

Resettlement Planning Document

Resettlement Plan
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Viet Nam: Integrated Rural Development Project in Central Provinces

Prepared by: Ministry of Agriculture and Rural Development

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CURRENCY EQUIVALENTS

(as of 30 November 2006)

| | | |
|---------------|---|--------------|
| Currency Unit | – | Dong (VND) |
| VND 1.0 | = | \$0.00006289 |
| \$1.00 | = | VND 16,000 |

ABBREVIATIONS

| | | |
|--------|---|--|
| ADB | = | Asian Development Bank |
| APs | = | Affected person or persons, household, firm or private institution |
| CARB | = | Compensation, Assistance and Resettlement Board |
| CPC | = | Commune People's Committee |
| CPMU | = | Central Project Management Unit |
| DARD | = | Department of Agriculture and Rural Development |
| DMS | = | Detailed Measurement Survey |
| DOF | = | Department of Finance |
| DONRE | = | Department of Natural Resources and Environment |
| DPC | = | District People's Committee |
| EA | = | Executing Agency |
| FHH | = | Female-headed household |
| GOV | = | Government of Viet Nam |
| HH | = | Household |
| IMO | = | Independent Monitoring Organization |
| LURC | = | Land Use Rights Certificate |
| MARD | = | Ministry of Agriculture and Rural Development |
| MOLISA | = | Ministry of Labour, Invalids and Social Assistance |
| NGO | = | Non-government Organization |
| PPMU | = | Provincial Project Management Unit |
| PPC | = | Provincial People's Committee |
| RCS | = | Replacement Cost Study |
| RPF | = | Resettlement Policy Framework |
| RP | = | Resettlement Plan |

GLOSSARY

- Affected person (AP) - means any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
- Compensation - means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Entitlement - means a range of measures comprising compensation, income restoration support, transfer assistance, income substitution and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base.
- Land acquisition - means the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation equivalent to the replacement costs of affected assets.
- Rehabilitation - means assistance provided to project affected persons due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
- Relocation - means the physical relocation of an AP from her/his pre-project place of residence.
- Replacement cost - means the method of valuing land, structures and other assets as follows:
- (i) Agricultural land: The replacement cost of agricultural land will be based on a) the pre-project or pre-displacement market value, whichever is higher, of land of equal productive potential or use located in the vicinity of the affected land; plus b) the cost of preparing the land to levels similar to those of the affected land; and, c) the costs of any registration and transfer taxes.
 - (ii) Residential land: The replacement cost equals a) the pre-displacement market prices for land of equal size and use, with similar or improved public infrastructure and services in the vicinity of the affected land; and b) the costs of any registration and transfer taxes.
 - (iii) Houses and other structures: The replacement cost equals a) the current market prices for new building materials to build a replacement structure with an area and quality similar to or better than the affected structure, or to repair a partially affected structure; plus b) the costs of transporting building materials to the construction site; c) the costs of

any labour or contractors' fees; and, d) the costs of any registration and transfer taxes. In determining the replacement cost of structures, no deductions are to be made for a) depreciation of the asset; b) the value of salvage materials; or, c) the value of benefits to be derived from the project.

(iv) Annual crops: The replacement cost for annual crops is equivalent to the average production over the last three years multiplied by the current market prices for agricultural products at the time of compensation.

(v) Perennial plants and trees: The replacement cost for perennial plants and trees is equivalent to current market prices given the type, age and productive value of the plants and/or trees, including lost future productivity.

(vi) Other assets (community, cultural, aesthetic): Compensation will be calculated on the basis of the current market prices at time of compensation for repairing and/or replacing assets; or, the costs of mitigation measures. For example, compensation for the relocation of a gravesite will include all expenditures for excavation and construction of a new grave of similar type; exhumation and transport of remains to new grave; and, other reasonable costs.

- Resettlement - means all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
- Resettlement plan (RP) - is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation. The RP must be prepared and approved prior to loan appraisal for the Project.
- Severely affected APs - means APs that (i) lose 10% or more of their total productive land, assets and/or income sources due to the Project; and/or (ii) relocate due to insufficient remaining residential land to rebuild.
- Significant resettlement effects - occur when 200 or more people experience major resettlement effects, that is, they are physically displaced and/or lose 10% or more of their productive, income-generating assets.
- Vulnerable groups - mean distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement and specifically include: (i) households headed by women, disabled or elderly, (ii) households falling under the generally accepted indicator for poverty, (iii) landless households, and (vi) ethnic minorities.

NOTES

- (i) The fiscal year (FY) of the Government of Viet Nam ends on 31 December. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2000 ends on 31 December 2000.
- (ii) In this report, "\$" refers to US dollars.

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I. INTRODUCTION

1. The purpose of the Integrated Rural Development Project in Central Provinces (IRDPCP) is to provide funds for small and medium-scale investments in rural and coastal infrastructure subprojects in thirteen provinces in the Central Region¹. The objective is to support the priority development needs of poor beneficiaries, particularly women and ethnic minorities, as set out in provincial socioeconomic development plans. The Executing Agency (EA) for the IRDPCP is the Ministry of Agriculture and Rural Development (MARD), with responsibility delegated to the IRDPCP Central Project Management Unit (CPMU). The Implementing Agencies are the Provincial People's Committees (PPCs), with day-to-day implementation carried out by Provincial Project Management Units (PPMUs) established in each of the 13 provinces.

2. The proposed Project has been designed to improve the livelihoods of the rural population by increasing access to markets, increasing access to agricultural inputs, increasing access to services such as health and education, increasing employment opportunities and reducing vulnerability to natural disasters. This will be achieved through the rehabilitation and upgrading of strategically important, medium-scale rural infrastructure that has deteriorated over past decades due to war and natural disasters, exacerbated by severe budgetary constraints for maintenance. The types of rural infrastructure to be improved will include rural roads; irrigation drainage and flood control schemes; rural markets; rural water supply schemes and special coastal works such as sand dune stabilization, salinity intrusion prevention and mangrove rehabilitation. The outcome of these improvements will be improved access to markets, inputs, employment opportunities, and health and education services along with reduced vulnerability to natural disasters while the overall impact will be improved livelihoods, incomes and standards of living for the rural population.

A. Subproject Description

3. The Hung Trung - Nghi Kieu Rural Infrastructural Development Subproject located in 5 communes of Hung Nguyen and Nghi Loc districts, Nghe An province. The Hung Trung - Nghi Kieu subproject includes 3 components: (a) Improving the rural road in 5 communes with its length of about 16.5 km; (b) Construction of new irrigation canals in 4 communes with the length of 6,241 m; (c) Construction of 2 new markets in Hung Trung and Nghi Cong Nam communes.

a. The improvement of the road: the first point starts from Cho Cau bridge in Hung Trung commune, Hung Nguyen district and ends at Nghi Kieu commune, Nghi Loc district. There are two sections: (i) the main section starts from Km 0 + 0.00 at Cho Cau bridge of Hung Trung commune, continuing to go through Nghi Cong Nam, Nghi Cong Bac, Nghi Lam communes and ends at Nghi Kieu commune, Nghi Loc district. This section with the length of 14.5 km and will be constructed by class 5 standard of lowland road. The road has an average pavement width of 3.5 m and an average embankment width of 6.5m. (ii) the second section with the length of 2.0 km starts at intersection with the main section of Nghi Cong Nam commune. This section has an average pavement width of 3.5 m and an embankment width of 6.0 m and will be constructed by class 6 standard of lowland road.

¹ IRDPCP provinces include Thanh Hoa, Nghe An, Ha Tinh, Quang Binh, Quang Tri, Thua Thien Hue, Quang Nam, Quang Ngai, Kon Tum, Binh Dinh, Phu Yen, Ninh Thuan and Binh Thuan.



b. The Construction of new irrigation canals with the length of 6,241 m (above left). All the irrigation canal sections will be located close and parallel to the road to be improved in 4 communes, of which 2,900 m of Nghi Cong Bac commune, 1,600 m of Nghi Lam commune, 1,200 m of Nghi Kieu commune and 541 m of Hung Trung commune.

c. Construction of two new commune markets: the two existing commune markets of Nghi Cong Nam and Hung Trung communes have become seriously degraded and polluted. The market of Hung Trung commune (below left) with the area of about 3,000 m², and the construction of new market will be based on the existing platforms. The construction of Nghi Cong Nam market (below right) with the area of about 3,900 m² of which 1,700 m² is based on the foundation of existing market and will be enlarged by more than 2,200 m². All areas of land for construction of two new commune markets is owned and managed by the Commune Peoples' Committees.



B. Scope of Land Acquisition and Resettlement and the Category

4. An Inventory of Losses (IOL) was conducted in all communes of the subproject area to collect data on the number of affected people (APs) and the types and amounts of land, structures and other assets that are affected by land acquisition. A more detailed presentation of the IOL results is provided in Section II, below. In summary:

- (i) The number of APs that will lose small amounts of land, structures and/or crops and trees: 460 APs
- (ii) There is no AP that will lose 10% or more of their productive land, income or other productive assets.

- (iii) There is no AP that will be required to relocate and rebuild houses and/or shops on new land. Shops will temporarily move within the same sites while the two new markets are being built, after which they will rent space in the new markets under the same lease arrangements as in the old markets. Their activities and incomes will not be affected.

5. According to IRDPCP policies, the land acquisition and resettlement impacts of Hung Trung - Nghi Kieu subproject are not significant. Therefore the subproject is classified as Category B and a short resettlement plan has been prepared. All APs are also project beneficiaries. The resettlement plan (RP) has been prepared in accordance with the agreed IRDPCP Resettlement Framework. It includes the following sections:

- (i) Section II – Scope of Land Acquisition and Resettlement: Summary of DMS findings on the numbers of APs and the type and extent of losses due to land acquisition.
- (ii) Section III – Socioeconomic Profiles: Summary of DMS findings on the socioeconomic conditions in the subproject area and among APs.
- (iii) Section IV – Policy Framework and Entitlement: Presentation of the legal and policy framework for land acquisition and resettlement under the IRDPCP; eligibility of APs for compensation and assistance; and, entitlement matrix for compensation and assistance.
- (iv) Section V – Information Disclosure, Consultations and Grievance Redress: Policies, procedures and subproject activities regarding disclosure of information to and consultation with APs, and grievance redress procedures.
- (v) Section VI – RP Updating and Implementation: Procedures for payment of compensation and allowances; and the Hung Trung - Nghi Kieu subproject does not require strategies to assist APs to restore living conditions and incomes.
- (vi) Section VII – Resettlement Costs: Procedures for financing and disbursement of funds for land acquisition and resettlement; summary of the costs for compensation and allowances, and administration of resettlement program.
- (vii) Section VIII – Institutional Arrangements: Description of roles and responsibilities of provincial and district authorities for land acquisition and resettlement.
- (viii) Section IX – Monitoring: Procedures for internal and external monitoring of resettlement activities.
- (ix) Section X – Implementation: Schedules for activities to prepare and implement the RP and conduct external monitoring activities.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Measures to Minimize Land Acquisition

6. Much effort has been taken to minimize the resettlement impact of the IRDPCP Project. The Hung Trung - Nghi Kieu subproject includes 3 components: (i) improving 16.5 km of district road; (ii) construction of two new commune markets; and (iii) construction of some new irrigation canals.

