in Table 6.

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Table 6. Compensation plans approval decision

No	Approval decision		Content	Amount (VNĐ)			
	No.	Date		Compensation assistance	Bonus (5%)	Temporary resettlement	Total
1	2	3	4	5	6	7	8
	Total approval compensation funds			124,788,036,898	1,273,946,375	201,000,000	126,262,983,273
1	An Binh Ward			17,550,198,541	311,521,265	201,000,000	18,062,719,806
1	5204/QĐ-UBND	17/6/2011	Approval detail plan on compensation assistance and resettlement (phase 1) section at An Binh Ward, Ninh Kieu District, Can Tho city	2,459,551,658	36,247,638		2,495,799,296
2	5275/QĐ-UBND	24/6/2011	Approval detail plan on compensation assistance and resettlement (phase 2) part An Binh Ward, Ninh Kieu District, Can tho city	4,661,907,672	108,493,917		4,770,401,589
3	232/QĐ-UBND	16/1/2012	Approval detail plan on compensation assistance and resettlement of Can Tho River embankment project in An Binh Ward, Ninh Kieu District, CTC.	2,720,959,945	71,493,520		2,792,453,465
4	5269/QĐ-UBND	24/9/2012	Approval detail plan on compensation assistance and resettlement of Can Tho River embankment project in An Binh Ward, Ninh Kieu District, CTC (Additional disparity compensation, support value between QD 12/2010/QD-UBND dated 04/02/2010 and the Decision No. 15/2011 / QD-UBND of the Committee dated 06/5/2011 CT	1,629,095,844	28,550,574		1,657,646,418
5	8243/QĐ-UBND	20/12/2012	Approval additional fund disparity compensation, support value between Decision No.12/2010/QD-UBND 04/02/2010 and the Decision No. 15/2011/QD-UBND of the Can Tho City PC dated 06/5/2011 for 04 affected households from Can Tho river embankments project in An Binh ward, Ninh Kieu District, Can Tho City	59,922,314	1,232,831		61,155,145

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No	Approval decision		Content	Amount (VND)			
	No.	Date		Compensation assistance	Bonus (5%)	Temporary resettlement	Total
			Canceled compensation assistance of 04 AHs in Decision No. 5269 dated 24/9/2012	(81,153,272)	(1,713,474)		(82,866,746)
6	1448/QĐ-UBND	19/3/2013	Approved assistance amount for temporary rent apartment (phase 1 for 09 AHs) for AHs eligible for resettlement and are revolved to buy a land plot in the resettlement site of Can Tho River embankment project in Ninh Kieu District, Can Tho City			201,000,000	201,000,000
7	3501/QĐ-UBND	21/6/2013	Approved additional compensation, support and resettlement fund for 02 AHs from Can Tho River embankment in An Binh Ward, Ninh Kieu District, Can Tho City	675,856,600			675,856,600
8	5185/QĐ-UBND	14/10/2013	Approved additional compensation, support fund for Đỗ Phi Hùng AHs from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City	64,318,900			64,318,900
9	46/QĐ-UBND	06/01/2014	Approved land compensation, support budget for Đỗ Phi Hùng AH from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City	64,318,900			64,318,900
			Canceled compensation in Decision 5185	(64,318,900)			(64,318,900)
			Canceled land compensation in Decision 5204	(96,252,900)			(96,252,900)
10	1240/QĐ-UBND	19/3/2014	Approved detail compensation, support plan (additional – 32 HHs) for AHs from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City	214,662,924	4,190,778		218,853,702
11	2654/QĐ-UBND	14/5/2014	Approved detail plan on compensation, support and resettlement (phase 4) for AHs from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City	4,469,943,803	58,278,950		4,528,222,753

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No	Approval decision		Content	Amount (VND)			
	No.	Date		Compensation assistance	Bonus (5%)	Temporary resettlement	Total
12	4689/QĐ-UBND	01/08/2014	Approved detail plan on compensation, support and resettlement (phase 5) for AHs from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City	223,197,086	3,257,804		226,454,890
13	5462/QĐ-UBND	24/9/2014	Approved detail plan on compensation, support and resettlement (phase 6) for Ms. Lê Kim Loan AHs from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City	101,973,000			101,973,000
14	6462/QĐ-UBND	24/9/2014	Approved additional compensation, support and resettlement plan for 05 AHs from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City	85,254,539	1,488,727		86,743,266
15	6751/QĐ-UBND	11/13/2014	Approved assistance fund on relocation the water supply network of Limited Can Tho Water supply and drainage company affected from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City	78,298,085			78,298,085
				2,000,000			2,000,000
16	6045/QĐ-UBND	21/9/2015	Approved support fund for low voltage line in Can Tho River embankment lines of Can Tho Power Company affected from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City	230,591,899			230,591,899
				5,569,843			5,569,843
				18,482,707			18,482,707
				1,177,894			1,177,894
17	6051/QĐ-UBND	21/9/2015	Approved additional compensation, support for 02 AHs from Can Tho River embankment project in An Binh Ward, Ninh Kieu District, Can Tho City.	24,840,000			24,840,000

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No	Approval decision		Content	Amount (VND)			
	No.	Date		Compensation assistance	Bonus (5%)	Temporary resettlement	Total
2	Tan An Ward			29,194,098,356	206,569,825	-	29,400,668,181
1	1239/QĐ-UBND	19/3/2014	Approved detail plan on compensation, support and resettlement (phase 01) for AHs from Can Tho River embankment project in Tan An Ward, Ninh Kieu District, Can Tho City	494,113,268	17,867,287		511,980,555
2	1956/QĐ-UBND	21/4/2014	Approved detail plan on compensation, support for 04 HHs who are renting houses from the housing Business and Development Limited Company, Tan An ward, Ninh Kieu district, Can Tho city	159,187,177			159,187,177
3	4408/QĐ-UBND	23/7/2014	Approved detail plan on compensation, support and resettlement (phase 02) for AHs from Can Tho River embankment project in Tan An Ward, Ninh Kieu District, Can Tho City	6,580,950,889	112,661,343		6,693,612,232
4	2240/QĐ-UBND	10/04/2015	Approved adjust compensation support for 34 HHs approved in Decision No. 4480/PC dated 23/7/2014 of Ninh Kieu WPC, Can Tho River embankment project in Tan An Ward, Ninh Kieu District, Can Tho City	4,770,866,357	109,154,620		4,880,020,977
			Canceled compensation in Article 1 of Decision 4480/QĐ - PC	(6,580,950,889)	(112,661,343)		(6,693,612,232)
5	2326/QĐ-UBND	17/4/2015	Approved compensation, support and resettlement (phase 03) for 21 AHs from Can Tho River embankment project in Tan An Ward, Ninh Kieu District, Can Tho City;	23,769,931,554	79,547,918		23,849,479,472

