



VIE 30292

Summary of Quang Tri Resettlement Plan for Central Region Water Resources Project

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SUMMARY OF QUANG TRI RESETTLEMENT PLAN

1. **The Project.** The Central Region Water Resources Project (the project) is to assist the Government of Viet Nam (the Government) in addressing water and poverty related problems in six of the 14 coastal provinces in central Viet Nam. As part of the project's preparation, a social analysis was carried out in each of the six subproject areas, and a resettlement plan has been prepared for the Thach Han scheme in Quang Tri.

2. **Project Entitlements.** The project's resettlement policy and entitlements have built upon the laws of the Government of Viet Nam, principally the revised Land Law (2003), and Decree 197 and Decree 188, the ADB's *Policy on Involuntary Resettlement* (1995), and frameworks and entitlement matrices approved by Government for other projects in the water, transport and energy sectors. The policies and entitlements have been updated to reflect the requirements of the new Decrees. Provisions and principles adopted in the resettlement plans for the project will supersede the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists. Such waivers of Vietnamese law and decrees are provided for under Decree 17/ND-CP (May 2001), which regulates the management and use of official ODA. Article 29 stipulates that where an international aid agreement has provisions that are inconsistent with the provisions of Viet Nam law, the provisions of the ODA agreement shall prevail.

3. **Project Principles.** For the implementation of the above principles, the following policies shall apply:

- (i) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible by identifying possible alternative project designs, and appropriate social, economic, operational and engineering solutions that have the least impact on populations in the project area.
- (ii) The people affected by the project (APs) are defined as those who may stand to lose, as a consequence of the project, all or part of physical and nonphysical assets, including homes, homesteads, productive lands, commercial properties, tenancy, income-earning opportunities, social and cultural activities and relationships, and other losses that may be identified during the process of resettlement planning.
- (iii) All APs who will be identified in the project impacted areas as of the date of the detailed measurement survey, will be entitled to be compensated for their lost assets, incomes and businesses at full replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels.
- (iv) All affected populations will be equally eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the objectives outlined above.
- (v) Lack of legal rights to the assets lost or adversely affected will not bar the affected persons from entitlement to such compensation and rehabilitation

measures¹. Those without legal title to land and/or structures occupied or used by them (for e.g. squatters) are entitled to various options of resettlement assistance, provided they cultivated/occupied the land before the eligibility cut-off date. Resettlement assistance to non-titled APs will include compensation for lost assets and restoration of income and living standards. Assistance may also include replacement land, although there is no such entitlement to this for such APs. The resettlement package may include measures to ensure that such APs are able to find alternative sites or income sources, depending on their losses.

- (vi) Replacement residential and agricultural land will be as close as possible to the land that was lost, and acceptable to the AP. Where there is not sufficient paddy land available in villages, the project will assist the communes to develop new paddy land wherever this is possible (i.e. conversion of unused land or other non-agricultural land owned by the commune). The project will also assist communes to prepare level residential land and sites for livestock and fishponds.
- (vii) The rehabilitation measures to be provided are: (i) cash compensation at replacement cost without deduction for depreciation or salvageable materials for houses and other structures; (ii) full title to replacement agricultural land for land of equal productive capacity acceptable to the AP as a priority, or cash in lieu of land at replacement cost at current market value²; full title to replacement residential and commercial land of equal size acceptable to the AP; (iv) cash compensation for crops and trees and current market value; and (v) relocation allowances and rehabilitation assistance.
- (viii) Temporarily affected land and communal infrastructure will be restored to pre-project conditions.
- (ix) The compensation and resettlement activities will be satisfactorily completed and rehabilitation measures in place before the Government and ADB will approve award of contract of civil works.
- (x) The Executing Agency (EA) will see that institutional arrangements are in place to ensure effective and timely design, planning, consultation and implementation of the land acquisition, compensation, resettlement and rehabilitation program.
- (xi) Existing cultural and religious practices shall be respected and, to the maximum extent practical, preserved.

¹ People without legal rights are referred to as 'non-titled' in the Operations Manual, and include those who have no recognizable rights or claims to the land that they are occupying and/or using. The policy also states that restoration measures must be determined in consultation with affected communities, including those people who might not be formally recognized in national legislation.

² Agricultural land for land of equal productive capacity: means that the land provided as compensation should be able to produce the same or better yield the AP was producing on his/her previous land. The production should be in the planting season immediately following the land acquisition. It can be for a future period if transitional allowance equal to the household's previous yield is provided to the AP household while waiting for the land to get back to the same productivity as the previous land.