- The first 16.5 km of district road will be mainly implemented on the existing surface of the road with average width of 5 - 6 m. Therefore, the acquisition of land and assets is not significant.
- The two new markets of Nghi Cong Nam commune (Nghi Loc district) and Hung Trung commune (Hung Nguyen district) will be constructed on the degraded foundations of the old markets. Local authorities of the two communes will create a temporary platform for affected people to continue their trading activities during construction.
- Some sections of the irrigation canals will be constructed by reinforced concrete with an average water-pipe is 0.7 - 0.9 m diameter that parallels the improved road. Therefore, the acquisition of agricultural land is not significant.

B. Inventory of Losses

7. The inventory of losses (IOL) for the subproject was conducted following completion of preliminary engineering design and demarcation on the ground of the land to be acquired. The following summarizes the IOL and related procedures:

- (i) The related procedures for IOL started from beginning of November 2006. The CARBs of two districts and local authorities of 5 affected communes started the inventory of losses from 7 November and completed data collection on 27 November 2006.
- (ii) The Compensation, Assistance and Resettlement Board (CARBs) of Nghi Loc and Hung Nguyen districts in coordination with local authorities of 5 affected communes held public meetings with households who are locating along two sides of the improving road, and people who have trading activities in two commune markets to inform them about the dates and procedures of the IOL.
- (iii) The IOL team included members of resettlement taskforce of two CARBs, chairmen/vice-chairmen of affected communes, commune land managers, heads of hamlets, representatives of communal social organizations and representatives of affected persons.
- (iv) The number of affected households surveyed in 5 communes was 460, of which 82 APs of Nghi Cong Nam commune, 66 of Nghi Cong Bac, 63 of Nghi Lam, 64 of Nghi Kieu communes of Nghi Loc district and 185 APs of Hung Trung commune of Hung Nguyen district.
- (v) The official cut-off date for eligibility for compensation and other assistance will be established as the final day of the detailed measurement survey (DMS) of all losses. The DMS will not be undertaken until after detailed design.

8. The survey form to be used for the DMS is included in Appendix 1 of the RP; the list of APs and their affected assets as identified by the IOL is included in Appendix 2.

C. Affected Assets and APs

1. Land and Structures

9. The following table summarizes the results of the IOL concerning affected land and structures, including assets owned by households and commune assets. In the subproject area:

- (i) Important characteristics for land assets: Total area of land to be acquired by the Hung Trung - Nghi Kieu subproject is 89,160 m², and mainly is agriculture land of 58,267 m² representing about 65.35% of acquired land. Agriculture land will be acquired by the subproject in all 5 affected communes but mainly in Nghi Lam commune with 34,636 m². The second round is garden land with an area of 30,615 m² to be acquired and occupying about 34.3%. Only 32 m² of residential land is to be acquired by the subproject and located in Nghi Lam commune. There will be no residential land acquired in other 4 communes of the project. There will be no temporary land acquisition for subproject, although there may be some temporary damage during construction; this will be fully compensated and damages restored to pre-project situation. (See Table 2 below).
- (ii) Important characteristics for structures: There are no APs having house of class 3 to be affected. Only 10 households located in Hung Trung commune who have houses of class 4 with an area of 262 m² will be partly affected by the subproject, will be able to repair their houses and remaining area will still be viable. 47 APs of 5 communes who have 1,415.5 m² of temporary houses to be partially affected will be able to repair their houses and remaining area will still be viable. The trading activities of 132 APs will be temporarily affected during construction of commune markets in Nghi Cong Nam (97 APs) and Hung Trung (35 APs) communes. All 97 APs in Hung Trung market having kiosks built of their own temporary materials on areas rented from the CPC will have to move temporarily to the location behind the existing market, also belonging to the CPC, until the market upgrading is completed, after which they will move their same materials back into the new market on the same site. The 35 kiosks in Nghi Cong Nam market are also built of temporary materials and also rent from the CPC, however, they will be allowed to continue their business on their same sites during the construction, but will have to put their sales items or produce on the floor during construction. There are 70 APs who will have fences and other secondary structures affected by the subprojects. (Details are described in Table 1 below).
- (iii) Public Affected Properties: There are 24 electric poles managed by Nghi Cong Bac CPC; and an infirmary built and managed by Nghi Cong Nam CPC have to be moved.

Table 1. Summary of permanent land acquisition and affected assets

| No | Type of assets | Household assets | | | | | | | | | |
|-----|-------------------------|-------------------|------------------------|-------------------|------------------------|-------------------|------------------------|-------------------|------------------------|-------------------|------------------------|
| | | Nghì Loc district | | | | | | | | Hung Nguyen dist | |
| | | Nghì Cong Nam com | | Nghì Cong Bac com | | Nghì Lam com | | Nghì Kieu com | | Hung Trung com | |
| I | Land | No. HHs | Area (m ²) |
| 1 | Residential land | 0 | 0 | | | 01 | 32 | 0 | | 0 | |
| 2 | Garden land | 45 | 787 | 65 | 1.851 | 49 | 2.649 | 63 | 1.180 | 0 | |
| 3 | Agricultural land | 01 ⁽¹⁾ | 4.000 | 65 | 3.424 | 16 ⁽⁵⁾ | 2,474 | 01 ⁽⁷⁾ | 7.861 | 27 | 8.346 |
| 4 | Aquaculture land | 01 | 246 | 0 | | 0 | | 0 | | 0 | |
| 5 | Forestry land | 0 | | 0 | | 0 | | 0 | | 0 | |
| II | Structures | | | | | | | | | | |
| 1 | Class 3 | 0 | | 0 | | 0 | | 0 | | 0 | |
| 2 | Class 4 | 1 ⁽²⁾ | 126 | 0 | | 0 | | 0 | | 10 | 262 |
| 3 | Temporary house | 2 | 240 | 10 | 308 | 12 | 373 | 4 | 30.0 | 19 | 454 |
| 4 | Kiosks in markets | 35 | 140 ⁽³⁾ | | | | | | | 97 ⁽⁸⁾ | 388 |
| 5 | Secondary structures | | | 24 | | 24 | | 0 | | 20 | |
| III | Trees | 8 | | 23 | | 25 ⁽⁶⁾ | | 17 | | 12 | |
| IV | Public structure | | | 01 ⁽⁴⁾ | | | | | | | |
| | Total | 82 | | 66 | | 63 | | 64 | | 185 | |

(1) The land belongs to Nghì Cong Nam PC.

(2) It belongs to Nghì Cong Nam PC.

(3) Those temporary houses will be partially affected.

(4) All kiosks in the market were built by CPC and APs rented for trade activities.

(5) 24 concrete electric poles are managed by Nghì Cong Bac PC.

(6) Nghì Lam PC has 1,761 m² of agricultural land affected.

(7) Among 25 APs, one HH is Nghì Lam CPC.

(8) The land belongs to Nghì Kieu CPC.

(9) The 97 kiosks were built by individual APs who pay rent to the CPC.

10. Table 2 summarizes the total permanent land acquisition for the Hung Trung - Nghì Kieu subproject. No land will be temporarily acquired during civil works, although there may be some temporary damage to property by contractors during construction. Such damage would require compensation and restoration to pre-project condition.

Table 2. Summary of permanent land acquisition

| No | Type of land | Area of land acquired by the subproject (m ²) | | | | | Totals (m ²) |
|----|-------------------|---|--------------------|---------------|----------------|------------------|--------------------------|
| | | Nghì Loc district | | | | Hung Nguyen dist | |
| | | Nghì Cong Nam com. | Nghì Cong Bac com. | Nghì Lam com. | Nghì Kieu com. | Hung Trung com. | |
| 1 | Residential land | 0 | 0 | 32 | 0 | 0 | 32 |
| 2 | Garden land | 787 | 1,851 | 2,649 | 1,180 | 0 | 6,467 |
| 3 | Agricultural land | 4,000 | 3,424 | 2,474 | 7,861 | 8,346 | 26,105 |

| | | | | | | | |
|---|------------------|--------------|--------------|--------------|--------------|--------------|---------------|
| 4 | Aquaculture land | 246 | 0 | 0 | 0 | 0 | 246 |
| 5 | Forestry land | 0 | 0 | 0 | 0 | 0 | |
| | Totals | 5,033 | 5,275 | 5,155 | 9,041 | 8,346 | 32,850 |

2. Severely Affected APs

11. Severely affected APs are defined as those that (i) will lose 10% or more of their productive land, income or other productive assets and/or (ii) must relocate and rebuild their house and/or shop on new land. They are entitled to additional assistance to restore incomes and/or relocate.

12. There is no severely affected AP in the Hung Trung - Nghi Kieu subproject area due to permanent relocation or to loss of productive assets. However, 132 APs who are operating kiosks in the two markets will be temporarily displaced from their current sites which they rent in the old markets, but will continue to operate their kiosks just behind the old market (Hung Trung) or on the floor of the old market (Nghi Cong Nam) during construction, and will then move back into the completed new market places and continue to pay the same rent. The AP will continue to use their own kiosk structure.

3. Crops and Trees

13. APs with affected crops and trees will be compensated at replacement cost if they are unable to harvest prior to removing from affected land. The costs of compensation have been included in the calculation of resettlement costs (Section VII).

III. SOCIOECONOMIC PROFILES

14. Socioeconomic profiles have been prepared for the subproject area and for affected people (APs), including data on key indicators related to land acquisition and resettlement impacts. The sources of data on subproject conditions are current status of land use, population and employment, education achievement and the enrolment rates of school-age children living in the subproject area; the socioeconomic conditions of APs were surveyed during the IOL of 100% APs.

A. Socioeconomic Profile of Subproject Area

1. Current status of Land Use

15. The distribution of the types of land resources is summarized in the following table in the communes and district affected by the subproject. In the subproject area:

- (i) The dominant land use is agricultural land and forestry land.
- (ii) Other important characteristics of local land use are agricultural land, forestry land, residential land and special land. There is a very small area of fish pond in Hung Trung commune, about 0.26 ha. The average percentage of agricultural land and forestry land is 33.35% - 60.17% of total physical area of affected communes. Four communes, Nghi Cong Nam, Nghi Cong Bac, Nghi Lam and Nghi Kieu of Nghi Loc district, are mountainous communes and the forestry land occupies a considerable percent about 16.4% - 29.2% of total physical area of affected communes. Hung Trung commune has no forestry land. Details are described in Table 3 below.