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No	Approval decision		Content	Amount (VND)			
	No.	Date		Compensation assistance	Bonus (5%)	Temporary resettlement	Total
3	Hung Loi Ward			49,289,375,805	371,585,584	-	49,660,961,389
1	4817/QĐ-UBND	15/8/2014	Approved detail plan on compensation, support and resettlement (phase 01) for AHs from Can Tho River embankment project in Hung Loi Ward, Ninh Kieu District, Can Tho City	6,341,583,466	33,968,586		6,375,552,052
2	5471/QĐ-UBND	24/9/2014	Approved compensation assistance and resettlement (phase 02) for 41 AHs from Can Tho River embankment project in Hung Loi Ward, Ninh Kieu District, Can Tho City	10,079,256,158	70,323,707		10,149,579,865
3	5893/QĐ-UBND	15/10/2014	Approved compensation assistance for 12 organizations Can Tho River embankment project in Hung Loi Ward, Ninh Kieu District, Can Tho City	4,540,819,620	58,728,120		4,599,547,740
			Verification cost	128,798,000			128,798,000
4	7046/QĐ-UBND	26/11/2014	Approved compensation assistance and resettlement (phase 03) from 68 AHs from Can Tho River embankment project in Hung Loi Ward, Ninh Kieu District, Can Tho City	13,362,507,277	130,381,845		13,492,889,122
5	7180/QĐ-UBND	05/12/2014	Adjusted organization, enterprises names in Decision No. 5894/QĐ – PC dated 15/10/2014 of DPC on approving compensation assistance for affected organizations from Can Tho River embankment project				
6	2100/QĐ-UBND	06/04/2015	Approved compensation assistance and resettlement (phase 04) for affected HHs and organizations from Can Tho River embankment project in Hung Loi Ward, Ninh Kieu District, Can Tho City	14,582,661,998	78,039,070		14,660,701,068

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No	Approval decision		Content	Amount (VND)			
	No.	Date		Compensation assistance	Bonus (5%)	Temporary resettlement	Total
7	5539/QĐ-UBND	27/8/2015	Approved adjusted compensation assistance for 01 AHs from Can Tho River embankment project in Hung Loi Ward, Ninh Kieu District, Can Tho City	930,721,356	1,136,572		931,857,928
			Canceled compensation assistance in Decision 5471	(996,264,820)	(1,420,716)		(997,685,536)
8	6046/QĐ-UBND	21/9/2015	Approved compensation assistance for Vietcombank, Can Tho unit located in Hung Loi Ward, Ninh Kieu District, Can Tho City affected by Can Tho River embankment project	8,568,000	428,400		8,996,400
9	6052/QĐ-UBND	21/9/2015	Approved additional compensation assistance for 01 AHs from Can Tho River embankment project in Hung Loi Ward, Ninh Kieu District, Can Tho City	310,724,750			310,724,750
4	An Lac Ward			17,247,589,656	276,947,111	-	17,524,536,767
1	5894/QĐ-UBND	15/10/2014	Approved compensation for 02 organizations affected from Can Tho River embankment project in An Lac Ward, Ninh Kieu District, Can Tho City	1,675,129,290	10,000,000		1,685,129,290
			Verification cost	32,275,000			32,275,000
2	4105/QĐ-UBND	29/6/2015	Approved compensation, support and resettlement (phase 1 – 35 HHs) affected from Can Tho River embankment project in An Lac Ward, Ninh Kieu District, Can Tho City	5,003,562,633	107,035,573		5,110,598,206
3	6250/QĐ-UBND	01/10/2015	Approved detail plan on compensation, support and resettlement (phase 02 – 50 HHs) affected from Can Tho River embankment project in An Lac Ward, Ninh Kieu District, Can Tho City.	10,536,622,733	159,911,538		10,696,534,271

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No	Approval decision		Content	Amount (VND)			
	No.	Date		Compensation assistance	Bonus (5%)	Temporary resettlement	Total
5	Xuan Khanh Ward			11,506,774,540	107,322,590	-	11,614,097,130
1	6576/QĐ-UBND	06/11/2014	Approved detail plan on compensation, support and resettlement (phase 01) for 21 AHs from Can Tho River embankment project in Xuan Khanh Ward, Ninh Kieu District, Can Tho City	2,664,828,839	39,760,283		2,704,589,122
2	6742/QĐ-UBND	12/11/2014	Approved detail plan on compensation assistance and resettlement (phase 2) for 16 AHs from Can Tho River embankment project in Xuan Khanh Ward, Ninh Kieu District, Can Tho City	7,358,774,923	40,715,824		7,399,490,747
3	814/QĐ-UBND	23/1/2015	Approved compensation assistance and resettlement (phase 03) for 11 AHs from Can Tho River embankment project in Xuan Khanh Ward, Ninh Kieu District, Can Tho City	1,415,517,640	23,985,827		1,439,503,467
4	1543/QĐ-UBND	18/3/2015	Approved additional compensation assistance for Mr. Nguyen Minh Thuan household affected from Can Tho River embankment project in Xuan Khanh Ward, Ninh Kieu District, Can Tho City	7,440,000			7,440,000
5	6311/QĐ-UBND	09/10/2015	Approved additional compensation assistance for Mr. Nguyen Van Ba affected from Can Tho River embankment project in Xuan Khanh Ward, Ninh Kieu District, Can Tho City	60,213,138	2,860,656		63,073,794

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The compensation payment started in June 2011. After detail compensation plans for HHs have been approved, LFDC disclosed compensation plans and informed AHs to come to get compensation money. The compensation was conducted following approval Decisions of compensation of Ct-CPC (in table 6). Currently, there are 432 out of 580 PAPs (74.5%) who have received the compensation and assistance from the project with an amount of 101 billion dong. The remaining 88 PAHs have not received compensation, due to the following reasons

- Some households have not received compensation because they were not available to come and take their money. Until now, They didn't complain;
- 16 households have not agreed with the compensated price and refused compensation;
- 11 Households are in land dispute about the ownership of the property; therefore local authorities have to wait the decision of the court to be able to pay for APs.

The progress of compensation and assistance is presented in Table 7.

Table 7. Progress of implementing compensation and assistance

No	Wards	Total of PAHs	Compensation plans approved	No of PAHs compensated	No of PAHs not yet compensated	Amount paid (Bil. VND)	No. of PAHs handed over land
1	An Bình	115	113	110	3	17	88
2	Hung Lợi	204	196	177	18	41	0
3	Xuân Khánh	61	54	49	5	11	0
4	An Lạc	95	87	35	52	5	0
5	Tân An	105	72	61	10	28	0
Total		580	522	432	88	101	88

4.4 Current Situation of HHs

Consultants interviewed 220 AHs: 175 relocated HHs and 45 HHs not relocated to evaluate their current living conditions. The assessment include: 1) The status of relocation of HHs and relocated place; 2) the current living conditions including difficulties encountered; 3) the ability to restore their livelihoods; and 4) complaint and resolving process. Survey results are presented below.