- (xii) Adequate budgetary support will be fully committed and be made available to cover the costs of land acquisition and resettlement and rehabilitation within the agreed implementation period.
- (xiii) Special measures shall be incorporated in the resettlement plan and complementary mitigation and enhancement activities to protect socially and economically vulnerable groups such as ethnic minority peoples, women-headed families, children and elderly people without support structures and people living in extreme poverty.
- (xiv) There shall be effective mechanisms for hearing and resolving grievances during the implementation of the resettlement plan.
- (xv) Details of the resettlement plans shall be distributed to the APs and placed in project and commune offices for the reference of affected people as well any interested groups.
- (xvi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.

4. **Scope of Land Acquisition and Resettlement.** As shown in Table 1, the subproject in Quang Tri (Thach Han scheme) will require land acquisition of 15.2 hectares (ha) accounting for some 12.2 ha of agricultural land, 2.9 ha of forest land, and 1,891 m² of residential land, affecting a total of 471 households; 448 households lose agricultural land, seven lose residential land and sixteen lose forest land. In addition there will be temporary effects on 467 households (464 households experience short term effects on 9.7 ha of agricultural land, two have 317 m² of residential land affected and one households loses 1.5 ha of forest land on a temporary basis; this land will need to be rented by the project for one year. There are no main (houses or shops) or secondary (animal pens, walls, rice bins etc) structures affected by the subproject.

5. There are also 11.1 ha of crop (predominantly rice, maize and potato) and 10,729 trees to be cleared from the subproject area. Some 446 households will lose crops and ten households will lose trees.

Table 1: Loss of Land

Commune	Temporary Effects (m ²)				Permanent Effects (m ²)			
	Total H'holds Affected	Residence land	Agriculture land	Forest land	Total H'holds Affected	Residence land	Agriculture land	Forest land
Hai Truong	222		42,414	15,000	240		64,600	28,750
Hai Son	45		8,316		42		7,663	
Hai Duong	138		29,741		131	1,350	23,905	
Hai Que	62	317	16,720		58	541	26,501	
Total	467	317	97,191	15,000	471	1,891	122,669	28,750

6. **Scope of the Resettlement Plan and Framework.** This resettlement plan has been prepared to cover the Thach Han scheme as one of project's six subprojects. A census and inventory of lost assets was carried out for all households potentially affected by loss of land

and structures for the irrigation canals and reservoir areas in each core project area. Based on the information collected, six resettlement plans have been prepared for the project in compliance with the ADB's *Policy on Involuntary Resettlement (1995)* and the *Handbook on Resettlement: A Guide to Good Practice*.

7. The resettlement plans will be updated following detailed design during project implementation. Also during the updating of the resettlement plan, the costs will be revised in line with the new decrees.

8. **Entitlement Matrix.** The project entitlements have been designed to provide compensation, resettlement and rehabilitation for lost assets and restore or enhance the livelihoods of all categories (directly and indirectly affected, title holders and non-title holders) of affected people. The entitlement matrix for the project (Table 2) summarizes the main types of losses and the support entitled for each type of loss, and has been updated based on the requirements of Decree 197.

9. Replacement costs and rates will be through an appraisal of market prices undertaken in consultation with commune administrations in each subproject area to verify that PPC rates are in fact replacement cost or market value. These rates will be used as the basis of the resettlement cost estimates. Final rates can be determined during the detailed measurement survey.

10. **Ethnic Minorities and Vulnerable Groups.** If the social analysis shows that there are high proportions of ethnic minority groups living within the subproject areas, special attention will need to be given to identifying and addressing the special needs of these groups and these will be addressed in an Ethnic Minority Development Plan (EMDP) to be prepared in accordance with the Ethnic Minority Development Framework. Just under 5% of the subproject population is ethnic minority, and there are no ethnic minority AP households. The ADB's policy on ethnic minority is clear to state that where ethnic minority and non-ethnic minority live in one area, and the ethnic minority group does not maintain unique cultural systems or values, the project should not make distinctions based on ethnicity but prepare a community action plan to cover all poor and vulnerable households regardless of ethnicity. The needs of these households will be addressed through the gender action plan. Special attention will also be given to identifying and addressing the special needs of any disadvantaged groups such as the landless, poor, female headed households, and the disabled, through measures included in the project's gender action plan.