Table 3: Current Status of Land Use in Affected Communes

| Land Resources Subproject Area | Nghi Loc district | | | | | | | | Hung Nguyen district | |
|-------------------------------------|----------------------|------------|----------------------|------------|----------------|------------|----------------|------------|-------------------------|------------|
| | Nghi Cong Nam com | | Nghi Cong Bac com | | Nghi Lam com | | Nghi Kieu com | | Hung Trung com. | |
| | Area (ha) | % Total | Area (ha) | % Total | Area (ha) | % Total | Area (ha) | % Total | Area (ha) | % Total |
| 1. Agriculture land | 384.78 | 16.95 | 314.2 | 23.84 | 766.34 | 31.8 | 1,108.4 | 33.58 | 582.73 | 60.17 |
| - Annual crops | 355.99 | 15.68 | 260.6 | 19.77 | 660.3 | 27.4 | 828.32 | 25.1 | 495.54 | 51.17 |
| - Perennial crops & trees | 28.79 | 1.27 | 53.6 | 4.0 | 106.04 | 4.4 | 280.08 | 4.48 | 84.69 | 9.0 |
| 2. Aquaculture land | 0 | | 0 | | 0 | | 0 | | 2.5 | 0.26 |
| 3. Forest land | 372.60 | 16.4 | 385.0 | 29.2 | 642.4 | 26.7 | 346.2 | 10.48 | 0 | |
| 4. Residential land | 25.13 | 1.1 | 20.14 | 1.53 | 33.8 | 1.4 | 44.79 | 1.36 | 30.79 | 3.18 |
| 5. Special land | 100.87 | 4.44 | 44.67 | 3.38 | 121.28 | 5.0 | 290.9 | 8.8 | 143.2 | 14.78 |
| 6. Vacant land | 1,262.5 | 55.63 | 492.55 | 37.4 | 573.2 | 23.8 | 1,218.5 | 36.9 | 209.17 | 21.6 |
| 7. Other land | 148.55 | 6.5 | 61.44 | 4.66 | 271.18 | 11.26 | 291.71 | 8.84 | 0 | |
| Total physical land (ha) | 2,269.3 | 100 | 1,318.0 | 100 | 2,408.2 | 100 | 3,300.5 | 100 | 968.39 | 100 |

2. Population and Employment

16. The population and employment characteristics in the subproject area are summarized in Table 4. In the subproject area:

- (i) The distribution and density of local population: In Hung Trung - Nghi Kieu subproject, the inhabitants are living concentrated in the hamlets. The population of 5 affected communes 38,658 people; the average population density is 439.1 persons/km². The most concentrated population is in Hung Trung commune with population density of 900 persons/km², and less in Nghi Cong Nam commune with the population density of 247.2 persons/km².
- (ii) Ethnic groups in the subproject area: There are only Kinh people in the Hung Trung - Nghi Kieu subproject area, no ethnic minority people.
- (iii) The work force in the subproject area is employed: the work force in the Hung Trung - Nghi Kieu subproject area is mainly laborers working in the agriculture production with 15,337 people representing about 39.67% of total population of 5 affected communes. The second round is laborers who are working in trading and services with 1,135 people occupying about 2.9%. There are only 448 laborers working in industries, about 1.16% and 17 laborers of Hung Trung commune who are working in fishery.

Table 4: Population and Employment

| Population and Employment Subproject Area | Nghi Loc district | | | | | | | | Hung Nguyen district | |
|---|-------------------|---------|-------------------|---------|--------------|---------|---------------|---------|----------------------|---------|
| | Nghi Cong Nam com | | Nghi Cong Bac com | | Nghi Lam com | | Nghi Kieu com | | Hung Trung com. | |
| | Total | % Total | Total | % Total | Total | % Total | Total | % Total | Total | % Total |
| 1. Population (No. people) | | | | | | | | | | |
| - Female | 2,863 | 51.03 | 2,452 | 51.13 | 4,224 | 51.22 | 5,758 | 50.99 | 4,435 | 50.9 |
| - Male | 2,747 | 48.97 | 2,344 | 48.87 | 4,023 | 48.78 | 5,535 | 49.01 | 4,277 | 49.1 |
| - Total | 5,610 | | 4,796 | | 8,247 | | 11,293 | | 8,712 | |
| 2. Population density (p/km²) | 247.2 | | 363.8 | | 342.4 | | 342.1 | | 900 | |
| 3. Ethnic group (No. people) | | | | | | | | | | |
| - Kinh | 5,610 | 100.0 | 4,796 | 100.0 | 8,247 | 100.0 | 11,293 | | 8,712 | 100.0 |
| - Other (specify) | 0 | | 0 | | 0 | | 0 | | | |
| 4. Employment (No. people) | | | | | | | | | | |
| - Agriculture | 2,027 | 36.13 | 1,859 | 38.76 | 3,436 | 41.66 | 4,325 | 38.3 | 3,690 | 42.35 |
| - Aquaculture | 0 | | 0 | | 0 | | 0 | | 17 | 0.19 |
| - Industries | 2 | 0.04 | 27 | 0.56 | 152 | 1.84 | 121 | 1.07 | 146 | 1.67 |
| - Trading and services | 49 | 0.87 | 105 | 2.19 | 367 | 4.45 | 297 | 2.63 | 317 | 3.64 |

3. Education Achievement

17. The levels of educational achievement of people living in the subproject area are summarized in the following table (Table 5). In the subproject area:

- (i) The proportion of the population with no education or only some primary education is 28.22%, of which 353 persons are illiterate about 0.92%; 2,971 persons are in primary school but not completed, representing about 7.7%; 7,971 persons completed primary school, occupying about 19.6% of population in 5 affected communes.
- (ii) The education levels achieved by the majority of the population are secondary and high schools, of which 10,984 persons completed secondary schools representing about 28.5%; 8,484 persons achieved high schools occupying about 22% of the population. The number of persons who are not completed secondary schools is 7,7117 persons, about 18.45% of the population.
- (iii) Compared to men, the level of educational achievement of women is 51.16% of the affected population and mainly at primary, secondary and high schools. At over high school level, the proportion of educational achievement of women is lower than men, and occupying about 42.04% of population with over high school level. Details are in Table 5 below.

Table 5: Summary of education levels in the affected communes

| Education Levels | Nghì Loc district | | | | | | | | Hung Nguyen district | |
|-----------------------------|--------------------|--------------|--------------------|--------------|---------------|--------------|----------------|--------------|----------------------|--------------|
| | Nghì Cong Nam com. | | Nghì Cong Bac com. | | Nghì Lam com. | | Nghì Kieu com. | | Hung Trung com. | |
| | Men | Women | Men | Women | Men | Women | Men | Women | Men | Women |
| 1. No schooling | 18 | 22 | 13 | 17 | 41 | 47 | 45 | 56 | 43 | 51 |
| 2. Primary, not completed | 347 | 365 | 205 | 212 | 414 | 466 | 105 | 115 | 327 | 415 |
| 3. Primary, completed | 887 | 915 | 562 | 534 | 1,239 | 1,267 | 580 | 609 | 452 | 513 |
| 4. Secondary, not completed | 177 | 219 | 286 | 363 | 680 | 626 | 1,347 | 1,651 | 873 | 892 |
| 4. Secondary, completed | 697 | 712 | 660 | 774 | 879 | 792 | 1,879 | 1,586 | 1,523 | 1,482 |
| 5. High school | 579 | 612 | 581 | 529 | 592 | 640 | 1,496 | 1,653 | 843 | 959 |
| 6. Over high school | 42 | 18 | 37 | 23 | 178 | 86 | 83 | 88 | 126 | 123 |
| Totals | 2,747 | 2,863 | 2,344 | 2,452 | 4,023 | 4,224 | 5,535 | 5,758 | 4,277 | 4,435 |

18. The enrolment rates of school-age children living in the subproject area are described in the Table 6. In the subproject area:

- (i) Primary enrolment rates are 41.7% of pupils in 5 affected communes. The total pupils in primary schools are 3,994 of which 2,038 are girls and 1,956 are boys.

- (ii) Secondary and high school enrolment rates are 58.3% of pupils in 5 affected communes; of which pupils in secondary schools are 3,379 occupying 35.3% and pupils in high schools are 2,202 presenting about 23%.
- (iii) Compared with boys, enrolment rates of girls are about 50% with 4,788 girls and 4,787 boys. However, girl pupils in primary and secondary schools occupied a higher proportion than boy pupils about 50.8%. The high school enrolment rates of boy pupils are 52.63%.

Investigation showed that:

- In Nghi Cong Nam commune, average 1,000 population would have 120 primary pupils, 99.6 secondary pupils and 53.47 high school pupils.
- In Nghi Cong Bac commune, average 1,000 population would have 128.6 primary pupils, 112.6 secondary pupils and 56.3 high school pupils.
- In Nghi Lam commune, average 1,000 population would have 95.3 primary pupils, 79.9 secondary pupils and 60 high school pupils.
- In Nghi Kieu commune, average 1,000 population would have 93.5 primary pupils, 79.3 secondary pupils and 53.7 high school pupils; and
- In Hung Trung commune, average 1,000 population would have 98.8 primary pupils, 83.2 secondary pupils and 60.9 high school pupils.

Table 6: Enrolment Rates, School-Age Children in the subproject Area :

| Enrolment Rates, School-Age Children Subproject Area | Nghi Loc district | | | | | | | | Hung Nguyen district | |
|---|--------------------|------------|--------------------|------------|--------------------|------------|--------------------|--------------|----------------------|--------------|
| | Nghi Cong Nam com. | | Nghi Cong Bac com. | | Nghi Cong Nam com. | | Nghi Cong Bac com. | | Nghi Cong Nam com. | |
| | Boys | Girls | Boys | Girls | Boys | Girls | Boys | Girls | Boys | Girls |
| 1. Primary | 328 | 346 | 312 | 305 | 371 | 415 | 521 | 535 | 424 | 437 |
| 2. Secondary | 276 | 283 | 280 | 260 | 321 | 338 | 438 | 458 | 357 | 368 |
| 3. High school | 172 | 128 | 141 | 129 | 255 | 240 | 317 | 289 | 274 | 257 |
| Totals | 776 | 757 | 733 | 694 | 947 | 993 | 1,276 | 1,282 | 1,055 | 1,062 |

4. Poverty Levels

19. The national poverty line is established by MOLISA for rural and urban areas. In the period 2001-2005, the rural poverty line was VND 100,000/person/month; in urban areas, it was VND 150,000/person/month. For the period 2005-2010, the rural poverty line is VND 200,000/person/month; the urban poverty line is VND 260,000/person/month.

20. The poverty levels in the subproject area in recent years are summarized in the following table. In the subproject area:

- (i) In the districts, the levels of poverty in Nghi Loc district are 8.81% in 2004, 21.34% in 2005 and 19.32% in 2006. In Hung Nguyen district are 7.5%, 20.8% and 18.5% respectively.
- (ii) Changes in poverty levels in recent years of affected communes tended step by step to go down. However, compared to average poverty level of the whole district the affected communes having higher poverty levels. Details are in Table 7.

**Table 7: Poverty incidence in affected communes of the Hung Trung
- Nghi Kieu subproject**

| Poverty Incidence | Nghi Loc district (% population) | | | | | Hung Nguyen district (% population) | |
|-------------------|-------------------------------------|---------------|---------------|----------|-----------|--|------------|
| | Whole district | Nghi Cong Nam | Nghi Cong Bac | Nghi Lam | Nghi Kieu | Whole district | Hung Trung |
| 2004 | 8.81 | 18.18 | 13.16 | 5.57 | 14.08 | 7.5 | 14.7 |
| 2005 | 21.34 | 30.61 | 31.62 | 35.72 | 46.8 | 20.8 | 28.7 |
| 2006 | 19.32 | 28.0 | 29.0 | 33.0 | 44.0 | 18.5 | 25.3 |

B. Socioeconomic Profile of Affected People (APs)

1. AP Household Characteristics

21. The characteristics of households affected by land acquisition are summarized in the following table. In describing APs:

- (i) The total number of AP households and people living in AP households is 460 AP households and 2,037 people respectively, of which 185 AP households and 819 people in Hung Trung commune, representing about 40.2% of AP households and 40.2% people of the subproject area. The second round is Nghi Cong Nam commune with 82 AP households and 365 people, occupying about 17.8% of AP households and 17.9% of people of the subproject area.
- (ii) There is no any ethnic minority AP household living in the Hung Trung - Nghi Kieu subproject area.
- (iii) The average proportions of men and women in all AP households of the subproject area are 49.73% men (1,013 people) and 50.27% women (1,024 people).
- (iv) The average household size of the affected communes in Hung trung - Nghi Kieu subproject is between 4.0 - 4.8 people/household. Household size was mainly concentrated in group of 1-4 persons, occupying 51.74% of the APs under the survey; 47.6% in a group of 5-8 persons; and only 0.65% in a group of more than 8 persons. Details are presented in Table 8.