4.4.1 Relocation conditions of households and infrastructure in the resettlement site

88 out of 432 AHs who live in An Binh Ward have received the compensation and assistance amount and handed over the site to the project. 175/175 displaced households received plot of land option in the resettlement site arranged by the project. Currently, most households received compensation, support and were allocated plot of land in resettlement site. 52 households in An Binh Ward relocated to resettlement site to build house. The remaining HHs have not yet handed over the site because they were not informed when the site will be needed for construction. They committed to hand over the site to the project when required.

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Table 8: Relocation and resettlement arrangement of APs

Ward	Arrangement/Resettlement site			Relocated to resettlement site
	Total	Thới Nhật	Nguyễn Văn Cừ	
An Bình	52	42	10	52
Hưng Lợi	25	8	17	-
Xuân Khánh	20	16	4	-
An Lạc	31	1	30	-
Tân An	47	13	34	-
Total	175	80	95	52

Affected HH were relocated in two Resettlement Sites (RS): Thoi Nhat and Nguyen Van Cu. Thoi Nhat RS belongs to An Khanh ward, Ninh Kieu district and Nguyen Van Cu RS belongs to An Binh ward, Ninh Kieu district. Both RA are fully services with necessary infrastructures (electricity, water supply, sewage system) to ensure compliance with building standards of the Ministry of Construction of the infrastructure in new urban areas, urban resettlement. Distance from the former residence of the households to new housing in the resettlement site is about 5 – 6km. Infrastructures in the two resettlement sites are better than the former place.

Figure 2. Infrastructure in Resettlement Sites



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Consultants interviewed the 175 households relocated or to be relocated (only 52 HHs moved to RS up to now; however HH who didn't relocated yet to the RS already visited the RS). Survey results indicated that 100 % of households were satisfied with the RS and said that the infrastructures at resettlement site are better than their at their current/former residence (See Table below).

Table 9. Satisfaction with infrastructures in the resettlement site

No	Ward		No. of Interviewed HHs	Satisfied attitude of HHs	
				Satisfied	Not satisfied
1	An Bình		52	52	0
2	Hung Lợi		25	25	0
3	Xuân Khánh		20	20	0
4	An Lạc		31	31	0
5	Tân An		47	47	0
Total			175	175	0

4.4.2 Current life condition

The displaced households are mainly households whose house encroached on the river, canal with few infrastructure and very poor sanitation conditions. These HH could build a decent permanent house in the RS while they were living in temporary house in their former location (see Figure 3).

Figure 3. New house of HHs in the resettlement site



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48/52 households who relocated at the resettlement site (92.3%) said that their living conditions is better than before. They are living in a cleaner environment with better infrastructure. 4 remaining households (7.7%) said that the living conditions at the new residence have not changed compared to the past.

4.4.3 Livelihood Restoration of affected households

Interviews with 220 HH, particularly 52 HH relocated to resettlement site, show that, their main occupations are wage-earners, so their job and income were not affected (see table 10).

Table 10. Impact to job of HHs due to acquired land

No	Ward	No. of HH Interviewed	Change of life condition		
			Better	No change	Worse
1	An Bình	64	17	44	3
2	Hung Lợi	32	6	26	0
3	Xuân Khánh	28	2	24	2
4	An Lạc	41	4	34	3
5	Tân An	55	8	47	0
Total		220	37	175	8

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Because their source of income was not affected, households had not plan to change of occupation. Also, when asked about the possibility of improving life in the near future, 41/52 households have expressed confidence that their lives will be better than before.

4.4.4 Complaints and resolving

Until now, there are 87 affected households with complaints and grievances submitted to the relevant authorities. They mainly expressed their un-satisfaction with the compensation rates and regarding the resettlement process. Content of complaints mainly focused on the following issues:

- Require additional survey to their affected land, house and structures due to mistakes in measurement;
- Re-verify the affected building structures;
- Request to reconsider compensation rates to be applied;
- Proposed to arrange additional plot of land in the resettlement site;

Status of complaint is presented in Table 11.

Table 11. Complaint and resolving

No	Ward	No. of APs	No. of APs who had complaint	Resolved
1	An Bình	115	19	19
2	Hưng Lợi	204	28	28
3	Xuân Khánh	61	4	-
4	An Lạc	95	13	-
5	Tân An	105	23	23
Total		580	87	70

Table 12 presents a summary of the grievance process for AHs who lodged grievances.

Table 12. Summary of complaints situation and resolving

PAPs	status	Recommendation	results of resolving
06 PAHs: Trương Văn Vạn, Nguyễn Thị Mai, Đường Vĩnh Bình, Bùi Thị Lùn, Trương Thị Vân and Đỗ Ngọc Tuấn	No land, still houses built beyond canals before 1/7/2004	They should be supported with affected structures; and considered for them to buy land in the resettlement site.	Agreement on supporting the affected structures with 100% of the structure value. Consider for the 6 PAHs to buy land the resettlement site;
04 PAHs: Võ Thành Chơn, Dương Liễu Tổ,	Land without LURCs house built on land	The affected land should be compensated	Agreement on compensating to the

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PAPs	status	Recommendation	results of resolving
Bùi Thị Chính and Võ Văn Đạm	without LURCs, parts of the houses encroached beyond Can Tho river bank	according to the unit rates of residential land The affected structures and houses should be assisted and arranged for resettlement	affected land accordance with the unit rates of residential land but the PAPs have to follow the tax obligation regulated by the state agreement on arranging a minimum land plot in the resettlement site
07 PAHs: Trần Thị Chơn, Phan Thị Hạ, Trương Thị Sương, Bùi Thị Huệ, Lý Sỹ, Trần Thị Dân and Nguyễn Thị Năm	Lost all land, of which part of lost lands being alluvial land beside riverbank and without LURCs houses constructed on land not LURCs, one part of the houses built beyond Can Tho river bank before 15/10 1993	The affected land should be compensated as per the unit rates of residential land; Affected structures and houses should be supported and resettlement should be considered to be arranged	Agreement on compensating to the affected land accordance with the unit rates of residential land but the PAPs have to follow regulation of tax obligation with the state Agreement on arranging a minimum land plot in the resettlement site.
07 PAHs: Trần Thị Thu Thủy, Lê Thị Châm, Trần Thanh Xuân, Hà Thị Tuyết Phương, Dư Cẩm Tuyền, Dư Cẩm Bôi and Nguyễn Đào Bảy	Alluvial land beside riverbanks without LURCs being totally affected; houses constructed on land without LURCs and parts of them beyond Can Tho riverbank before 15/10/1993	The affected land should be compensated as per unit rates of residential land; Affected structures and houses should be supported and resettlement should be considered to be arranged	agreement on assisting on the affected land with 60% the land value simultaneously PAHs have to follow the tax obligation regulated by the state Agreement on arranging a minimum land plot in the resettlement site.
Dương Ngọc Diệp household	The affected land and part of its without LURCs stilt house constructed beyond the riverbanks before 15/10/1993	The affected land should be compensated as per the unit rate of residential land and the rest about 4.5m ² should be acquired and compensated;	Agreement on the rested land 4.5m ² as per the unit rates of residential land compensating to all affected land, PAHs have to follow the tax