Table 2: Summary Entitlement Matrix

Types of Losses	Entitlements
Loss of Land	
All land temporarily affected (< 1 year)	Rent for period of disruption, compensation for loss of crops or trees, compensation for loss of income for period of disruption for subsequent crops that can not be planted, land restored to pre-project condition
Residential and garden – permanent loss	Full title to replacement land as a priority, or cash compensation at full replacement cost at current market value
Agricultural and forest - permanent loss	Full title to replacement land as a priority, or cash compensation at full replacement cost at current market value
Severe effects (10 % or more loss of prod. land)	Livelihood stabilization (income restoration & transition allowances)
Loss of Structures (residential & commercial)	
Shops & houses	Loss of structure compensated in cash or kind at full replacement cost with no deduction for depreciation or salvaged materials
Secondary structures	Compensation in cash or kind at full replacement cost with no deduction for depreciation or salvaged materials
Total loss & relocation	Allowances for transportation of household effects, transition subsistence and bonus payment if AP clears area on time
Crop & Tree Loss	
Standing crop	Cash compensation at market price for loss of crops/fruits
Trees/fruits	Compensation based on the type and age of the tree to be determined in consultation with APs and approved by the local Department of Finance & Price
Allowances & Assistance for Livelihood Stabilization	
Transportation (relocating APs)	APs relocating within province 3 million VND, households relocating to another province 5 million VND
Transition subsistence (relocating & sev. affected APs)	Allowance of 30 kg of rice/person/month for 6 months (or lump sum equiv. to 450,000 per person)
Assistance for agricultural land located in urban areas	In addition to compensation, cash assistance for agri. land in urban, peri-urban or rural residential areas of between 20 and 50% of the current market value of agricultural land.
Training for occupational change	The training will be of a value up to a pre-agreed sum of US\$200 per AP, given directly to the training institution involved. Trainees entitled to a subsistence allowance during training period (to a maximum of six months) or to a maximum value of US\$100 per AP. The unit costs of the skills training will be US\$300 per AP
Agricultural extension	Assistance to improve productivity on remaining agricultural land by linking them with pre-existing government –run programs such as agricultural extension. Agricultural assistance will be of a value of US\$110 per severely affected household.
Special allowance for poor & vulnerable APs	Allowance of 30 kg of rice/person/month for 6 months (or lump sum equiv. to 450,000 per person)
Other measures	As provided under social support program including access to credit and project-related employment

11. **Income Restoration Strategy for Severely Affected Households.** All households that are required to relocate, or suffer a loss of 10% or more of productive assets will be provided with additional support. For households that have to move, the project will assist communities and households by leveling land identified by the commune administrations for residential and garden land plots and livestock pens. Relocating households will be assisted

with house dismantling and rebuilding. For agricultural households losing land, they will be entitled to replacement land of equal productivity as a priority, or an income restoration and subsistence allowance if there is no land of equal productive value available in the commune. If there is a shortage of paddy rice land in the commune, but sufficient other land, the project will assist communes to prepare paddy land by clearing and initially preparing land.

12. In consultation with communes, the project will develop fishponds at appropriate locations in the subproject area. During the detailed design, every effort will be made to reduce the need for relocation. Measures identified in the resettlement plans prepared for the six core projects will be incorporated into the subsequent plans prepared under the project where applicable. There are no households to be relocated under the Thach Han scheme, however, under the scheme there are 33 households (7%) who are severely affected through loss of agricultural land.

13. **Participatory Process of Resettlement Planning and Implementation and Grievance Mechanism.** Consultation shall be undertaken prior to any finalization of design in order that community needs can be incorporated into the design of the subprojects as far as is practicable. Stakeholders will be encouraged to participate in the process. The resettlement and ethnic minority development surveys undertaken will continue the dialogue with affected communities. There must also be a process established to deal with any issues or concerns raised during project implementation. Affected communities will be provided opportunities to participate in the detailed measurements survey, validation of compensation rates and entitlements, delivery of entitlements, monitoring of impacts and benefits, and design and participation in a grievance mechanism.

14. **Disclosure.** Key information in the resettlement plans, including compensation and rehabilitation options, will be disclosed to the affected communities before appraisal. This will be in the form of a resettlement information leaflet or brochure, a summary resettlement plan, or a complete resettlement plan in a form and language which they can readily understand, in an accessible place, so that they may respond if necessary during appraisal. The resettlement plans, or their summary, will be translated and approved and endorsed by each province as well as MARD, and they will also be disclosed on ADB's website following ADB Board approval.

15. **Total Cost of Plan.** The total cost of compensation and allowances (including 20% administrative charges and 20% contingency) and the costs for independent monitoring is 3,498 million VND (US\$221,425.29).

Table 3: Summary of Resettlement Plan Costs

Item	Total Plan Costs	
	VND	US\$
Resettlement	3,086,139,528	195,325.29
Monitoring	412,380,000	26,100.00
Total	3,498,519,528	221,425.29