Table 8: AP household characteristics

| AP Household Characteristics | Total APs | Nghì Loc district | | | | Hung Nguyen |
|-------------------------------------|------------|-------------------|---------------|-----------|-----------|-------------|
| | | Nghì Cong Nam | Nghì Cong Bac | Nghì Lam | Nghì Kieu | Hung Trung |
| All APs (No. HH) | 460 | 82 | 66 | 63 | 64 | 185 |
| All APs (No. persons) | 2,037 | 365 | 264 | 304 | 285 | 819 |
| • Female | 1,024 | 148 | 136 | 160 | 159 | 421 |
| • Male | 1,013 | 217 | 128 | 144 | 126 | 398 |
| Ethnic minority APs (No. HH) | | 0 | 0 | 0 | 0 | 0 |
| Ethnic minority APs (No. pers) | | 0 | 0 | 0 | 0 | 0 |
| • Female | | 0 | 0 | 0 | 0 | 0 |
| • Male | | 0 | 0 | 0 | 0 | 0 |
| HH size (No. person) | | | | | | |
| • Average size: all APs | 4.426 | 4.45 | 4.0 | 4.8 | 4.45 | 4.43 |
| • Average size: ethnic minority APs | | 0 | 0 | 0 | 0 | 0 |
| • 1-4 persons: (all APs) | 238 | 40 | 40 | 22 | 34 | 102 |
| • 5-8 persons: (all APs) | 219 | 41 | 26 | 40 | 29 | 83 |
| • Over 8 persons: (all APs) | 3 | 01 | 0 | 01 | 01 | 0 |

2. Vulnerable APs

22. Vulnerable APs are households that may be at greater risk due to the impacts of land acquisition and resettlement; as a consequence, they are entitled to additional assistance to help them to restore living and socioeconomic conditions. The following table summarizes the numbers of vulnerable AP households. In the subproject area and details are in Table 9:

- (i) There is no Ethnic minority household in the Hung Trung - Nghì Kieu subproject area.
- (ii) Female-headed households: In the Hung Trung - Nghì Kieu subproject area, the number of female-headed households is 45 presenting about 9.8% of affected households, and mainly in Hung Trung commune, followed in number by Nghì Lam and Nghì Cong Nam communes. The least number of female-headed households is in Nghì Cong Bac commune with 3 households. Kiosks are 100% owned by women.
- (iii) There are 52 households in the subproject area that have been classified as poor by communes according to MOLISA criteria, occupying about 11.3% of affected households and are mainly in Hung Trung, Nghì Kieu and Nghì Cong Bac communes.
- (iv) In the Hung Trung - Nghì Kieu subproject area there will be 24 households headed by disabled persons, invalids, elderly people without support or war heroes ("policy" households), presenting about 5.2% of affected households.

Table 9: Summary of Vulnerable AP households in Hung Trung - Nghi Kieu subproject

| Vulnerable APs (No. HH) | Total APs | Nghi Loc district | | | | Hung Nguyen |
|----------------------------|------------|-------------------|------------------|-------------|--------------|----------------|
| | | Nghi Cong Nam | Nghi Cong Bac | Nghi Lam | Nghi Kieu | Hung Trung |
| Ethnic minority | 0 | 0 | 0 | 0 | 0 | 0 |
| Female-headed | 45 | 9 | 3 | 10 | 5 | 18 |
| Poor | 52 | 5 | 9 | 7 | 14 | 17 |
| “Policy” (i.e. war heroes) | 24 | 0 | 7 | 6 | 2 | 9 |
| Totals | 121 | 14 | 19 | 23 | 21 | 44 |

3. Education Levels of AP Household Heads

23. The levels of educational achievement and illiteracy among AP household heads are summarized in the following table. In the subproject area:

- (i) The dominant characteristics of educational achievement: Most of AP household heads achieved educational levels of secondary, high schools and primary school, of which 260 AP household heads were in secondary school, presenting about 57.1%; 98 AP household heads were in high school occupying about 21.5%, and 79 HH heads were in primary school, about 17.4%. Only 14 AP household heads were in over high school, resenting about 3.0%.
- (ii) The level of illiteracy among AP household heads in the Hung Trung - Nghi Kieu subproject area is very lower, only 4 HH heads were illiterate, presenting about 0.9%, of which 3 from Hung Trung commune and one from Nghi Kieu commune.

Table 10: Education Levels of AP Household Heads

| Education Levels and Illiteracy, AP Household Heads | Total APs (No.) | Nghi Loc district | | | | Hung Nguyen district |
|---|--------------------|-------------------------|-------------------------|-------------------------|-------------------------|----------------------------|
| | | Nghi Cong Nam | Nghi Cong Bac | Nghi Lam | Nghi Kieu | Hung Trung |
| 1. Illiterate | 4 | | | | 01 | 3 |
| 2. Primary school | 79 | 11 | 11 | 13 | 25 | 19 |
| 3. Secondary school | 260 | 54 | 29 | 38 | 30 | 109 |
| 4. High school | 98 | 12 | 21 | 11 | 7 | 47 |
| 5. Over high school | 14 | 3 | 4 | 0 | 0 | 7 |
| Total | 455 | 80⁽¹⁾ | 65⁽²⁾ | 62⁽³⁾ | 63⁽⁴⁾ | 185 |

Note:

- (1): Two HHs are representatives of Nghi Cong Nam CPC.
- (2): One HH is representative of Nghi Cong Bac Electricity Co-operative.
- (3): One HH is representative of Nghi Lam CPC.
- (4): One is representative of Nghi Kieu CPC.

4. Sources of AP Household Income

24. The principal sources of AP household income are summarized in table 11. In the subproject area, the primary source of income of most AP households in the Hung Trung - Nghi Kieu subproject is from agricultural production. There are 313 AP households who have main source of income from agricultural production, presenting about 68.8%; and mostly are in Nghi Lam and Nghi kieu communes of Nghi Loc district, of which 60 HHs in Nghi Lam about 96.8% of AP households in the commune and 59 HHs in Nghi Kieu, about 93.6% of AP households in the commune. The second round is from trading and services with 116 households, presenting about 25.5%, of which 80 HHs who have main source of income from trading, about 17.6% and most are in Nghi Cong Nam and Hung Trung communes where people do trading activities in the commune markets. There are 36 HHs having main income source from service activities, occupying about 7.9%. There are only 23 HHs who have main income source from wages and salary, and two households with main income source from hired labouring.

Table 11. Sources of AP Household Income

| Main HH Income Sources | No of APs | Nghi Loc district | | | | | | | | Hung Nguyen district | |
|------------------------|------------|-------------------|------------|---------------|------------|-----------|------------|-----------|------------|----------------------|------------|
| | | Nghi Công Nam | | Nghi Công Bắc | | Nghi Lâm | | Nghi Kiều | | Hưng Trung | |
| | | No. HHs | % total | No. HHs | % total | No. HHs | % total | No. HHs | % total | No. HHs | % total |
| 1. Agriculture | 313 | 45 | 56.2 | 42 | 64.6 | 60 | 96.8 | 59 | 93.6 | 107 | 57.8 |
| 2. Aquaculture | 0 | | | | | | | | | | |
| 3. Business | 81 | 35 | 43.8 | 3 | 4.6 | | | 1 | 1.6 | 42 | 22.7 |
| 4. Services | 36 | | | 4 | 6.2 | | | 1 | 1.6 | 31 | 16.8 |
| 5. Handicraft | 0 | | | | | | | | | | |
| 6. Wages/salary | 23 | | | 16 | 25.1 | 02 | 3.2 | 2 | 3.2 | 3 | 1.6 |
| 7. Hired labour | 2 | | | | | | | | | 02 | 1.1 |
| 8. Other | | | | | | | | | | | |
| Totals | 455 | 80 | 100 | 65 | 100 | 62 | 100 | 63 | 100 | 185 | 100 |

IV. POLICY FRAMEWORK AND ENTITLEMENTS

A. Policy Framework

25. A Resettlement Framework has been adopted that guides resettlement planning and implementation for all IRDPCP subprojects requiring land acquisition. The overall objective of the policy is to ensure that all people affected by the subproject are able to maintain and, preferably, improve their pre-subproject living standards and income-earning capacity through compensation for the loss of physical and non-physical assets and, as required, other assistance and rehabilitation measures.

26. The Resettlement Framework is based on the laws and regulations of the Government of Viet Nam (GOV) and the ADB *Policy on Involuntary Resettlement*. The principal Vietnamese laws and regulations include: (i) the 2003 Land Law; (ii) Decree 197/2004/ND-CP and Decree 17/2006/ND-CP on compensation, rehabilitation and

resettlement in the event of land recovery by the State; and, (iii) Decree 188/2004/ND-CP specifying methods for land pricing when land is recovered by the State.

27. With the promulgation of Decree 197/2004/ND-CP and Decree 17/2006/ND-CP, the Government's policy and legal framework governing resettlement is consistent in most respects with the principles of ADB's policy. However, the provisions and principles adopted in the policy framework and subsequent resettlement plans prepared for the IRDPCP will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Decree 131/2006/ND-CP which regulates the management and use of official development assistance (ODA).

B. Project Principles

28. The basic principles of this project are the following:

- (i) Acquisition of land and other assets and resettlement of people shall 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, particularly on ethnic minorities, in the subproject area.
- (ii) All people affected shall be 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. The absence of legal title will not bar people affected to compensation and rehabilitation measures. No APs will be displaced from affected land until the village or commune allocates suitable alternative land or compensation is paid sufficient to purchase suitable land within the same or neighboring village.
- (iii) Voluntary contributions of productive land (paddy, forest, fishpond and garden) will not be permitted under the Project. For residential land, the portion that can be voluntarily contributed will not be more than 20% of the total residential land, no houses, structures or fixed assets on affected portion of land to be voluntary contributed, and the remaining land should not be less than 100 sq.m.
- (iv) Where local communities or individuals elect to make voluntary contribution of affected residential land and non-land assets in accordance with traditional practices, this will be acceptable only with the following safeguards in place: (i) full consultation with landowners and any non-titled APs on project entitlements, (ii) ensuring that voluntary contributions do not severely affect APs living standards, and are linked directly to benefits for the APs, (iii) any voluntary contribution will be confirmed through verbal or written record and verified by an independent third party (such as a designated NGO or legal representative of a mass organization), and (iv) having adequate grievance redress mechanisms in place.
- (v) APs will be systematically informed and closely consulted about the Project, the rights and options available to them and proposed mitigation measures. The comments and suggestions of APs and communities will be taken into account.
- (vi) Particular attention will be paid to the needs of the poorest affected people, and vulnerable groups that may be at high risk of impoverishment. This will include those without legal title to land or other assets, households headed by females, the elderly or disabled and other vulnerable groups, particularly ethnic minority populations. Appropriate assistance will be provided to help them improve their socioeconomic status.
- (vii) If the ethnic minority population affected by a subproject exceeds 20% of all the affected persons, small-scale livelihood activities, which shall be prepared in consultation with ethnic minority populations, shall be incorporated in subproject RPs as special rehabilitation program.
- (viii) All compensation payments and relocation activities shall be satisfactorily completed before the award of any contract for civil works for a subproject. Rehabilitation

measures as required will be begun prior to the award of contract for civil works although they may continue during and after civil works.