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PAPs	status	Recommendation	results of resolving
		Affected structures and houses should be supported and resettlement should be considered to be arranged	obligation regulated by the state Agreement on arranging a minimum land plot in the resettlement site. 100% of affected structures and houses value being assisted.
02 PAHs: Nguyễn Thị Anh and Nguyễn Văn Bửu	The land without IURCs being partly affected; stilt houses being constructed beyond riverbanks before 15/10/1993	The affected land should be compensated as per the unit rates of residential land and the rest land 5.2m ² should be acquired and compensated; Affected structures and houses should be supported and resettlement should be considered to be arranged	Agreement on the rested land 5.2 m ² as per the unit rates of residential land compensating to all affected land, PAHs have to follow the tax obligation regulated by the state Agreement on arranging a minimum land plot in the resettlement site. 100% of affected structures and houses value being assisted
05 PAHs: Đặng Ngọc Thành, Đặng Ngọc Lộc, Trần Hữu Trí, Nguyễn Trung Liệt and Liên Thanh Thủy	Alluvial land beside riverbanks without LURCs being partly affected; Stilt houses constructed beyond riverbanks before 15/10/1993	The affected land should be compensated as per the unit rates of residential land and the remaining 4.3m ² of PAH Dang Ngoc Thanh) 3.3m ² of PAH Dang Ngoc Loc, 12.9m ² of PAH Tran Huu Tri; 10.2m ² of PAH Nguyen Trung Liet and 14.6m ² of PAH Lien Thanh Thuy should be acquired and compensated. Affected structures and houses should be	Agreement on supporting 60% the value of affected land as per unit rates of residential land for all land acquired for the project and PAHs have to follow the tax obligation regulated by the state support 80% the value of houses and structures being affected; Agreement on considering for arranging a minimum

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PAPs	status	Recommendation	results of resolving
		supported and resettlement should be considered to be arranged	land plot in the resettlement site.

All complaints and recommendations have been received and resolved in accordance with the existing redress and grievance mechanism. Survey among 87 complainants reveals that except 17 complainants being in the resolving process, 59 are satisfied and 11 unsatisfied with the results of grievance process. The details are shown in Table 12.

Table 12. Satisfaction of HHs for solving complaints

No	Ward	No. of Interviewed HHs	Satisfied of HHs	
			Satisfied	Unsatisfied
1	An Bình	19	17	2
2	Hưng Lợi	28	24	4
3	Xuân Khánh	4	Being resolved	
4	An Lạc	13		
5	Tân An	23	18	5
Total		87	59	11

V. FINDINGS AND RECOMMENDATIONS

5.1 Comparison of the policies of the 2 projects

The compensation and site clearance of Can Tho River Embankment Construction Project has complied with the provisions of the Government of Vietnam on compensation and resettlement assistance. The compensation policies have similarities and differences with the resettlement Policy Framework of CTURDP. The comparison between the two compensation policies is presented in Table 13.

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Table 13. Comparison between the compensation policies of the 2 projects

No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
1	Residential land is permanently acquired	Residential land is acquired and DPs are eligible for land compensation.	All households whose residential land acquired	<p><u>Compensation for lost land</u></p> <ul style="list-style-type: none"> - The project affected land-users will be compensated for the actually affected area in cash at 100% of the replacement cost; - In case, PAPs losing residential land and their remaining land is not viable enough for their residence (ineligible for building new house as stipulated), if the PAPs agree, the state will acquire the remaining land and compensate for the acquired land in cash at 100% of the replacement cost; - Land-users who are eligible for compensation of acquired land (legal and legalizable land-users) but their lands are in dispute will be compensated at 100% of the replacement cost and they will receive the compensation amount only when their disputes are resolved. 	<p>Non compliance: Compensation price applied based on price table specified yearly by Can Tho City People's Committee</p> <p>Land users affected by the Project would be compensated for their acquired land in cash based on the prices approved by Can Tho City People's Committee and not by replacement costs;</p> <p>In case, the Project acquires part of residential land, the remaining area of that land is not enough to stay (not eligible for construction of house as prescribed), the State will acquire the remaining land (if affected household want), affected people will be compensated in cash for the entire acquired land by 100% of the price approved by Can Tho City People's Committee;</p> <p>Users of acquired land are eligible to the compensation for damage but their land is in dispute, they will be compensated at 100% of the price approved by Can Tho City People's Committee and will receive the compensation after the dispute is resolved.</p>

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
			Households have to relocate	<p><u>Relocation</u></p> <p>Households or individuals who are acquired with all residential land or partial land but the remaining parts of land are less than the limits of local land allocation (1) will be entitled to resettlement arrangement and (2) in case, the compensation for affected land is lower than the investment cost of a land plot in resettlement site, the households will be supported by the project for such difference, however, the support amount will not be in excess of the difference between the land compensation cost and cost for an minimal land plot of the project resettlement site.</p>	<p>Compliance:</p> <p>For households and individuals whose entire houses and residential land are acquired and must relocate, they will be arranged in the Project's resettlement site.</p> <p>In case, a household's land is partially acquired but the remaining area of land is not sufficient to rebuild a new home according to the local regulations, the State will acquire the remaining land and affected people will be arranged in the Project's resettlement site;</p> <p>In case, the land compensation money is insufficient to purchase a minimum plot of land in the resettlement site, the State will subsidize for the difference (the subsidized amount is not exceeding the different amount between the compensation amount that household received and the value of a minimum land plot in the resettlement site as price approved by the People's Committee of Can Tho city).</p>

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
2	Residential land is permanently acquired	Land users, (including those who live beyond rivers/canals) whose acquired residential land is ineligible for land compensation	All households are acquired with residential land	<p><u>Supporting for lost land</u></p> <p>The households whose land is affected will be assisted in cash with an amount at least 60% of the land at the replacement cost.</p> <p>Households who have house encroaching beyond canals/rivers, the affected land area will be calculated equal to the area of a floor of the affected house but not exceed land allocation quotas stipulated by the CT - CPC.</p>	<p>Non compliance:</p> <ul style="list-style-type: none"> - Land: Support 30%, 50%, 60% of the value, depending on the legal value, the starting time of the land use; the area is supported under the actual measurement. - House: Support 80% according to the actual area.
			Households have to relocate	<p><u>Relocation</u></p> <p>RPs who have no shelters in their ward, which is confirmed by local authorities (i) will be allocated minimum land plots in the project resettlement site for building houses and (ii) pay land-use fee; in case DPs cannot affordable, they will considered to be in debt of the land use levy.</p>	<p>Compliance: Consider for purchasing land in the focal resettlement site.</p>
3	Non-agricultural land other residential land with structures on land	Non-agricultural land is acquired	All households are acquired with non-agricultural land	<p><u>Land compensation/assurances</u></p> <p>If affected lands are eligible to be compensated, PAPs will be compensated in cash at 100% of the replacement cost.</p> <p>If affected lands are not entitled to the compensation, PAPs will be assisted in cash with an amount of at least 60% of the land at the replacement cost.</p>	<p><u>Non compliance: Compensation for land</u></p> <p>Users of affected land which are eligible for compensation will be compensated by 100% of the land value of the prices approved by the People's Committee of Can Tho city.</p> <p>Users of affected land which are not eligible for compensation will be assisted in cash with the support of 60%, 50%, 30% of the prices approved by the People's Committee of Can Tho city.</p>

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
			Relocated households	<p><u>Relocation</u></p> <p>In case RPs who have no shelters in their ward, which is confirmed by local authorities (i) will be allocated minimum land plots in the project resettlement site for building houses and (ii) pay land-use fee; in case DPs cannot affordable, they will considered to be in debt of the land use levy.</p>	<p>Compliance:</p> <p>In Case, affected households must relocate without new place to stay in the wards where their land is acquired by the Project, they will be allocated a minimum plot in the resettlement site of the Project and they must pay land use charge. If households can not afford to pay the land use charge, they can debit for the resettlement plot of land.</p>
4	Permanent loss of arable land	Households whose agricultural land is acquired permanently	PAPs are eligible for compensation	<p>If PAPs are acquired less than 20% (10% for the vulnerable) of their total land and the remaining area is economically viable, PAPs will be compensated in cash at 100% of the replacement cost for the acquired area. In addition, the vulnerable will be entitled to take part in the project income restoration program.</p> <p>If PAPs have loss of 20% or more (10% or more for the vulnerable) of their land or the remaining area is not economically viable, PAPs will be compensated in cash at 100% of the replacement cost, while receiving income rehabilitation measures such as extension services, vocational training, access to credit or others based</p>	<p>Non compliance: Compensation for affected agricultural land according to the unit prices approved by Can Tho City People's Committee and based on the legal status of owners.</p> <p>Supported for vocational training and job search. The specific levels are approved by the People's Committee of Can Tho city.</p>

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
		Households whose agricultural land is acquired permanently	Land users are not entitled to compensation as per regulation at Article 75 of Land Law, 2013.	<p>PAPs whose affected land used before 01 July 2004 will be compensated in cash with 100% of the land at the replacement cost.</p> <p>PAPs whose affected land used after 01 July 2004 will be assisted in cash not less than 60% of the land value at the replacement cost. The supported/compensated land areas are within the land allocation quotas under Article 129, Land Law 2013.</p>	<p>Non compliance</p> <p>Land used before 15/10/1993 is supported 50% according to the unit prices approved by the People's Committee of Can Tho city.</p> <p>Land use from 15/10/1993 – the implementation time of the project plan (2008): support 30%.</p> <p>Use after the time of the plan implementation: no compensation or support.</p>
		Households whose agricultural land is acquired permanently	Land users use bidding land or rent public land with a previous agreement on returning the land to Government whenever it requests	PAPs will not be compensated of the acquired land, but compensated for affected crops, plant mortars, and other assets on land in cash at the replacement cost, while PAPs will be assisted in recovering the loss of investment in the affected land with an amount equal to 30% of the affected land value at the time of acquisition.	Non compliance: Compensated for crops, trees, and other assets on land based on the prices approved by the People's Committee of Can Tho city.
5	Housing/structures	Housing/structures in land acquiring area.	Owners of the affected structures are households and individuals	<p>Regardless their titles to the affected land or a construction permit for the affected structure, compensation or assistance in cash will be made to the affected houses/structures at 100% of the replacement costs; and</p> <p>For houses/structures being partly affected but the remaining area is not sufficient to be used, compensation or assistance in cash will be made at 100%</p>	<p>Non compliance: House/structures of affected households upon their legal status will be considered for compensation or no compensation.</p> <p>Compliance: For houses, buildings dismantled partly but the rest is not eligible to be compensated at 100% of the volume of structures.</p>

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
				<p>of the replacement cost for the whole affected houses/structures.</p> <p>In case the remaining area of affected houses is sufficient to be repaired for living, PAPs will be paid in cash at 100% of the replacement cost for the dismantled area, while provided with an additional amount equivalent to 30% of the replacement cost of the dismantled portion to rehabilitate the houses/structures to be better.</p> <p>PAPs whose houses/structures built on encroached land beyond canals/ivers will be supported in cash at 100% of the replacement cost to rebuild their new houses/structures.</p>	<p>Compliance: For buildings/houses were dismantled part but the rest are eligible for, apart from the compensation value for the area being dismantled, the APs will support repair costs, complete the house.</p> <p>Non compliance: Houses/buildings and other assets of households built on encroached land of affected canal/ditch will be supported by 80% of the value.</p>
6	Tenants	State ownership	Tenants (who rent state houses) have to relocate	<p>Tenants who are leasing state houses for living will (i) not be compensated for the land area and houses owned by the state but fully compensated in cash at the replacement costs for the improved, repaired and upgraded works; (ii) will be entitled to rent or buy plots in the project resettlement area to resettle with minimum area; (iii) if the project has no plot in its resettlement site to them for renting/buying to resettle, APs will be supported in cash with not less than 60% replacement cost of land and house to resettle (Clause 2, Article 14, Decree 47/2014/ND-CP dated May 15, 2015).</p>	<p>Compliance: People who rent State house or other organizations will be supported 60% of the land area and will be fully compensated for the improved, repaired, upgraded structures;</p> <p>In case, there are no other houses for rent and there are no other residential houses, affected people shall be considered to buy land in the resettlement site.</p>

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
		Private ownership	Tenants (who rent private houses) have to relocate	RPs will be provided with transportation allowance for moving their assets and belongings to new residential places;	Non compliance: Not implemented
7	Annual crops and perennial trees	Trees and domestic animals affected	Owners of affected trees and domestic animals	<p>Cash compensation at full replacement cost will be made to PAPs at time of compensation for the affected trees/domestic animals planted/raised on the land.</p> <p>Where affected trees/animals can be removed to new places, compensation will be paid for the loss of the trees/animals plus the transportation cost.</p>	Compliance: Compensation, support for the entire plants and animals which are present before the implementation of the project planning.
8	Affected income and production/business facilities	Loss of income sources and properties for production/business	Those who lost income source/owners of affected properties used for production/business	<p><u>Allowance for Business Loss:</u></p> <p>All affected businesses and production households having register business whose income is affected will be compensated and/or supported for losses in business equivalent to 50% of their actual annual income approved by their 03 years continue of tax obligations;</p> <p>PAPs whose small business or service establishments at home without tax register are permanently affected by the project will receive an allowance of VND 2,000,000 to 10,000,000.</p> <p>PAPs whose small business or service establishments at home without tax register are temporarily affected by the project will receive an allowance of VND</p>	<p>Non compliance: The registered producers, traders whose income is affected will be compensated and supported for their business losses by 30% annual income after tax based on the average income of 3 recent years verified by the tax office.</p> <p>Non compliance: People whose small business or service at home without declaration for tax are affected will receive the support of VND 2,000,000/household.</p>

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
				1,000,000 – 5,000,000. Employees who have had the labor contracts for at least 12 months with the private or state enterprises/businesses or organizations that are affected by the project and have to relocate will have an allowance equivalent to the minimum salary as per the City regulations to affected employees during the transition period with a maximum of 6 months.	
9	Affected public utilities/structures	Structures, housing, public architectures, forests, feeding land, other land, permanently /temporarily affected irrigation system.	Villages, urban zones, administration agencies.	If some public infrastructures/buildings are damaged by the project, the PMU-ODA shall consult with affected communities and specify that these structures are restored or repaired soon to mitigate negative impacts on communities, while the affected communities do not pay for such repair costs.	Compliance
10	Graves	Affected graves	Families/groups	Compensation for the removal of graves/tombs will include the cost of excavation, relocation, reburial and other related costs, which is relevant to customary requirements. The removal option and level of compensation to the affected will be decided in consultation with the affected families/communities and based on Can Tho City Policy at the	Compliance: Compensation for relocation of graves including expenses for digging, filling, relocating, reburying to new place and other related costs.

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
				time of compensation.	
11	Other assets	Telephone system, water meter, electric meter, cable TV, internet access (subscription), well..	Families/ companies affected	Households' other assets are affected such as: Telephone line, water meter, electric meter shall be compensated in cash as regulated; Cable TV, internet access (subscription) well of households/communities are affected by the project, PAPs shall be compensated in cash at the new installation.	Compliance: The other damaged properties of households/individuals including telephone lines, water meters, electric meters will be compensated according to the provisions.
12	Temporarily affected	Assets affected during construction phase	Households/ Organizations in the project areas	If private or state structures are temporarily affected by contractors during construction phase, contractors shall bear all responsibilities for compensation to the affected at the replacement cost as those are permanently affected by the project. Temporarily affected land shall be assisted to be rehabilitated to its original or better conditions.	Compliance: Structures and land of individuals or the public, which are temporarily affected during the construction phase of the project caused by the Contractors, the Contractor shall be responsible for compensation of affected assets with the prices applied as other properties affected by the Project.
13	Supporting for relocation	Resettlement rehabilitation	Relocate to new places	RPs whose multi-floor houses (two floors more) are affected will receive transportation allowance of 7,000,000 VND/household when moving within the city and 9,000,000 VND/household when moving out of the city; RPs whose affected houses different from case (i) will have transportation assistance with 5,000,000 VND/household when transporting within the city and	Compliance

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No	Type of loss	Application	Type of PAPs	CTURDP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
				7,000,000 VND/household when transporting out of the city.	
14	Supporting for temporary residence	Life stabilization	Households will move to resettlement areas, free – resettlement and households who are temporarily relocated during the time of rebuilding their houses	<ul style="list-style-type: none"> i. APs who are planning to resettle in the project resettlement site must hand over their land to the project, while the resettlement area has not been finished to be delivered to them, they will be supported in temporary resettlement during the waiting time plus three months for constructing house with a renting rate not exceeding twice of that regulated by CT-CPC. ii. PAPs who are acquired partial of main houses and have to rebuild new houses on the remaining area will be supported in temporary resettlement for 03 months with a renting rate not exceeding 2 times of that regulated by CT-CPC. iii. PAPs who are acquired partial of main houses and have to rehabilitate their houses will receive support in temporary resettlement for 02 months with a renting rate not exceeding 2 times of that regulated by CT-CPC. iv. RPs who choose resettlement by themselves (with written commitments for self-taking care of their relocation) will be assisted in temporary resettlement for 03 	<p>Non compliance: Households who are arranged in resettlement site of the Project but handed over land for the Project when the resettlement site has not been completed will be supported temporary accommodation while waiting for new houses and 03 months during the construction of new houses based on the unit prices approved by the People's Committee of Can Tho city.</p> <p>For the case affected households choose the self-resettlement plan (with written commitments of self-resettlement), they will be assisted as dispersed resettlement.</p>

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
				months with a renting rate not exceeding twice of that regulated by CT-CPC.	
15	Supporting for training on career changes	Loss of productive lands	Severely affected households	i. PAPs whose agricultural land being cultivated is affected (confirmed by WPCs) will be supported for job training and job change with an amount of 01 to 05 times of the land price for the acquired land area of that regulated by CT-CPC. ii. In case, PAPs whose agricultural land is affected need a training or apprenticeship, they will be admitted to a vocational center within the city with the exemption from tuition fees for such training course for those within working ages (not applicable for those who enroll for vocational trainings outside the city).	Non compliance: Not implemented

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No	Type of loss	Application	Type of PAPs	CTURDP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
16	Supporting for life rehabilitation	Resettlement restoration	Relocated persons who have aspiration of self-relocation.	<p>DPs who select self-relocation will be supported as follows:</p> <p>i. Those who are entitled to be provided with a lot of land in the project resettlement site will assisted in cash with an amount of 1,5 times of the rate regulated by CT-CPC (1.3 million dong according to Decision 15/2014/QĐ-UBND dated 13 November, 2014)</p> <p>ii. Those who are entitled to buy minimum land plots in the resettlement area will be supported in cash with an amount of 50% of case (i).</p>	Non compliance: Not implemented
		Income restoration	Households whose agricultural land affected	<p>For households whose agricultural land is affected with 20% to 70% (10% to 70% for vulnerable households) will be supported one time by money equivalent to 30kg of rice per month for one person based on local average price at the time of support for living stability within 6 months if not relocated and within 12 months if relocated; and</p> <p>In case, more than 70% of agricultural land affected, PAPs will be supported within 12 months if not relocated and within 24 months if relocated</p>	Non compliance: Not implemented
17	Social wealfare	Additional support for the	Relocated vulnerable households	<p>i. DPs who belong to poor households with poor certified records will receive a support amount of</p>	<p>Partial Compliance</p> <p>- Poor households registered at commune level</p>

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No	Type of loss	Application	Type of PAPs	CTUDRP Compensation/allowance policies	The compensation policy applied to Can Tho River Embankment Construction Project
		vulnerable		<p>7,200,000 VND/household.</p> <p>ii. DPs who are the other vulnerable will be supported with 3,000,000 to 5,000,000 VND/household.</p> <p>iii. DPs who belong to social policy families will be supported with VND 2,000,000 per household.</p> <p>iv. The retired and those are under the social policy assistance will be supported with 1,000,000/HH.</p>	<p>would be supported 7,200,000 VND/household.</p> <ul style="list-style-type: none"> - Other vulnerable (i.e. women head of HH with dependents, disabled head of HH) were not assisted; - Households who have martyrs, policy family, families contributed to the revolutionaries, the retired families.
18	Incentive support for handing over site soon	Progress bonus	Households handing over their affected land to the project in time or prior to regulation	<i>According to the regulation of CT-CPC, but not less than 1,000,000/HH.</i>	Compliance: 5% bonus on the total value of assets on land but would not exceed 5,000,000/household.

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5.2 The findings of the Due Diligence Survey

The main findings of the Due Diligence Survey and the non-compliance identified with the CTURDP resettlement policy framework are presented below:

- Compensation rates applied by the Can Tho funded Project are based on compensation rates issued yearly by Can Tho City People's Committee. According local authorities representative and affected persons, the price was only equal to 60% - 70% of market price.

For HH who encroached on river, canals and ditches, the Can Tho funded Project relied on the legal status (used before 15/10/1993, 15/10/1993-1/7/2004 and after 1/7/2004) to calculate the appropriate support amount from 30% to 60%. The CTURDP project policy for land encroachment cases, before cut off date, will support with as minimum as 60% of the compensation rate for land;

- For the Can Tho City funded Project Households who encroached canals and are ineligible for compensation and relocation but are considered for allocation of a minimum resettlement plot in resettlement sites. However they are not allowed to postpone payment if they are unable to pay as per CTURDP.
- Similar to the non-agricultural land, which is not eligible for compensation, affected households under the Can Tho City funded Project are supported from 30% to 60% of the compensation rates for land. Number of non-agricultural land cases which are not eligible for compensation and legality check based on the CTURDP project policy will be checked to identify the appropriate support.
- For households whose agricultural land is affected more than 20%, HH under the Can Tho City funded Project are provided with vocational training and career change in cash. While for the Policy Framework of the CTURDP project, in addition to the compensation and support, including career change support as prescribed, the affected households will participate in the income restoration program (job training, job introduction etc.) developed by the Project.
- Under the Can Tho City funded Project, agricultural land used before 15/10/1993 is supported 50% of the regulated land prices. Agricultural land used from 10/15/1993 up to now will be supported 30% of the regulated land prices. According to the CTURDP Project Policy, agricultural land used before 1/7/2004 will be supported 100% of the regulated land prices and agricultural land used after 1/7/2004 will be supported at least 60% of the regulated land prices.
- Under the Can Tho City funded Project, land users or public land lease or bidding for agricultural production are compensated for trees and crops on land but are not be supported for investment cost on land.

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- Under the Can Tho City funded Project, houses and buildings built on encroached land of canals are not compensated but supported 80% of the actual area of houses based on the regulated land prices. Under the CTUDRP, compensation is at 100%.
- Under the Can Tho City funded Project, affected households, when houses are partly affected and the remaining area not viable, HH are supported for repairing houses. However, the support level is not specifically mentioned.
- Under the Can Tho City funded Project, affected households who rent private houses and must relocate are not supported for relocation cost.
- Under the Can Tho City funded Project, households whose small business is affected will be supported as maximum as 2,000,000 VND/household but small business households who are temporarily affected are not supported. In the CTURDP project policy, both are respectively supported 2,000,000-10,000,000/household and 1,000,000-5,000,000VND/household.
- Under the Can Tho City funded Project. no job training and career change support is applied for households whose agricultural land is affected, while in the CTURDP project policy, the support will be from 1 to 5 times of the land unit prices as stipulated by the People's Committee of Can Tho city.
- Under the Can Tho City funded Project, no support is applied for households who choose self-relocation, while in the CTURDP project policy, households who are eligible for resettlement will be supported 1.5 times based on the provisions of Can Tho city and households who are not eligible for resettlement will be supported equal to 50% of the level of the households who are eligible for resettlement
- Under the Can Tho City funded Project, vulnerable HH other than poor and social policy households are not supported

VI. CONCLUSIONS

6.1 Conclusions

According to the above assessment and findings regarding implementation of compensation and site clearance for Can Tho River Embankment Project, the Consultants' comments and conclusions are as follows:

- The implementation of the compensation and site clearance complies with the procedures prescribed by the Government of Vietnam and Decision 15/2011/QD-UBND dated 06/05/2011 and the Decision 25/2012/QD-UBND dated 10/03/2012 of People's Committee of Can Tho city, regulating the implementation process of compensation, support and resettlement when the state acquires land;

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- The Project's public information has been fully organized via multi-time public meetings (1st meeting: disclosure of planning information, project information, compensation policy; 2nd meeting: disclosure of compensation prices, draft compensation plan; 3rd meeting: disclosure of the approved compensation plan etc.);
- The application of the compensation policy complies with the provisions of the Government of Vietnam and the People's Committee of Can Tho city. The grievance redress mechanism is in place and HH receive timely answers to their grievances.
- HH are generally satisfied with their new relocation place and have in general better living conditions than before.

Besides the positives aspects of the above implementation process, the implementation of the compensation and site clearance for Can Tho River Embankment Project contains some points which do not comply with the World Bank's Involuntary Resettlement OP 4.12, and especially, the resettlement Policy Framework of the CTURDP project. These differences must be reviewed and adjusted to harmonize policy between the two projects. To fill the gaps between the two policies, a corrective action plan was prepared and is presented below.

6.2 Corrective Action Plan

Issue 1: The compensation rates applied for affected households are based on Can Tho City rates. According to local authority and representatives of APs, these rates are only equal to 60% - 70% of the market price.

Recommendation: PMU should hire an independent consultant for reassessment of the compensation rates at the time of compensation. Following the survey, they will compare and propose additional compensation rates for affected households.

Issue 2: For HH who encroached on canals/River, their legal status was assessed (used before 15/10/1993, 15/10/1993 - 1/7/2004 and after 1/7/2004) to calculate the appropriate level of support from 30% to 60%. CTURDP project policy, for land encroachment cases before cut off date, requested that affected households will be supported as minimum as 60% of the compensation rate for land.

Recommendations: Identify all the cases of HH encroaching on the canals/River, check the legality based on the time of the CTURDP project announcement to consider appropriate supports as per RPF (i.e. support as 60% of compensation rates for land).

Issue 3: The HH who encroached on the canal/River and who are not eligible for compensation but must relocate, have been allocated a minimum plots in resettlement sites but cannot postpone payment if they are unable to pay.

Recommendations: Based on the resettlement policy framework of the CTURDP, in the case of affected households cannot afford to buy the plot of land in resettlement site, APs will be considered in debt and will have several years to pay back..

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Issue 4: For HH affected through non-agricultural land, cases which are not eligible for compensation, they are supported from 30% to 60% of the compensation rates for land

Recommendations: Identify all cases of all non-agricultural land which are not eligible for compensation and check the legality based on the time of the CTURDP project announcement to consider appropriate supports as per RPF.

Issue 5: The households whose more than 20% of agricultural land is affected are supported for vocational training and career change in cash. While in the Policy Framework of the CTURDP project, households, in addition to their compensation and support payment, including support for job change as prescribed, will be entitled to the income restoration program (job training, job introduction etc.) developed by the Project.

Recommendations: it needs to expand the eligibility criteria for severely affected households, including: 1) affected households who lost more than 20% of current agricultural area and 10% of current agricultural area of the vulnerable groups. At the same time the households will be entitled to the income restoration program developed by the CTURDP project.

Issue 6: Agricultural land used before 15/10/1993 will be supported 50% of the regulated land prices and agricultural land used since 10/15/1993- now will be supported 30% of the regulated land prices. In the CTURDP Project Policy, agricultural land used before 1/7/2004 will be supported 100% of the regulated land prices and agricultural land used after 1/7/2004 will be supported at least 60% of the regulated land prices.

Recommendations: Pursuant the land-use period of the resettlement Policy Framework of the CTURDP, this period will be verified again and HH will receive appropriate support based on the CTURDP Project's Policy Framework.

Issue 7: HH leasing agricultural production are compensated for trees and crops on land but are supported for investment cost on land.

Recommendations: HH will be supported for investment costs on land as minimum as 30% of the land prices to offset damages to households who invested to improve land.

Issue 8: Houses, buildings on encroachment canal land are not compensated but are supported 80% of the actual house areas based on the regulated unit prices.

Recommendations: Houses built on canal encroachment land will be supported 100% of the affected area of houses at replacement costs and at the compensation time.

Issue 9: Affected households, whose houses are partly affected and the remaining area is viable, will be supported for repairing houses. However, the support level is not specifically mentioned.

Recommendations: According to the CTURDP Policy Project, affected households whose houses are partly affected but the remaining area is viable, apart from the compensation for dismantled area, will be supported for renovation costs equivalent to 30% of the value of the dismantled area of houses. Therefore, to ensure the full implementation of the project policy, the compensation unit should check again the impact levels of households to calculate additional support to comply with the CTUDRP policy.

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Issue 10: Affected households who rent private houses and must relocate are not supported for relocation cost.

Recommendations: Identify the list of tenants who must relocate and provide additional support as per RPF.

Issue 11: Households whose small business is affected are supported as maximum as 2,000,000 VND/household but small business households who are temporarily affected are not supported. In the CTURDP project policy, the 2 subjects are respectively supported 2,000,000-10,000,000/household and 1,000,000-5,000,000VND/household

Recommendations: Small business temporarily affected will receive support as per RPF.

Issue 12: The support for temporary living is 1 time based on the unit prices stipulated by the People's Committee of Can Tho city

Recommendations: Provide additional support equivalent to 2 times of the unit prices stipulated by the People's Committee of Can Tho city.

Issue 13: No job training and career change support is applied for households whose agricultural land is affected, while in the CTURDP project policy, the support will be from 1 to 5 times of the land unit prices as stipulated by the People's Committee of Can Tho city.

Recommendations: Apply vocational training, job change support following the project Policy Framework for the affected households who received the compensation.

Issue 14: No support is applied for households who choose self-relocation, while in the CTURDP project policy, households who are eligible for resettlement are supported 1.5 times based on the provisions of Can Tho city and households who are not eligible for resettlement will be supported equal to 50% of the level of the households who are eligible for resettlement.

Recommendations: Apply the support under the project Policy Framework for the affected households who opted for self-relocation.

Issue 15: Only poor and social policy HH are supported under the Can Tho City policy but not other vulnerable.

Recommendations: Vulnerable other than poor and social policy HH will be supported as per RPF policy for the CTUDRP.

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6.3 Planning and measures**6.3.1 Expected plans**

The expected plan for the remedial measures in the compensation and site clearance of Can Tho River Embankment Project to match the CTURDP project resettlement Policy Framework as follows:

Table 14. The expected plan for the remedial measures

No.	Activities	Schedule	Responsible
1	Determine in details the entitlement that are not consistent with the CTURDP Project's resettlement Policy Framework;	12/2015	PMU/LFDC
2	Review compensation and support policy applied to affected households;	12/2015	PMU/LFDC
3	Identify affected households who need additional compensation, support under the CTUDRP's Resettlement Policy Framework	12/2015	PMU/LFDC
4	Prepare corrective action plan, including list of HH and budget, to comply with the CTUDRP's resettlement Policy Framework	1/2016	PMU/LFDC
5	Submit corrective action plan and budget to Can Tho City PC for review and approval	1/2016	LFDC
6	Disclose additional compensation plans	2/2016	LFDC
8	Pay additional compensation, support for affected households	4/2016	LFDC
9	WB's monitoring in the implementation of remedial measures	1 – 4/2016	WB
10	Independent monitoring of the implementation of the correctives actions.	1 – 4/2016	IMA

6.3.2 Monitoring

The implementation of the mitigation measures will be monitored by the Independent Monitoring Agency (IMA) and the World Bank to ensure that the correctives actions are effectively addressed.

The IMA will monitor the implementation of the mitigation measures, including: 1) identify the inappropriateness with the CTURDP Project's Policy Framework; 2) identify the affected objects and assets in need of additional compensation and support; 3) monitor the information and disclosure about the Project's Policy Framework and the additional compensation, support plans; 4) monitor the additional compensation and support payment; and 5) in case, the remedial

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measures have not applied effectively, the Consultant will propose additional measures to help stabilize affected households' living conditions, including the livelihood restoration programs. The monitoring issues will be summarized and reported to the World Bank for consideration.

In addition to receiving information through the monitoring channels of the Employer and the independent monitoring, World Bank will have a separate monitoring channel of its experts to assess if the implementation of the remedial measures complies with the Project's Policy Framework during review mission.