- (ix) MARD, the Executing Agency shall verify that institutional arrangements are in place to ensure effective and timely design, planning, consultation, implementation and monitoring of the land acquisition, compensation, resettlement, and rehabilitation program.
- (x) Resettlement identification, planning and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights, and to ensure the restoration of their income and living standards.
- (xi) Existing cultural and religious practices shall be respected and, to the maximum extent practical, preserved.
- (xii) Adequate budgetary support shall be fully committed and made available to cover the costs of land acquisition, resettlement, and rehabilitation within the agreed implementation period.
- (xiii) There shall be effective mechanisms for hearing and resolving grievances during the preparation, updating and implementation of RPs. Grievance Committees will include representatives from APs, especially women and ethnic minorities.
- (xiv) The key information in the RPs, including measurement of losses data, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in an understandable format such, as the full RP or public information booklets (PIBs) in a local language, and in Commune offices.
- (xv) Temporarily affected land and communal infrastructure will be restored to pre-project conditions. Construction damages to land and structures will be compensated at replacement cost and pre-project conditions restored. Temporarily displaced kiosks will be assisted to maintain income levels during and after temporary and final relocation.
- (xvi) Appropriate reporting, monitoring and evaluation mechanisms shall be identified and set in place as part of the resettlement management system. Monitoring and evaluation of the land acquisition, resettlement and rehabilitation processes and the final outcomes will be conducted by an independent monitor.

C. Eligibility and Entitlements

29. **Affected People.** Per ADB policy, the term "affected people (APs)" includes any person, household, firm or private institution that on account of changes resulting from the Project will have its: (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work, residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.

There are 4 types of land users in Viet Nam:

- (i) APs with permanent land use rights losing land. They are: (i) legal land users, i.e. those with the land use right certificates (LURC); and (ii) legalizable land users, i.e. those who are waiting for the LURC to be approved by the district authority and who have documents to prove as such. They are entitled to full compensation at replacement cost.

- (ii) APs with temporary/lease land use rights losing land. This category includes those who occupy land temporarily or on a leased-basis allocated to them by the commune with written permission or signed contract. Compensation for this category is stipulated in Decree 197/CP, i.e. provision for 30% of compensation for loss of land in the form of replacement land of equal value or cash.
- (iii) APs encroaching on the legally prohibited area (Non-legal users). This category includes those who encroached on the legal right of way (ROW). Vietnamese laws and regulations do not provide any compensation to this category. There are cases where affected people with title to land have encroached from their legitimate landholding onto land that they do not own. However, the Project will compensate for the loss of crops at market prices and structures at full replacement cost. For vulnerable APs who have no other land, the Project will, ensure that commune leaders allocate land and provide temporary or lease land rights to AP and that they are provided with relocation allowances and rehabilitation assistance, all of which will be included in the resettlement plan. Landless APs will not be displaced until the commune allocates land to them.
- (iv) Commune People's Committee can also be subject to loss of land. If the recovered land belongs to the communal public land fund as stipulated in Article 45, 1993 Land Law or to the communal land yet assigned to anyone, the Project will pay cash compensation to the commune.

30. **Eligibility:** All APs who are identified in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date will be the final day of the detailed measurement survey (DMS) in each subproject area. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

31. **Entitlements:** The entitlement matrix in Table 12 summarizes the main types of losses and the corresponding nature and scope of entitlements. During preparation of subproject RPs, inventories of losses and socioeconomic surveys will be the basis for determining actual impacts, and replacement cost surveys will be carried out to determine actual replacement costs and rates.

Table 12: Project Entitlement Matrix

| Type of Impacts | Entitled Persons | Entitlements | Implementation Issues |
|---|--|---|--|
| 1.0 AFFECTED LAND (PERMANENT) | | | |
| <p>MINOR IMPACT</p> <p>Agricultural & Forestry Land: if less than 10% of the total productive landholding is affected [110 APs]</p> <p>Residential and Commercial Land: If there is remaining land sufficient to rebuild structures [58 APs]</p> <p>Fishpond Land: If the area still meets the expected personal/commercial yield [1 APs]</p> | <p>User with legal or legalizable right and Eligible Land Management Organizations (LMOs)</p> <p>User with lease or temporary right</p> <p>Non-titled user</p> | <p>(i) Cash compensation for acquired land at replacement cost.</p> <p>(ii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4.</p> <p>(i) Cash assistance for affected land corresponding to 30 per cent of replacement cost of the affected land OR Cash compensation of loss of net income for the remaining leased or assigned period, whichever is higher.</p> <p>(ii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4.</p> <p>(i) No compensation for land but will be allowed to continue to use any remaining land that APs are illegally occupying.</p> <p>(ii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4.</p> | <p>Replacement cost for land is equivalent to current market value plus transaction costs such as administration, taxes and titling cost; productive value and similar location attributes.</p> <p>Poor, vulnerable APs and landless APs will be allowed to continue to use any remaining land that APs are illegally occupying.</p> |
| <p>SEVERE or SIGNIFICANT IMPACT</p> <p>Agricultural & Forestry Land, i.e. 10% or more of the total productive landholding affected</p> <p>Residential and Commercial Land: WITHOUT sufficient remaining land to rebuild upon If the remaining land</p> <p>Fishpond Land , if the remaining area is no longer viable or can no longer meet the expected personal or commercial yield</p> | <p>No APs</p> | | |

| Type of Impacts | Entitled Persons | Entitlements | Implementation Issues |
|---|---|--|---|
| 2.0 LOSS OF HOUSES , STRUCTURES AND OTHER FIXED ASSETS | | | |
| Totally affected houses [No APs] | Owners of houses whether or not land is owned | Compensation at replacement cost (in cash or in kind) equivalent to current market prices of materials and labor, with no deduction for depreciation or salvageable materials. | APs will demolish the impacted areas and reconstruct/or improve their houses themselves. Notice to be given at least THREE months before land clearance. |
| Partially Affected Houses [58 APs] | Owners of houses whether or not land is owned | Compensation for cost of materials with no deduction for depreciation or salvageable materials and cost of repair | APs will demolish the impacted areas and repair their houses themselves. |
| Other structures (including secondary structures and industrial structures) [68 APs] | All owners regardless or whether land is owned or not | Compensation at replacement cost (in cash or in kind) equivalent to current market prices of materials and labor, with no deduction for depreciation or salvageable materials. | APs will demolish the impacted areas and reconstruct/or improve the structures themselves. |
| 3.0 AFFECTED COMMUNITY ASSETS, GRAVES, PUBLIC PROPERTIES | | | |
| Loss of Graves | Affected family | (i) All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family; (ii) The graves will be relocated in existing municipal cemeteries. | Graves to be exhumed and relocated in culturally sensitive and appropriate ways. |
| Community Assets, Community resources or public property | Village, ward, government unit | (i) Land replaced in areas identified in consultation with affected communities and relevant organizations; (ii) Restoration of affected community buildings and structures to original or better condition. | If income loss is expected (e.g. irrigation, community forest, income from fishpond, the affected village will be entitled to compensation for the total production loss over three years. This compensation will be used collectively for income restoration measures and/or new infrastructure. |
| 4.0 AFFECTED CROPS AND TREES | | | |
| Crops and Trees [85 APs] | Owners, regardless of whether or not land is owned | For annual crops, cash compensation at replacement cost is equivalent to the highest production of crop over the last three years multiplied by current market value of crops at the time of compensation; For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age and productive value at the time of compensation. | AP has right for using salvageable trees. APs will be given two months notice that the land on which their crops are planted will be recovered and that they must harvest their crops in time. APs will receive cash compensation at current market cost for any unharvested crops that are near or ready to harvest at the time of land acquisition. |
| 5.0 BUSINESS AND INCOME SOURCES | | | |
| Temporary loss of income (i.e. while business is rebuilding) [0 APs] | Non-registered business | Cash compensation for the duration of business/income generation that is disrupted based on the minimum wage per | Full compensation for incomes lost to APs at least ONE month before land clearance. |

| Type of Impacts | Entitled Persons | Entitlements | Implementation Issues |
|--|--|--|--|
| | | month in the province. | |
| 6.0 INCOME OF EMPLOYEES AND HIRED LABOR - NONE | | | |
| 7.0 ANY DAMAGES CAUSED BY CONTRACTORS | | | |
| Land and Non-Land Assets | All APs affected by damage | Contractor to (i) pay rent for the additional land required for construction working space, (ii) compensate for damages on properties at replacement cost (as indicated in Items 1 to 6) Temporary use of land will be promptly restored or improved in its pre-project condition at no cost to the APs. | For the contractor working space, to the extent possible, only unused land will be used to avoid disruption to HH and business establishments, use of residential land will not require any impacts on houses and structures and will not disrupt access to households; If use of land is more than one year, AP has the option to sell the land at replacement cost (See Item 1.0 above) |
| 8.0 SEVERELY AFFECTED AND POOR AND VULNERABLE AP HOUSEHOLDS | | | |
| 8.1 Allowances During Transition | | | |
| Materials Transport Allowance 132 kiosks | All relocating APs | 132 temporarily displaced kiosks who have to move twice will be entitled to VND 100,000 for each move = total of VND 200,000 each | This allowance is for the transportation of their kiosk structures and good. |
| Life and Production Stabilization Allowance | All relocating APs, APs losing significant impacts on their productive land, Employees losing their job. [0 APs] | Cash allowance equivalent to 30 kg of rice per family member per month for a minimum period six months or longer. | |
| | APs rebuilding structures on remaining land [58 APs] | Cash allowance equivalent to 30 kg of rice per family member per month for a period of three months. | |
| Special Cash Assistance For Poor and Vulnerable APs [121 APs] | All Poor and vulnerable APs (marginally and severely affected AP) | Special cash allowance equivalent to 30 kg of rice per family member per month for a period of six months. | This is in addition to the life and production stabilization allowance for relocating houses. |
| 8.2 Socioeconomic Improvement Programs for Vulnerable APs | | | |
| Project | All Vulnerable APs | All 121 APs will benefit from road improvements, irrigation system improvements or market improvements. | PPMU and CPC will ensure and monitor that they become subprojects' beneficiaries. |
| Project-Related Job Opportunities | Severely Affected APs, poor and vulnerable APs | In each severely affected family, one person of working age will be prioritized in gaining employment during the construction phase | The family members will decide which person will benefit from these measures. PMU will ensure that the EA will hire these persons. CPMU will ensure that this is included in the contractors' specifications wherever possible. |
| Agricultural Extension | Severely Affected APs with farming land | Assistance to improve productivity on remaining agricultural land by linking them with pre-existing government-run | Links will be facilitated by PPMU and the other implementing agencies (RCs at all levels, IMO) with the EA, |

| Type of Impacts | Entitled Persons | Entitlements | Implementation Issues |
|-----------------|------------------|---|--|
| | | agriculture extension. Agricultural assistance will be of a value of US\$110 per severely affected households. | once a demand assessment had been carried out. |

V. INFORMATION DISCLOSURE, CONSULTATION AND GRIEVANCE REDRESS

30. Disclosure of information and consultations occur during preparation and implementation of subprojects to ensure that APs and other stakeholders have timely information about land acquisition, compensation and resettlement, as well as opportunities to participate in and express their preferences and concerns regarding the resettlement program. The district Compensation Assistance and Resettlement Board (CARB) with assistance from commune, ward and/or hamlet authorities organizes meetings and consultation, distributes information and takes other steps to keep APs informed.

A. Subproject Stakeholders

31. The subproject APs are people living in the communes of Nghi Cong Nam, Nghi Cong Bac, Nghi Lam and Nghi Kieu of Nghi Loc district; and Hung Trung commune of Hung Nguyen district.

32. Other stakeholders related to land acquisition and resettlement for the subproject include: Peoples Committees of 4 affected communes of Nghi Loc district.

B. Consultations and Information Disclosure

33. Two public meetings were held as part of the preparation of (i) the Feasibility Study (FS) and (ii) the Resettlement Plan (RP). The public meetings were held prior to submitting the FS and RP for formal review and approval, to ensure that APs had an opportunity to be fully informed and express their views about the subproject and their needs, preferences and concerns. APs with special needs were consulted during preparation of the RP to determine appropriate rehabilitation measures.

1. Feasibility Study Consultations

34. The purpose of the meeting conducted during preparation of the feasibility study was to provide information to and consult with APs and other stakeholders regarding: (i) the scope and objectives of the subproject based on preliminary design; (ii) the policies, principles and procedures for land acquisition, compensation and resettlement; and, (iii) preliminary estimates of land acquisition requirements and resettlement impacts.

35. During the preparation of the subproject feasibility study, PPMU Nghe An engaged the Infrastructure Engineering Design Company of Nghe An province to prepare Hung Trung - Nghi Kieu subproject feasibility study and they carried out APs consultation activities on all sections of the subproject. The consultation included:

- (i) Date and place of consultation: The public consultation meetings were held in early November 2006 at Peoples Committees Offices of Nghi Cong Nam, Nghi Cong Bac, Nghi Lam, Nghi Kieu and Hung Trung communes.
- (ii) The participants in the public meetings consisted of household heads who are located along two sides of all subproject sections, people who have trading activities in the commune markets of Nghi Cong Nam and Hung Trung communes, heads of hamlets, representatives of communal social organizations and local authorities in the subproject area.
- (iii) Information provided during meeting included (i) the scope and objectives of the subproject based on the IRDPCP regulations; (ii) the policies, principles and procedures for land acquisition, compensation and resettlement; and, (iii) resettlement impacts.

- (iv) Major comments and issues raised by participants: All participants agreed with the Hung Trung - Nghi Kieu subproject implementation, with IRDPCP Resettlement Framework and they are willing the subproject to be implemented as soon as possible and they could have good conditions for their trading activities and economic and social exchanges with people in other areas.

2. Resettlement Plan Consultations

36. The purpose of the meeting conducted during preparation of the resettlement plan was to provide information to and consult with APs and other stakeholders regarding: (i) the detailed design and land acquisition requirements of the subproject; (ii) the results of the DMS; proposed compensation rates and entitlements; and, (iii) procedures for compensation payment and implementation of other resettlement activities.

37. During the preparation of the subproject resettlement plan, CARBs of Nghi Loc and Hung Nguyen districts in coordination with PPMU Nghe An, local authorities of subproject affected communes held APs Consultation meetings. The local Resettlement Specialist and Social Safeguard Officer from CPMU took part in the APs Consultation meetings. The consultation included:

- (i) Date and place of consultation: The APs Consultation Meetings were held between 22 to 24 November 2006 at Peoples Committees Offices of Nghi Cong Nam, Nghi Cong Bac, Nghi Lam, Nghi Kieu and Hung Trung communes.
- (ii) The participants in the APs Consultation Meetings consisted of affected household heads by subproject sections, people who have trading activities in the commune markets of Nghi Cong Nam and Hung Trung communes, heads of hamlets, representatives of communal social organizations and local authorities in the subproject area.
- (iii) Information provided during meeting: (i) the preliminary design and land acquisition requirements of the subproject; (ii) the results of the IOL; proposed compensation rates and entitlements; and, (iii) procedures for compensation payment and implementation of other resettlement activities.
- (iv) Major comments and issues raised by participants: All affected persons and local representatives agreed with the Hung Trung - Nghi Kieu subproject implementation, with IRDPCP Resettlement Framework and they are willing the subproject to be implemented soon, and they could have good conditions for their trading activities and economic and social exchanges with people in other areas.

3. Information Disclosure

38. In compliance with ADB requirements, the EA assisted by the CARB will disclose to APs the draft final RP as approved by PPC, MARD and ADB. The full draft final RP and information booklets will be made available in Vietnamese in Commune Council offices and village halls within the subproject area, and information booklets will be provided to all APs prior to appraisal. The final and updated RP or summary in the form of information booklets will also be disclosed to APs. The draft, and final, and updated RP will be made publicly available on the ADB website. Information in the information booklets will include: (i) compensation, relocation and rehabilitation options, (ii) DMS results, (iii) detailed asset valuations, (iv) entitlements and special provisions, (v) grievance procedures, (vi) timing of payments, and (vii) displacement schedule.

39. APs will be notified in advance about resettlement activities, including among others: (i) public meetings, (ii) carrying out the DMS, (iii) official lists of eligible APs and their

entitlements, (iv) compensation rates and amounts, (v) payment of compensation and other entitlements and (vi) other matters such as the grievance redress mechanism. The form of notification includes, as appropriate, notices posted in commune offices or other easily accessible locations; letters, notices or small brochures delivered individually to APs; and, radio announcements.

C. Grievance Redress

40. It is the responsibilities of CARBs to help to resolve confusion, misunderstandings or problems about land acquisition, compensation rates, rehabilitation and relocation. To ensure that all grievances of those affected on any aspect of land acquisition, compensation, relocation, and determination and payment of entitlements are resolved in a timely and satisfactory manner, and that all avenues for airing grievances are available, the PPMU will set up a mechanism to deal with any such grievances during project implementation. Grievance Committees will be established and will include representatives from APs and, especially women and ethnic minorities. The affected individuals will be made fully aware of their rights (both verbally and in writing) during consultations and at each phase of the resettlement process. Detailed procedures for hearing and redressing grievances, including appeal processes, will be made public through an effective public information campaign. Provincial CARBs will record and report on all complaints and their resolution. The APs will also be made aware of ADB's accountability mechanism policy by providing copies of the accountability field guide, which has been translated into Vietnamese. The independent monitoring agency will be responsible for checking the procedures for and resolutions of grievances and complaints.

41. The grievance redress mechanism adopted for the subproject is a four-stage process:

- (i) Stage 1: Complaints from APs on any aspect of compensation, relocation or unaddressed losses are lodged verbally or in written form with the Commune's People's Committee (CPC). The complaint is discussed in an informal meeting with the AP and the CPC. It is the responsibility of the CPC to resolve the issue within 15 days from the date the complaint is received.
- (ii) Stage 2: If no understanding or amicable solution can be reached or if no response is received from CPC within 15 days of registering the complaint, the AP can appeal to the District People's Committee (DPC) in the presence of the CARB. The AP must lodge the complaint within 30 days of registering the original complaint and must produce documents that support his/her claim. The DPC will provide a decision within 1 month of receiving the appeal.
- (iii) Stage 3: If the AP is not satisfied with the decision of the DPC or in the absence of any response, the AP can appeal to the Provincial People's Committee (PPC). The PPC together with the Provincial Resettlement Committee (PRC) will provide a decision on the appeal within 30 days from the day it is received by the PPC.
- (iv) Stage 4: If the AP is still not satisfied with the decision of PPC on appeal, or in the absence of any response within the stipulated time, the AP as a last resort may submit his/her case to the District Court.

42. The procedure described in these four steps is consistent with the legal process for resolution of disputes in Viet Nam. However, the system is oriented primarily towards disputes between people, as opposed to between people and government. Therefore, as part of the Project internal monitoring and evaluation, each PPC and the CPMU will keep a written record of all grievances and complaints brought forward by AP, as well as their final resolution. The independent monitoring organization (IMO) contracted for external monitoring and evaluation will be responsible for checking the procedures for and resolutions

of grievances and complaints, as described in Section C above. The IMO may recommend further measures to be taken to redress unresolved grievances.

43. In addition to the grievance mechanism described above, APs may also (or permit representatives on their behalf) to raise their concern or complaint with the ADB Southeast Asia Department, Environment and Natural Resources Division, through the ADB Resident Mission office in Hanoi if APs are still not satisfied with the resolutions of the Project level.

44. The CPMU and the PPC will be responsible to ensure that the grievance redress procedures and timeframes are explained clearly to each level of People's Committees.

VI. RP UPDATING AND IMPLEMENTATION

45. This chapter provides the guidelines for RP updating and implementation. It includes specific measures which will ensure that RP updating and implementation is gender- and ethnic- sensitive and that ethnic minority and women APs are afforded equitable entitlements under the RP.

46. The RP will be updated following final design and staking of the subproject areas. Resettlement implementation (i.e., disbursement of payment to APs, site clearance and relocation of APs) can only commence once the updated RP has been reviewed and approved by ADB.

A. RP Updating

47. The conduct of the updated Census and DMS will be organized by the PPMUs and CARBs at all levels following final design and staking of the road alignment. The procedures for the DMS are similar to those for the IOL; i.e., detailed recording of all land and non-land assets; and will include training of local officials prior to DMS activities. The official list of APs, AP's losses and corresponding payment will be disclosed to APs.

48. A new SES will be carried out if RP updating does not commence within two years as demographic and socioeconomic factors may change significantly. It will cover 20% of severely affected APs and at least 10% of other APs.

49. While a Replacement Cost Survey (RCS) has already been undertaken during the preparation of this RP, another RCS will be carried out by the PPMUs in conjunction with the DMS activities to ensure that APs will be compensated at replacement cost at the time of compensation payment.

50. Consultations will be conducted with APs, particularly with the vulnerable and severely affected APs.

51. Disclosure of the updated RP to APs will be carried out prior to submission to ADB for review and approval.

B. RP Implementation

52. **Procedures for Payment of Compensation and Allowances.** As mentioned in previous sections, compensation for land and non-land assets will be at replacement cost. During the DMS and disbursement of payment to APs, all affected land and non-land assets and corresponding payment and assistance will be discussed in detail with the APs. The Project will ensure that men and women APs are present during the meetings and disbursement of payment and copies of compensation payment are provided to the APs.

53. The CARB is responsible for payment of compensation and allowances to APs. This will be done with assistance from commune and hamlet authorities. The procedures to be followed include:

- (i) Following PPC approval of Compensation Plan, PPMU transfers funds to district treasury; the CARB withdraws funds for payment of compensation and allowances.
- (ii) The CARB and local authorities notify APs about the date, time and place as well as documentation required, for payment of compensation and allowances;

compensation is paid in each commune. At least one week notice is given to APs; notification is made by posting an announcement at commune and hamlet offices

- (iii) At the time of payment, the head of AP household signs a compensation document to acknowledge the amount and receipt of payment. Representatives of the PPMU, CARB and commune witness the payment.
- (iv) When compensation payments are complete, the CARB prepares a report and submits it to the PPMU.

54. **Income Restoration Strategies.** No APs will be severely affected by loss of productive assets or business. There will be no need for an income restoration strategy. APs who have kiosks in the two commune markets will either move just behind the existing market temporarily (Hung Trung) or stay on their existing site but move onto the floor temporarily (Nghị Cong Nam), and then move into the new markets when finished, under the same lease arrangements and will thus not lose their clientele or income.

54. **Relocation Strategy.** The only structures that will have to relocate will be the 132 kiosks in the two markets. All will relocate temporarily either on site (Nghị Cong Nam) or just behind (Hung Trung) during construction of the new markets, and then will be able to move back into the new markets. All 97 households in Hung Trung market having kiosks built of temporary materials to be temporarily moved to the location (behind the existing market) belonging to CPC until market upgrading is completed. All the 35 kiosks in Nghị Cong Nam, which currently use concrete platform, will be allowed to continue their business within the same location during the construction. However, they will have to put their sales items or produce on the floor during construction instead of on platforms or tables. APs who have business activities in the two commune markets will receive a transport allowance of VND 200,000/household to move their kiosks to new temporary business places and back to their final locations in the new markets. The moving of kiosks will take about one hour each time. They will just dismantle, move, and rebuild their temporary structures.

55. **Assistance to Vulnerable APs.** In order to assist them to improve their socioeconomic conditions, vulnerable APs are entitled to economic rehabilitation assistance equal to 30kg of rice/household/month for a period of 6 months, which is equivalent to VND 1,500,000. This allowance is in addition to any other compensation and allowances to which vulnerable APs are entitled.

56. There are 121 APs who are vulnerable to risks of impoverishment due to the Hung Trung - Nghi Kieu subproject, although no vulnerable AP will be physically displaced from housing or lose 10% or more of productive assets. 17 of the 132 APs in the two markets are vulnerable have been assessed as vulnerable (see Table 9). During RP updating, these 17 kiosk owners will be included in the baseline survey and consulted in regard to suitable mechanisms to support them during temporary and final relocation, including special support for dismantling, moving, and rebuilding their kiosks. All 121 vulnerable APs will be provided with a special cash allowance of VND 1,500,000 which is equivalent to 30kg of rice for 6 months.

57. Both internal and external monitoring will include regular review of the support needs of these vulnerable households. All APs, including vulnerable households, are also project beneficiaries. CPC and PPMU will ensure and monitor that vulnerable APs can access the intended benefits, particularly irrigation and markets.

VII. RESETTLEMENT COSTS

A. Source of Resettlement Funds

58. All land acquisition, compensation and resettlement costs for the subproject will be financed using loan funds.

B. Compensation and Allowance Rates

59. Compensation rates have been established in the province, at replacement cost based on market prices. The rates are based on a baseline replacement cost survey and methods to update rates as required when market prices change. The rates and updating procedures have been approved by PPC for this subproject.

60. The proposed compensation and allowance rates for the subproject are indicated as unit costs in the table summarizing resettlement costs (see next section).

C. Resettlement Costs

61. Table 13 below summarizes the subproject resettlement costs including (i) compensation for land acquired permanently or temporarily, (ii) compensation for principal structures, secondary structures, crops and trees; (iii) allowances; and (iv) implementation and contingency costs.

**Table 13: Summary of Compensation and Resettlement Costs for Hung Trung
- Nghi Kieu Subproject**

| Subproject Resettlement Costs | | No HHs | Quantity (m2) | Unit Cost (VND) | Total Cost (VND) |
|-------------------------------|----------------------------------|--------|---------------|-----------------|----------------------|
| I | Land acquisition | | | | 659,416,385 |
| 1 | Residential land | 1 | 32 | 40,000 | 1,280,000 |
| 2 | Garden land | 192 | 6,467 | 26,000-53,000 | 275,927,385 |
| 3 | Agricultural land | 109 | 18,244 | 14,000-26,000 | 378,027,000 |
| 4 | Aquaculture land | 1 | 246 | 17,000 | 4,182,000 |
| 5 | Forestry land | 0 | 0 | 0 | 0 |
| 6 | Other land | 0 | 0 | 0 | 0 |
| II | Structures | | | | 1,057,209,200 |
| 1 | Grade 3 | 0 | 0 | 0 | 0 |
| 2 | Grade 4 | 11 (1) | 388.0 | varies | 417,500,000 |
| 3 | Temporary | 47(2) | 1,417.0 | varies | 408,172,000 |
| 4 | Other Structures | 106 | | | 231,537,200 |
| III | Crops/trees | | | | 36,386,000 |
| IV | Allowances | | | | 207,400,000 |
| 1 | Kiosk transport (Markets) | 132 | | 200,000 (3) | 26,400,000 |
| 2 | Special vulnerable AP assistance | 121 | | 1,500,000 | 181,000,000 |
| VI | Sub-total (I-V) | | | | 1,960,411,585 |
| VII | External Monitoring (5%) | | | | 98,020,580 |
| VIII | Administration Costs (2%) | | | | 39,208,232 |
| IX | Contingencies (20%) | | | | 390,082,317 |
| X | GRAND TOTAL | | | | 2,487,722,714 |

(1) Partial impact and repair of 11 houses.

(2) Partial impact and repair of 47 structures, which are mainly used as storage.

(3) The amount of allowance is 100,000 and APs will be paid two times.

VIII. INSTITUTIONAL ARRANGEMENTS

58. **Ministry of Agriculture and Rural Development:** MARD, through the Central Project Management Unit (CPMU) of its Central Project Office, will assure overall planning including subprojects screening, coordination, and reporting for the Project. The CPMU previously functioned as CPMU for ADB assisted Rural Infrastructure Sector Project (RISP) also currently takes charge of ongoing Calamity Damage Rehabilitation Project. The CPMU has already assigned 2 full time resettlement officers. CPMU will guide, support, endorse and monitor the work of the Provincial Project Management Units (PPMU) in each province for all activities related to planning, implementation and monitoring of land acquisition and resettlement where required, including:

- (i) Guide, support and oversee the work of PPMU and other stakeholders for all activities related to planning, implementation and monitoring of plans and activities for involuntary land acquisition.
- (ii) Engage Policy Compliance and Project Start-up Specialist to prepare a guideline on Resettlement and Land Acquisition and provide initial training to PPMUs and Commune People's Committee on subproject resettlement planning. Establish monitoring and evaluation indicators as a part of Project's overall performance and benefit monitoring system.
- (iii) Review Subproject Investment Proposal (SIP) and screen out subprojects with significant resettlement impact, assisted by Policy Compliance and Project Start-up Specialists.
- (iv) Engage consultants for conducting the Provincial Social Impact Assessment and subproject resettlement planning including DMS and socioeconomic surveys.
- (v) Appraise and approve subproject's short Resettlement Plans (RPs) for subproject involving involuntary land acquisition, assisted by Resettlement Specialists and submit to ADB for approval.
- (vi) Recruit and oversee the work of an NGO or consultant to act as the independent monitoring organization (IMO).
- (vii) Review and endorse quarterly provincial monitoring reports prepared by PPMU, Include necessary information in the Project's quarterly reports and submit it to ADB. Submit a subproject resettlement completion report to ADB when compensation has been paid and, as required, APs have relocated, and request approval to award related civil works contracts. Review and endorse all external monitoring reports prepared by the IMO.

59. **Provincial Project Management Unit (PPMU):** In each of the 13 project provinces, the DARD through its provincial project management unit (PPMU) will prepare and implement subprojects. Each PPMU will assign 1 safeguard officer. The PPMU and its resettlement/social officer will carry out the following roles and responsibilities:

- (i) Conduct field assessments for initial screening of subprojects to determine land acquisition requirements and impact on ethnic minority groups. Verify that SIPs and SIRs are prepared in close consultation with subproject beneficiaries and affected peoples.
- (ii) Supervise consultants mobilized for preparation of RPs for subprojects that involve involuntary resettlement by coordinating closely with CARBs. Confirm that appropriate measures are included as required for subprojects that land acquisition, to address the needs of vulnerable APs.
- (iii) Ensure that all RPs are disclosed to APs. Guide, support and oversee all activities related to consultations with APs and other stakeholders and grievance redress for all subprojects.

- (iv) Provide clearance of acquired land in coordination with schedules for civil works.
- (v) Coordinate with the CARB and oversee the payment of compensation and allowances to APs.
- (vi) Coordinate, guide and support district and Commune Peoples Committee, NGOs, community organizations and other stakeholders to address requirements for relocation of APs and/or income restoration strategies.
- (vii) Review and endorse monitoring reports submitted by CARBs; consolidate and prepare quarterly monitoring reports, and submit to CPMU.
- (viii) Support IMO by ensuring full and timely disclosure of relevant information and coordinating IMO participation in subproject activities.

60. Compensation, Assistance and Resettlement Board (CARB): The CPMU and PPMU will liaise with the provincial people's committee (PPC) and the PPC will request the District People's Committee (DPC) in districts where a subproject is located to establish a CARB². The CARB will lead the resettlement process for each subproject, including implementation of the RP and receive, hear, and resolve the complaints and grievances of APs.

61. Construction Supervision Consultants: To effectively assist CPMU and guide PPMU, the Project will mobilize Resettlement Specialists (international 5 person months, national 14 person months) for effective subproject resettlement planning, implementation and monitoring.

IX. MONITORING

A. Internal Monitoring for the Subproject

62. For the subproject, the CPCU, PMU and CARB collaborate to carry out internal monitoring of resettlement planning and implementation activities. The scope of internal monitoring assesses (i) compliance with the agreement resettlement policies and procedures and (ii) the availability and efficient use of personnel, material and financial resources; and, identifies the need for (iii) remedial actions to correct any problems that arise.

63. The CARB prepares a monthly progress report on the resettlement activities of the subproject, and submits it to PMU. The report includes information on key monitoring indicators, namely:

- (i) Affected people and compensation: the number of APs by category of impact; the status of delivery of compensation and subsistence, moving and other allowances.
- (ii) Status of rehabilitation and income restoration activities: The number of APs severely affected by a) loss of productive assets and/or b) displacement; the number of vulnerable APs; the status of relocation of displaced APs; the status of technical and other assistance for income restoration.
- (iii) Information disclosure and consultation: number and scope of public meetings and/or consultations with APs; status of notifications to APs; summary of AP needs, preference and concerns raised during meetings and consultations.

² The CARB may also be referred to as the District Resettlement Committee (DRC). The CARB will be chaired by the Vice-Chairman of the DPC; the Vice-Chair will be the Head, District Department of Finance. Other members include: the heads of district DONRE and DARD; Chairmen of affected communes; representatives of PPMU; and, representatives of social organizations and NGOs active in the district.

- (iv) Complaints and grievances: summary of types of complaints received; steps taken to resolve them; outcomes; and, any outstanding issues requiring further management by district or provincial authorities or ADB assistance.
- (v) Financial management: the amount of funds allocated for compensation, operations and other activities; the amount of funds disbursed for each.
- (vi) Resettlement schedule: completed activities as per schedule; delays and deviances, including reasons; revised resettlement schedule.
- (vii) Coordination of resettlement activities with award of contract for civil works: status of completion of resettlement activities and projected date for award of civil works contracts.
- (viii) Implementation problems: problems that have arisen, reasons and proposed strategies to remedy; outstanding issues.

64. Upon receipt of monthly reports, the PMU consults with CARB to clarify and/or resolve any outstanding issues. On a quarterly basis, the PMU collates the monthly progress reports for all subprojects in the province, and submits a report to the CPCU. In turn, the CPCU prepares a Project monitoring report to be submitted to ADB and for uploading on ADB's website.

Table 5: Monitoring and Evaluation Indicators

| Type | Indicator | Examples of Variables |
|---------------------------|---|---|
| INPUTS INDICATORS | Staffing and Equipment | <ul style="list-style-type: none"> • Number of project dedicated PPMU staff • Formation of each PRC, DRC and VRC • Number of PRC and DRC members and job function • Adequate equipment for performing functions (including grievance recording) • Training undertaken for all implementing agencies • External monitor contracted and mobilized • Construction Contractor meeting local employment targets for unskilled labor |
| | Finance | <ul style="list-style-type: none"> • Resettlement budgets disbursed to PRC and APs in timely manner |
| PROCESS INDICATORS | Consultation, Participation, and Grievance Resolution | <ul style="list-style-type: none"> • Distribution of PIB to all APs • Summary RP available in all districts • Translation at ethnic minority villages and for individual minority APs in villages of other ethnicity • Consultations and participation undertaken as scheduled in the RP • Grievances by type and resolution • Number of local-based organizations participating in project |
| OUTPUT INDICATORS | Acquisition of Land | <ul style="list-style-type: none"> • Area of cultivation land acquired • Area of residential land acquired • Fishponds acquired |
| | Buildings | <ul style="list-style-type: none"> • Number, type and size of private houses/structures acquired • Number, type and size of community buildings acquired • Number, type and size of government assets affected |
| | Trees and Crops | <ul style="list-style-type: none"> • Number and type of private trees acquired • Number and type of government/community trees acquired • Number and type of crops acquired • Crops destroyed by area, type and number of owners |

| Type | Indicator | Examples of Variables |
|------|--|--|
| | Compensation and Rehabilitation | <ul style="list-style-type: none"> • Number of households affected (land, buildings, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number and amount of payment paid • Compensation payments made on time • Compensation payments according to agreed rates • Number of houses demolished • Number of porches/kitchens dismantled • Number of replacement houses built by APs on the same plot • Number of replacement houses built by APs on other plots they own • Number of replacement houses built by APs on allocated plots • Number of replacement businesses constructed by APs • Number of owners requesting assistance for additional replacement land • Number of replacement land purchases effected • Number of land titles issued • Number of vulnerable groups provided additional assistance |
| | Reestablishment of Community Resources | <ul style="list-style-type: none"> • Number of community buildings repaired or replaced • Number of seedlings supplied by type |

B. External Monitoring of APs

65. The CPCU engages an independent monitoring organization (IMO) to conduct external monitoring of RP implementation for the Project. The purpose of external monitoring is to assess whether the RP has been implemented as planned, whether entitlements have been delivered and meet the intended objectives and APs are able to restore their living conditions, livelihoods and incomes to pre-subproject levels and, if not, to recommend remedial actions to assist APs. The IMO conducts socioeconomic surveys of APs on a bi-annual basis and one year following completion of compensation payments; and, monitors resettlement activities including, among others, the DMS, payment of compensation and allowances, rehabilitation and income restoration activities, public meetings and consultations, and the grievance redress process.

66. The PMU and CARB support the work of the IMO in the following ways:

- (i) Collect baseline socioeconomic data from APs during the DMS; and, make all DMS data, official AP lists and other relevant data available to the IMO.
- (ii) Assist the IMO, as required, during follow-up socioeconomic surveys and consultations with APs.
- (iii) Accommodate the IMO to participate in, monitor and receive relevant information about resettlement activities.

67. The IMO submits monitoring reports to the CPMU and ADB; reports are uploaded on ADB's website.

Table 6: External Monitoring Indicators, Methods and Schedule

| Indicators | Variables | Mechanism for Assessment | Timing of Assessment |
|--|---|---|---|
| RP Implementation | <ul style="list-style-type: none"> • Resettlement staffing • Compensation Disbursements • Land and assets acquired • Preparation of replacement land • Funds disbursement • Public information and consultation • AP asset replacement | <ul style="list-style-type: none"> • Review of internal monitoring reports • Review Contractor plans and actions • Interviews with and observation of implementing agencies at each level • Random sample of interviews with APs | <ul style="list-style-type: none"> • Every annual monitoring mission |
| Restoration of Living Standards and Livelihoods | <ul style="list-style-type: none"> • Compensation at replacement cost • Compensation with no depreciation or fees/taxes • Adequacy and suitability of replacement land • Adequacy of moving costs • Adequate timing for asset acquisition/replacement • Tenure security of APs | <ul style="list-style-type: none"> • Interviews with APs – stratified sample for those relocating, and those being allocated land, ethnic minorities and women • Review of internal monitoring reports • Review of revised compensation costs and materials costs • Interviews with Provincial Lands Departments for land records | <ul style="list-style-type: none"> • Every annual monitoring mission |
| | <ul style="list-style-type: none"> • Changes in AP income levels, and sources of income • Changes in AP access to services and utilities • AP participation in community organizations • AP participation in associated social action programs related to the project • Vulnerable groups rehabilitation | <ul style="list-style-type: none"> • Replicate socioeconomic survey of a sample of APs (with some revisions for new social programs) • Comparison with original socioeconomic survey and with later results • Village level focus group discussions, including women and ethnic minorities • Interviews with vulnerable APs | <ul style="list-style-type: none"> • At the commencement of resettlement implementation (Year1), and project completion (Year 2) |
| AP Satisfaction | <ul style="list-style-type: none"> • AP awareness of resettlement procedures and entitlements • AP awareness and use of grievance system • AP satisfaction with the resettlement process • AP assessment of | <ul style="list-style-type: none"> • Review records of grievance lodgment and redress • Random sample of interviews with APs • Community meetings • Focus Groups discussions with various categories of APs | <ul style="list-style-type: none"> • Every annual monitoring mission |
| Effectiveness of Resettlement Planning | <ul style="list-style-type: none"> • Accuracy of DMS for AP and asset loss recoding and planning • Adequacy of budget for implementation • Adequacy of implementation schedule to undertake required tasks • Occurrence of unforeseen problems | <ul style="list-style-type: none"> • Review records of grievance lodgment and redress • Random sample of interviews with APs • Interviews with implementing agencies at each level | <ul style="list-style-type: none"> • Every annual monitoring mission |

X. IMPLEMENTATION SCHEDULE

68. The implementation schedule for resettlement activities for the subproject is presented in the following table including (i) activities that have been completed to prepare the RP; (ii) resettlement implementation activities; and, (iii) external monitoring activities.

| Main Resettlement Plan Activities | Implementation Schedule |
|--|----------------------------------|
| Prepare Resettlement Plan | |
| Preliminary engineering and demarcation of land to be acquired | Early November 2006 |
| | |
| Conduct IOL and draft RP | From 7 to 27 Nov. 2006 |
| Public meeting and consultations with APs on draft RP | From 22 to 24 Nov. 2006 |
| Finalize draft RP and submit to PPMU for review and referral | 07 December 2006 |
| Draft RP disclosed to APs and uploaded on ADB's website | April 2007 |
| PPC approval of RP and endorsed to ADB; ADB no-objection to RP | April 2007 |
| Final RP disclosed to APs and uploaded on ADB's website | April 2007 |
| Award contract and mobilize independent monitoring organization | After PPC approval of subproject |
| Update Resettlement Plan | |
| Conduct DMS and consultation with APs and update RP | |
| Disclose updated RP to APs | |
| PPC approval of updated RP and endorsed to ADB; ADB no-objection to updated RP | |
| Final updated RP disclosed to APs and uploaded on ADB's website | |
| Implement Resettlement Plan | |
| Compensation charts prepared and Compensation paid | _____2007 |
| Clearance of acquired land – temporary relocation of kiosks | _____2007 |
| Award of civil works contract | _____2007 |
| Kiosks relocated to final site in new markets under same rental arrangements | |
| External Monitoring | |
| CPMU awards contracts and mobilizes IMO | January 2007 |
| IMO participates in DMS and establishes AP socioeconomic baseline | |
| IMO conducts 1 st follow-up survey and monitoring report | February 2007 |
| IMO conducts 2 nd follow-up survey and monitoring report | |
| IMO conducts post-resettlement survey and final monitoring report | July 2007 |

APPENDIX 1: DMS SURVEY FORM

Owner (HH head): _____ HH code _____

Hamlet: _____ Commune : _____

District: _____

Sub-project: _____

Affected assets of HH: Residential land: Garden land: Agriculture land: Aquaculture land: House : Structure: Trees: Crops:

Members taking part in the survey consisting of:

1. Mr/Ms: _____ Position: _____ Repres. of: _____

2. Mr/Ms: _____ Position: _____ Repres. of: _____

3. Mr/Ms: _____ Position: _____ Repres. of: _____

4. Mr/Ms: _____ Position: _____ Repres. of: _____

5. Mr/Ms: _____ Position: _____ Repres. of: _____

6. Mr/Ms: _____ Position: _____ Repres. of: _____

The survey team together with affected household's head have carried out this survey and agreed all the data and information recorded in this questionnaire. The head of affected household understood clearly that all data and information that recorded in the questionnaire have been fixed and never changed, it will be used for estimation of compensation for land, houses, structures, crops, trees and other assets acquired by the subproject. The socioeconomic information of affected household will be used as database for assessment of living standard of affected people after completion of the project.

1. SOCIOECONOMIC INFORMATION

1.1 Household's Information

Type of HH: poor HH: Policy HH: Female-Headed HH : Ethnic HH:

No of HH members: ; of which male, female

Education level of HH head (specify):; Age of HH head:

1.2. Economic Information of Household

1.2.1 Status of Land Use

| Type of land | Area of land (m ²) |
|---------------------|--------------------------------|
| 1. Residential land | |
| 2 Garden land | |
| 3. Agriculture land | |
| 4. Aquaculture land | |
| 5. Forestry land | |

1.2.2 Income sources of household

| Income source | Main source | Secondary source |
|---------------------|-------------|------------------|
| 1. Planting | | |
| 2. Breeding | | |
| 3. Fishery | | |
| 4. Business | | |
| 5. Handicraft | | |
| 6. Services | | |
| 7. Salary | | |
| 8. Hired labor | | |
| 9. Others (specify) | | |

2 DETAILED MEASUREMENT SURVEY (DMS)

2.1 Land

| | Type of land | Category of land | Total area of land available (m ²) | Legality of land (specify) | Land acquired by the Project | |
|---|--------------|------------------|--|----------------------------|-------------------------------|-------------------------------|
| | | | | | permanently (m ²) | temporarily (m ²) |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| 5 | | | | | | |
| 6 | | | | | | |

Notes:

- Type of land: Residential land (urban, rural), garden land, cultivation land, land for aquaculture, forest land, etc.
- Category of land: Classify only for agricultural land (category 1 to 6), and land for aquaculture.
- Legality: Specify clearly the situation of land use of household such as hold / did not held the Land Use Right Certificate, waiting for LURC, land user is eligible under the Land Law, rental land, land allocated temporarily, encroached land, disputed land, etc.
- Land acquired permanently: Land should be acquired by the project for construction and will be not returned back to the affected people.
- Land acquired temporarily: Land should be acquired by the project during the construction, using for widening the construction access road for material transportation, material storage, worker's house, etc and it will be returned back to land owners.

2.2 Principal Structure – House and/or shop

| Type of house, structure | Purpose of use | Total area (m ²) | Area demolished (m ²) | Description |
|--------------------------|----------------|------------------------------|-----------------------------------|-------------|
| | | | | |
| | | | | |
| | | | | |

Additional notes if necessary: _____

2.3 Other structures and assets

| | Type of structure and assets | Unit | Quantity |
|---|------------------------------|------|----------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |

Additional notes if necessary: _____

2.4 Trees and crops

| | Kind of trees and crops | Unit | Description/productivity | Note |
|---|-------------------------|------|--------------------------|------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |

Note: Pls use additional sheets for trees and crops, if necessary.

3. RELOCATION OPTIONS OF AP (for permanent relocating APs only)

- Individual relocate in other place:
- Willing to relocate in the resettlement site:
- Do not know where to move:

