

Resettlement Framework

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The resettlement framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

CURRENCY EQUIVALENTS

Currency Unit – Dong (D)

For the purpose of calculations in this report, the rate of \$1.00 = VND19, 000 was used. This is the rate generally prevailing at the time of loan appraisal.

ABBREVIATIONS

ADB	–	Asian Development Bank
AHH		Affected Household(s)
AP	–	Affected Person
BLIS	–	Binh Long Irrigation System
BVI	–	Black & Veatch International
CRC	–	Compensation, Support, and Resettlement Committee
CCRC	–	Commune Compensation, Support, and Resettlement Committee
DHIA		Duc Hoa Irrigation Area
DHIS	–	Duc Hoa Irrigation System
DMI	–	Domestic, Municipal, And Industrial
DPC	–	District People's Committee
DRC	–	District Compensation, Support, and Resettlement Committee
FS	–	Feasibility Study
GoV	-	Government of Vietnam
HCMC	–	Ho Chi Minh City
HH		Household(s)
ICMB9	–	Hydraulic Project Investment & Construction Management Board 9
IR/SS	–	Income Restoration and Social Support
LACS	–	Land Acquisition and Census Survey
LURC	–	Land Use Rights Certificate
MARD	–	Ministry of Agriculture and Rural Development
MO	–	Monitoring Organization
NEZ	–	New Economic Zones Program
na		Not available
OSDP	–	On Farm Social Development Program
PRC	–	Provincial Compensation, Support, and Resettlement Committee
PHWRP	–	Phuoc Hoa Water Resources Project
PIB	–	Public Information Booklet
PMB 416	–	Project Management Board 416
PMU	–	Project Management Unit
PPC	–	Provincial People's Committee
PPMB	–	Provincial Project Management Board
RSS	–	Resettlement and Social Support
SAH(s)		Severely Affected Household(s)
SAP(s)	-	Severely Affected Person(s)
SRV	–	Socialist Republic of Vietnam
SWOT	–	Strengths, Weaknesses, Opportunities, and Threats
TBIA		Tan Bien Irrigation Area
TBIS	–	Tan Bien Irrigation System
VAP(s)	-	Vulnerable Affected Person(s)

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 subproject or any of its components.
Detailed Measurement Survey (DMS)	- With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Compensation	- Means payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off date	Means the date of completing DMS for which land and/or assets affected by the Project are measured. The APs will be informed of the cut off date for each subproject component, and any people who settle in the subproject area after the cut off date will not be entitled to compensation and assistance under the subproject.
Entitlements	- Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Eligibility	- Means any person who have settled in the subproject area before the cut off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation...will be entitled to be compensation and/or assistances.
Host community	- Means the community already in residence at a proposed resettlement or relocation site.
Income restoration	- This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration	A program designed with various activities that aim to support affected

program	persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Inventory of Losses (IOL)	- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Replacement cost	- Means the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject.
Vulnerable groups	- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households

with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, and (vi) indigenous people or ethnic minorities.

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Map 1: Phuoc Hoa Water Resources Project

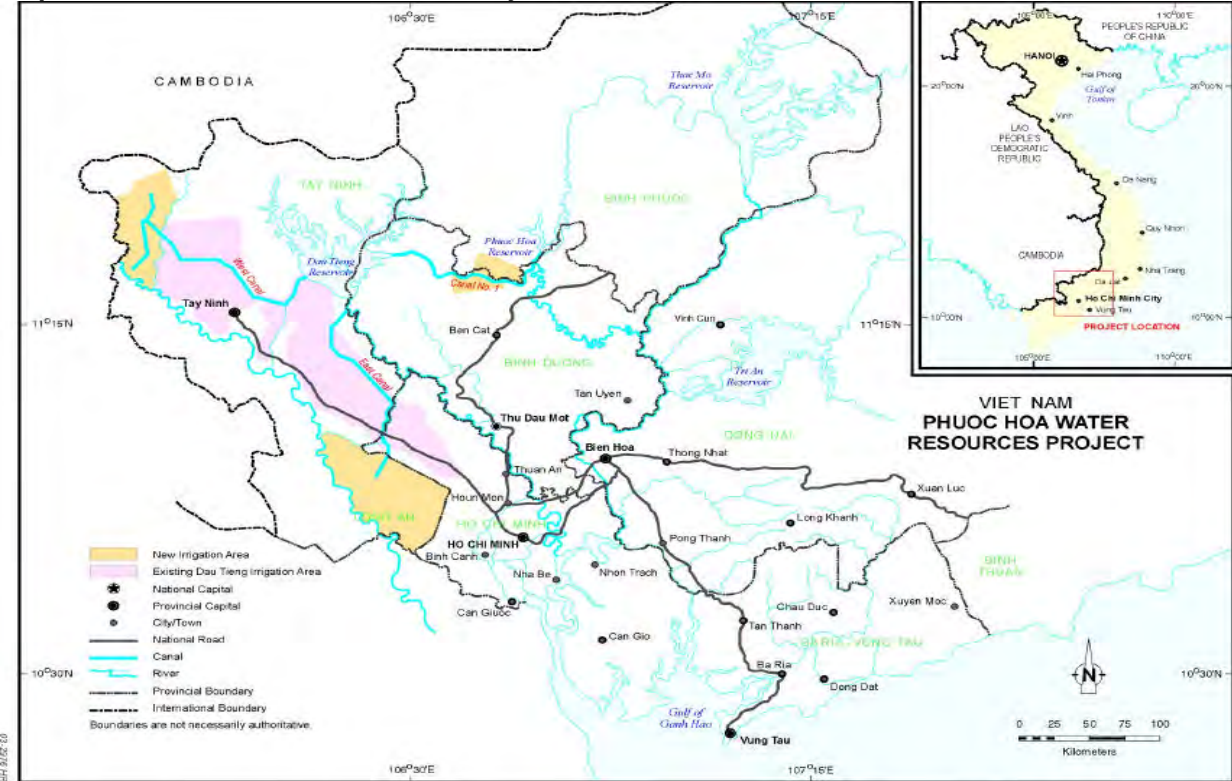
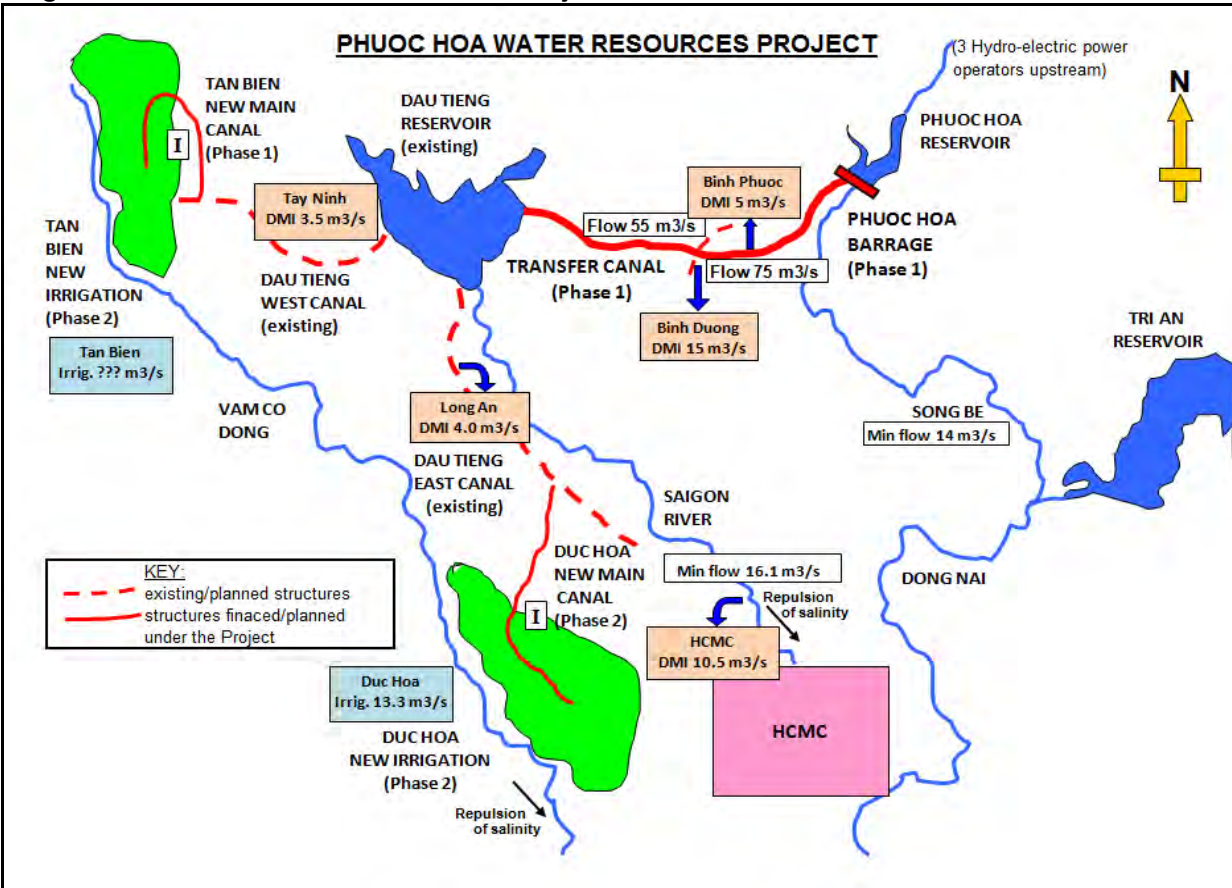


Diagram 1: Phuoc Hoa Water Resources Project – Phase 1 and Phase 2



I. INTRODUCTION

1. The Phuoc Hoa Water Resources Project (PHWRP) is to provide an additional source of water in the Saigon and Vam Co Dong river basins for development of irrigated agriculture and to supplement existing supplies for salinity control and domestic, municipal, and industrial (DMI) use in Ho Chi Minh City (HCMC) and surrounding provinces. It will adopt an integrated development approach to increasing agricultural production by promoting efficient and sustainable management of the water resources.
2. Water resources infrastructure to be developed will include the Phuoc Hoa headworks which will inundate 685 hectares (ha) with average water level at plus 42.9m and a 40.5-kilometer (km) long transfer canal to divert and convey water from the Be River to the existing Dau Tieng Reservoir on the Saigon River in the neighboring basin. From there, it will be diverted through the existing Dau Tieng Irrigation System for multiple uses including irrigated agriculture and supplementary water for DMI use and salinity control in the Saigon and Vam Co Dong river basins. Two new irrigation areas will be developed under the Project: (i) Tan Bien Irrigation System (TBIS) in Tay Ninh Province with a net command area at full development of 13,390 ha, and (ii) Duc Hoa Irrigation System (DHIS) in Long An Province with a net command area at full development of 17,560 ha. A third irrigation area, Binh Long, was dropped at the mid term review (MTR) during Phase 1. The remaining total combined net irrigation command area at full development will be about 34,405 ha. In addition, the scheme will provide about 17.1 cubic meters per second of water to HCMC and neighboring provinces for DMI use.
3. Project is financed by loans from ADB and Agence Française de Développement (AFD). The ADB loan for the equivalent of \$90 million was approved on 27 November 2003, signed on 8 April 2004, became effective on 23 August 2004, and is scheduled for closing on 31 March 2011. AFD approved two loans to co-finance the Project on 20 November 2003 for €29.6 million (\$34 million equivalent at the time of loan approval). These loans are scheduled for closing on 30 June 2011.
4. The midterm review (MTR) of the Project in May 2008 assessed whether the attainment of the Project's main objectives were still likely. With initial implementation delays and high price escalation in Viet Nam, which reached 28.3% in the twelve month period from September 2007 to August 2008, the total estimated project cost increased by approximately \$121.8 million (74.0%), from the original cost estimate of \$164.6 million. The MTR determined that the Project would not be able to achieve all of its main objectives without supplementary financing. During the MTR it was agreed between ADB, AFD and the Government that the development of the Project proceed on a phased approach with the remaining funds available for the first phase be mainly used for the development of the basin transfer component, and the bulk of the irrigation development component be left to a subsequent second phase and largely financed through supplementary loans.

5. Phase 1 therefore saw completion of the Phuoc Hoa Barrage, the Transfer Canal, and the Tan Bien New Main Canal. Phase 2 will see development of the Tan Bien Irrigation System, the Duc Hoa Main Canal and the Duc Hoa Irrigation System.
6. Initial social analysis and preliminary engineering designs would indicate that Phase 2 of the project is Category A in terms of presenting significant involuntary resettlement impacts. In each of the irrigation subprojects proposed it is expected that more than 200 persons will experience significant impacts. The IoL based on the basic design shows that a total of 4,683 households, comprising some 21,537 people, will experience some resettlement impact. Of these, some 1,151 households will experience significant impact and 126 households will relocate their houses and shops and 1,073 households will lose more than 20% of their productive land. Within this, there are a total of 48 AHHs who will lose their house or shop and over 20% of their productive land.

II. OBJECTIVES OF THE UPDATED FRAMEWORK

7. The initial Resettlement Framework for Phuoc Hoa Water Resources Project was prepared in 2003. There is now a need to update the Framework to reflect changes in both ADB and Vietnamese policies, particularly in respect of Decree 69/2009 and the ADB Safeguard Policy Statement (2009) and these changes will be applied for Phase 2 of the Project. This Framework provides (i) the policy and legal framework of the Government and Asian Development Bank (ADB); (ii) the compensation policy to be applied to all subprojects under the Project; and (iii) procedures to be followed during the subproject preparation, appraisal, and implementation. The Framework will be translated into Vietnamese and distributed to the central and local agencies, companies and agencies contracted to carry out subproject feasibility study, and other individuals responsible for subproject preparation and implementation, and also submitted to the ADB for review and posting on the ADB website.
8. The Framework will be applied for three subprojects as follows:
9. **Tan Bien Irrigation System.** The Tan Bien Irrigation System (TBIS) will affect 3 communes in Tan Bien district; Hoa Hiep, Thanh Tay and Tan Binh, and 2 communes in Chau Thanh district; An Co and Phuoc Vinh. The system will provide irrigation to a total of 7,670 ha of which 2,007 ha will be pump supplied and 5,663 ha will be gravity fed. The pump area will service areas within Hoa Hiep, Thanh Tay and Tan Binh communes, and the gravity area will service An Co, Phuoc Vinh and also parts of Hoa Hiep commune. Preliminary estimates indicate the secondary and tertiary canal network will require the acquisition of 135 ha. This area is dominated by upland crops (41%) and single rice crops (28%). There are natural forests along the Cambodian border and small amounts of barren land.). It will benefit An Co commune in Chau Thanh district, and also benefit and affect 231 households in Phuoc Vinh commune of Chau Thanh district, 77 households in Hoa Hiep, 79 households in Thanh Tay and 46 households in Tan Binh communes of Tan Bien district. Total households affected will be 433

households, comprising 1,951 people, and within this, some 74 HHs will suffer severe impact.

10. **Duc Hoa Main Canal.** The Duc Hoa Main Canal (DHMC) will be 17.68 km in length. Design discharge is calculated at 21.44 M3. The DHMC affects some 4 communes and perhaps some farming households from one town of these four communes are currently utilizing existing irrigation over a total area of 970 ha. The construction of the main canal alignment is expected to require permanent acquisition of about 118 ha, with impact on about least 469 households. The Project will create adverse impacts of involuntary resettlement. The Duc Hoa main canal starts at km 33 +567 on the Dau Tieng east main canal and follows the existing canal alignment (N26) for some 8 kms passing through Loc Hung and An Tinh communes in Trang Bang district of Tay Ninh province affecting up to 218 households. The canal then crosses national road 22 and continues along the boundaries of Trang Bang and Linh Trung 3 industrial parks and crosses Thai My commune in Cu Chi District of HCM City affecting up to 45 households. It will then cross Thay Cai canal by siphon into Tan My commune, ending at Km 17 +680 near Hau Nghia town of Duc Hoa district of Long An province affecting up to 206 households. A total of 469 households and 2,056 people are estimated to be affected and within this, some 283 households will experience significant impact.
11. **Duc Hoa irrigation system:** is located in Duc Hoa district of Long An province, however, after splitting from the East Canal of the Dau Tieng System, the newly built part of the main canal will run through some part of Tay Ninh province and of HCMC. The total irrigated area is estimated at 17,400 ha, of which some 15,102 ha will be gravity fed and the remaining 2,298 ha will supplement water in existing low level canals. There are a total of 146 canals and 441 structures comprising the irrigation system. The canal network is made up of 30.38 km of primary canal with a width of up to 25.3m. Secondary canals make up 71.626km in length and are 20.25 m in width. The tertiary canal network totals 129.675 km in length and are 15.2m in width. The acquired land is estimated at about 460.63 ha. There are a total of 13 communes and one town in the Duc Hoa Irrigation system area. It will affect 13 communes and 1 town such as: Hau Nghia town; An Ninh Dong, An Ninh Tay, Tan My, Hiep Hoa, Tan Phu, Hoa Khanh Dong, Hoa Khanh Nam, Hoa Khanh Tay, Duc Lap Thuong, Duc Lap Ha, Duc Hoa Thuong, My Hanh bac, My Hanh Nam. A total of 3,781 HHs will be affected comprising some 17,530 people, and within this some 794 HHs will be severely impacted.

III. LEGAL FOUNDATION AND ENTITLEMENT POLICIES

A. Asian Development Bank Policy

12. The objectives of the ADB social safeguards policy are to avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives; and to enhance, or at least restore, the livelihoods of all displaced and

vulnerable persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

13. The policy indicates three important elements in involuntary resettlement are:
 - i. to minimize the need for resettlement and compensation as much as possible
 - ii. compensation for lost assets and loss of livelihood and income,
 - iii. assistance in relocation including provision of relocation sites with appropriate facilities and services, and,
 - iv. assistance with rehabilitation so as to achieve at least the same level of well-being with the Project as before.
14. The policy further stipulates that the absence of legal title to land cannot be considered an obstacle to compensation and rehabilitation privileges. All persons affected by the Project, especially the poorer, landless, and semi-landless persons should be included in the compensation, resettlement, and rehabilitation package. The Safeguard Policy Statement stipulates that those APs who are unable to demonstrate a legalizable or recognizable claim to the land being acquired will be eligible for compensation in respect of non-land assets only, not the land itself. They will however be provided with other benefits and allowances as provided other APs.

B. Relevant Vietnamese Acts and Bylaws

15. In recent years, the Government has formulated many decrees, decisions and regulations to protect the interests of displaced persons and to accord with the policies of the international development assistance community. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:
 - The Constitution of the Socialist Republic of Viet Nam, dated 15 April 1992, as amended by Resolution 51-2001-QH10 dated 25 December 2001 of Legislature (term 10th) of the National Assembly at its 10th session;
 - Decree 22/1998/ND-CP (24/4/1998) regarding GoV compensation policy for land acquired by the State for public works construction;
 - Circular 145/1998/TT-BTC (4/11/1998) from the Ministry of Finance providing guidelines for implementation of Decree 22;
 - Circular 98/TT-BTC (14/10/2003) Ministry of Finance regarding the use of domestic budget in implementation and management of water resource development projects;
 - The Land Law No. 13/2003/QH11 (December 2003);
 - Decree 188/2004/ND-CP (November 2004) on methods for determining land process for various types of land;
 - Circular 116/2004/TT-BTC (December 2004) on guiding the implementation of Decree 197;
 - Decree 181/2004/ND-CP (October 29, 2004) on the implementation of the 2003 Land Law

- Circular 30/2004/TT-BTNMT on 01 November 2004 on the Guidance for Planning, Adjusting and Improving the Master Plan of Land Use
 - Circular 01/2005/TT-BTNMT (13 April, 2005) on guiding the implementation of Decree 181
 - Circular 116/2004/TT-BTC (December 2004) on guiding the implementation of Decree 197;
 - Decree 17/2006 to reconcile the 2003 Land Law and Decree 187 (November 2004);
 - Resettlement Framework (RF) of the Phuoc Hoa Project, dated 2003
 - Decision 4425/QĐ-BNN-XD issued on 7 October 2003 signed by minister of MARD to approve the Phuoc Hoa Project Resettlement Framework for Binh Duong and Binh Phuoc Tay Ninh, Long An and HCM project sites;
 - Decree 197/2004/ND-CP dated 3 December 2004 on regulations of compensation, support and resettlement when State acquires land;
 - Decision 773/QĐ-BNN-XD dated 6 April 2005 of MARD approving technical design and general budget estimation of Tan Bien Main Canal in Tay Ninh Province, of Phuoc Hoa Project;
 - Decision 1082 QĐ/BNN-XD issued 16 May 2005 by MARD assigning roles and responsibility of concerned agencies for the Phuoc Hoa Project in Binh Duong, Binh Phuoc, Tay Ninh, Long An Provinces and Ho Chi Minh City
 - Decision 3338/QĐ-BNN-TCCB dated 6 November 2006 by MARD assigning roles and responsibility for Management and Implementation of the Phuoc Hoa Project.
 - Decision 3798/QĐ-BNN - TCCB dated 12 December 2006 by MARD assigning roles and responsibility for Management of loan used for Primary Canal Construction, Land Acquisition and Compensation of the Phuoc Hoa Project;
 - Decree 84/2007/NĐ-CP issued on 25 May 2007, additionally stipulating the grant of land use right certificates, recovery of land, exercise of land use rights, order and procedures for compensation, support and resettlement upon land recovery by the State, and settlement of land-related complaint;
 - Decree 69/2009/ND-CP dated 13 August 2009, Additional regulations on Land Use Plans, Land Prices, Land Acquisition, Compensation, Assistance and Resettlement.
 - Decision 35/2010/QĐ-UBND –HCMC, 28/5/2010. Applying Decree 69 regarding compensation, assistance and resettlement allowances.
 - Decision 7/2010/QĐ-UBND, Long An, 1/3/2010. Applying Decree 69 regarding compensation, assistance and resettlement allowances.
16. The Decree 69/2009 specifically replaces Articles 10, 12, 14, 30, 52, 125, 126, 127 and 141 of Decree 181/2004/ND-CP, and Articles 3,6,19, 19, 27, 28, 32, 6, 39, 48 of Decree 197/2004/ND-CP. Decree also replaces Article 4 of Decree 142/2005/ND-CP, and Clause 1 of Article 2, and Clauses 5, 6 of Article 4 of Decree 17/2006/ND-CP, and Article 43, and Articles 48 to 62 of Decree 84/2007/ND-CP. Decree 69 also replaces Point 2 of Clause 12 Article 1 of Decree 123/2007/ND-CP which were earlier amendments to Decree 188/2004/ND-CP. These replacements and additions provide further detail and clarity to Vietnamese regulations and bring GoV policy into closer alignment to ADB SPS (refer table 1 below).

17. Generally, Decree 69/2009 meets the objectives of ADB's Policy on Involuntary Resettlement, however, some small differences can be found regarding the compensation of APs without legal rights to land (Land Use Rights Certificates – LURC). Preliminary enquiries reveal no illegal land users have been found in the rural areas. Another difference is the percentage of productive assets lost before an AP is regarded as severely affected. A further difference applies to the case where the value of the resettlement site, house and infrastructure exceeds the value of the land and property being acquired. The **Table 1** presents the main areas of possible discrepancy.

Table 1: Discrepancies Between Decree 197/CP, Decree 69/CP and ADB Policy

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
Severely impacted APs losing productive land	Decree 69, Art 20: For significantly impacted APs, Livelihood restoration measures cut in when AP loses at least 30% of productive agriculture land.	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	As agreed with ADB in Phase 1 (26/9/2003), this trigger will be 20% of productive land but special assistance will be provided for any AP HH losing 10% to 19% of productive land whose remaining land cannot sustain the HH.
APs without LURC	Decree 69: Article 23: Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Article 8 of Decree No. 197/2004/ND-CP and Articles 44, 45 and 46 of Decree No. 84/2007/ND-CP will be referred to the Provincial Peoples' Committee for consideration of the level of assistance to be provided in conformity with the locality's actual conditions(eg: HCMC Decision 35/2010/QD-UBND provides compensation for loss of housing, structures, crops and relocation assistance).	Those APs without legal title to land will be included in consultations. Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.
Compensation for lost land	Article 9, Decree 197: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 69, Art 11, Art 16, Compensation is land for same-use land or if not available the AP can be compensated in cash based upon the market transfer price of such land	Land based livelihoods restoration based upon land based strategies where possible , or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land.. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment	Where appropriate land based compensation is not viable , replacement cost surveys have been carried out and will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value, to be updated

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
	at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.	should be provided in addition to cash compensation for land and non-land assets lost.	at the time of compensation and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided ap has legal or recognizable claim compensation is for full amount of land acquired.
Differences between compensation rates and market rates	Dec 69 Art 14(2): if compensation is through new land or allocation of land at a resettlement area or by housing and the replacement is valued at less than the land acquired, the price difference will be paid in cash. Dec 69 Art 14(2a) If replacement residential land or the amount compensated to purchase a replacement house is more than the actual replacement cost, the AP still receives the full amount. Dec 69 Art 14(2b) if the compensated amount is less than the replacement residential land and house the AP will pay the difference themselves except for cases covered by Art 19(1) – this will not apply to (poor) APs who will be assisted by the State. If the AP does not receive land or house at the resettlement site the AP will receive the cash difference.	Provide physically and economically APs with needed assistance including i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of APs economically and socially into host communities, ii) transitional support and development assistance such as land development, credit facilities, training or employment opportunities, and, iii) civil infrastructure as required.	.Physically displaced (relocated) APs are to receive relocation assistance, secured tenure to relocated land, better housing at resettlement sites with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.
Compensation for structures	Dec 69 Art 24 – Compensation for House, Structures on Acquired Land. Clause (1) – Compensation for APs residential structures based on value of newly constructed house/structure equal to technical standard issued by MoC and based on house area and unit prices issued by PPC. Clause(2) other structures compensation equal to: a) total present value using unit costs for newly constructed house/structure using MoC	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
	technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure		payments
Compensation for registered businesses	Articles 26, Decree 197: Only registered businesses are eligible for assistance. Decree 69 Art20(2) if business must be suspended AP is compensated with max 30% of after tax income in one year, averaged over last 3 years as certified by Tax Dept.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.
Compensation for non-registered businesses	Decree 69 only recognizes formal registered businesses as entitled to compensation for lost income based upon Tax Office records	No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.	The CPC must certify that the AP has a business in current operation and approve the level of lost income.
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting	The EA must appoint an independent external monitor and undertake internal monitoring according to the critical indicators.
Disclosure and Consultation	Decree 69, Art 29 indicates public disclosure not required until after the project has been approved for implementation.	ADB policy requires continuous public disclosure throughout all stages of the project, from identification and feasibility and project design and throughout implementation.	Public consultation will begin before project approval and continue on an ongoing process.

C. Minimizing Involuntary Resettlement

18. The impacts on local communities resulting from construction of the irrigation system need to be minimized and the need for resettlement and land and assets acquisition reduced as much as possible. These impacts may be reduced through investigating alternative canal layouts, different options for the placement of bridges and crossings and other structures. During technical design the design teams must ensure that the canal alignments and engineering designs for the Duc Hoa Main Canal, the Tan Bien Irrigation System and the Duc Hoa irrigation System, are prepared on a participatory basis with regular meetings between the design surveyors, OSDP and PST teams, commune and hamlet officials and representative farmers. Regular hamlet level meetings should be convened to discuss and review proposed layouts and positioning of structures, and obtain the agreement of the local community.
19. During the participatory detailed design, every effort will be made to avoid severance of communities and farmland. Where necessary, bridges and foot crossings will be constructed in locations agreed upon following consultations with those otherwise to be severed households to ensure that these households may conveniently access productive land, residences, civil infrastructure and services and gain access with machinery and transportation normally parked at their dwelling.

D. Estimation of Numbers of Affected Persons

20. The Project will cause significant involuntary resettlement including severance of communities and agricultural activities. Table 2 presents an indicative summary of the impacts on the land and structures for all project components including the three irrigation subprojects. These are preliminary estimates that will be firmed up during finalization of the detailed designs and the OSDP surveys of affected households. Preliminary canal alignments will be fine-tuned and these will be finalized during project implementation through a participatory process to minimize land acquisition and disruption to the affected people.

Table 2: Summary of Impacts on Land and Structures for the Project

Physical Component	Impact on Household Structures					
	Significant Impact on Households			Marginal Impact	Total Impact	
	Total HHs ^a	Shop/Houses ^b	> 20% of Agricultural land	HH	HH	Persons
Tan Bien Irrigation System	74	8	69	359	433	1,951
Duc Hoa Main Canal	283	80	239	186	469	2,056
Duc Hoa Irrigation System	794	38	765	2,987	3,781	17,530
Total	1,151	126	1,073	3,532	4,683	21,537
	Loss of Land (ha)					
	Residential	Agricultural	Ponds	Forest	Unused /Other ^c	Total
Tan Bien Irrigation System	1.63	133.34	0.02	0	0	135
Duc Hoa Main Canal	3.13	111.76	0.28	1.04	1.94	118.15
Duc Hoa Irrigation System	17.29	382.73	2.05	0	58.56	460.63
Total	22.05	627.83	2.35	1.04	60.5	713.78

Ha = hectares, HH = household.

^a Includes shops and houses.

^b Combined shops and houses are also included in the column for Residential.

^c Includes roads, streams and uncompensated land

21. Note that the above figures include some households will lose their shop and or shop and also over 20% of productive land as follows:
 - i) Tan Bien Irrigation System – 3 HHs lose their house or shop and over 20% of productive land, 5 HHs lose their house or shop only,
 - ii) Duc Hoa Main Canal – 36 HHs lose their house or shop and over 20% of productive land, 44 HHs lose their house or shop only,
 - iii) Duc Hoa Irrigation Area - 9 HHs lose their house or shop and over 20% of productive land, 29 HHs lose their house or shop only
22. In Duc Hoa Main Canal it is estimated that some 80 households will need to dismantle and move their shops and or houses, and some of these will need to relocate to a new site. Some 713,395 m² of crops and 73,548 trees crops will need to be compensated.
23. In Tan Bien Irrigation Area it is estimated that only 8 households will need to dismantle and possibly relocate their house. Crops totaling 477,589 m² will need to be compensated along with 44,929 m² of perennial crops.
24. In Duc Hoa Irrigation Area it is estimated that 36 houses and 2 shops will be dismantled and some of these relocated, and crop areas of 3,482,789m² and 85,715 trees will be compensated.
25. The estimates above are based on preliminary survey data and should be considered as indicative only. Following finalization of the detailed design for the canal networks and

other irrigation infrastructure, and in preparation of the Resettlement Plan (RP), the DRC, with assistance from the OSDP, will have to conduct the Detailed Measurement Survey and obtain accurate details of the numbers of Affected Households and Persons and land and assets that will require compensation. The RP should then be checked for accuracy with the assistance of the Commune peoples' Committee and updated again.

E. Entitlement Eligibility Requirements

26. Eligibility will be determined with regards to the cut-off date, which is taken to be the date of completing DMS for which land and/or assets affected by the Project are measured. The APs will be informed of the cut-off date for each subproject component, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
27. In addition, the extent of eligibility for compensation in regards to land is determined by legal rights to the land concerned. There are three types of Affected Persons: i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially, ii) persons who lost land they occupy in its entirety or partially who do not currently possess a LURC but have a claim that is recognizable under national laws, or, iii) persons who lost land they occupy in its entirety or partially who do not have any recognizable claim to that land. APs included under i) and iii) above are readily identifiable. Those falling under category ii) are more complicated and provisions are made under the Land Law (2003), Article 50, Issuance of certificates of land use right to family households, individuals and communities of citizens using land, Clause 1, 2, 5.

IV. COMPENSATION, INCOME RESTORATION AND RELOCATION POLICY

A. Objectives for Resettlement

28. The main objective of the RP is to ensure that populations affected by the Project should be at least as well off, if not better off, than they would have been without the Project. Affected populations must be able to maintain, and preferably improve, their standard of living and quality of life and that particular attention is placed on the needs of vulnerable groups which includes any indigenous or ethnic minorities, female headed households, the elderly with familial support, the chronically ill or disabled and the poor.
29. Compensation and Assistance: This will be provided to ensure that the economic and social futures of APs are at least as favorable as they were before the Project. The compensation policy, which encompasses compensation for all affected assets, along with rehabilitation measures, will ensure that all APs are able to, at minimum, restore their incomes, standards of living, and productive capacities to pre-project levels if not better. Specific measures to ensure restoration of incomes and living standards of APs include compensation for lost assets based on:
 - (i) As a priority, land-for-land of equivalent productive capacity and at a location suitable and acceptable to the APs, or

- (ii) In case of the lack of available suitable same-use land or, at the request of an AP who has been informed regarding the options, cash for land or a combination of the two.

30. Compensation at Replacement cost: During preparation of the RP the DRC will be assisted by the OSDP consultants to conduct cost replacement surveys to identify the adequacy of the rates proposed by the PPC. If the rates announced by the PPC are lower than the true replacement cost or market value, the PPMB must ensure that the PPC review its proposed rates to ensure that APs are not disadvantaged. Compensation for all types of affected assets, including residential and commercial structures as well as other fixed assets, will be paid at replacement cost (including material and labor at current market prices) without any depreciation calculated, or deductions made for salvageable building materials. This will ensure that the APs are able to reconstruct houses and other structures of better or at least the same quality as before. Compensation for affected land will be made either in the form of a trade, land-for-land of equal productive capacity at a location acceptable to the APs if available. If not available, or at the specific request of the APs, compensation will be in cash at market value replacement cost.

B. Compensation Policy for Loss of Land and productive Assets

31. Some land will be acquired on a temporary basis for borrow pits, access tracks and where needed for storage areas and campsites. This land will be returned to its original owners and compensation paid for any temporary loss of income from standing crops or other, and the land will be returned to its owners in its original condition. If the temporary acquisition continues for longer than 12 months, as per Decree 69/2009, the AP may request the contractor to pay for land rental. In regards to productive land permanently acquired, although land for same-use land is preferred by the ADB, this resettlement framework recognizes that under the current project this will be difficult. Due to the proximity to HCMC and subsequent high population density there is a marked lack of vacant land available. It is therefore important that APs being compensated for the loss of land receive the full market value in addition to further assistance in order to ensure that APs are not disadvantaged in any way if they must relocate. As agreed with the ADB in September 2003 for Phase 1, for the purposes of implementing the Duc Hoa Project Phase 2, severely affected APs will be those that lose 20% of their productive assets, rather than 10% under ADB policy or 30% under Vietnamese policy.

32. **Land Users with Permanent or Legalizable Use Rights:** For arable land that will be permanently affected, and due to the difficulties providing same-use agricultural or forestry land, all APs will be entitled as follows:

- (i) **Marginally affected APs.** APs with losses less than or equal to 20% of their total agricultural landholdings will be entitled to cash compensation for crops and trees at market prices, AND cash compensation for acquired land at 100% of replacement cost. However any AP relying heavily on agriculture for their livelihood whose remaining land is unable to sustain the household will be entitled to additional livelihood stabilization assistance.

- (ii) **Severely affected APs.** APs with losses of more than 20% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices AND first priority for land-for-land of equivalent productive capacity at a location acceptable to the APs or, if requested, cash compensation for the lost land at 100% of replacement cost AND allowances as provided according to GoV policy such as livelihood stabilization, production assistance, rental assistance and livelihood rehabilitation assistance under the Social Support Program (skills training for working age family members in a current or new occupation and, a training allowance, provision of agricultural extension services to increase the productivity of remaining land, literacy training, and assistance to access existing credit programs, and priority for project-related job opportunities). *All the households who lost 10% and more of total productive assets are also included and entitled to the livelihood rehabilitation assistance under the Social Support Program.*

33. **Land Users without Permanent or Legalizable Rights to Use of Land:** Some HHs without permanent or temporary LURCs were found during project preparation or when updating the PSA, however whether or not these are legalizable or not must be confirmed during field surveys and the DMS by the DRC and OSDPs. Households occupying and using land without permission from the commune will be entitled to compensation for crops and trees, structures and improvements at 100% of market prices. They will not be compensated for land but will receive assistance corresponding to the investment in the land. In addition, relocated APs and poor and vulnerable households will be allocated use rights to replacement land and rehabilitation assistance and allowances as provided under GoV policies and under the Social Support Program as follows to ensure they are able to improve their income levels and living standards. Rehabilitation assistance will consist of skills training for one family member in a current or new occupation and a training allowance, provision of agricultural extension services to increase the productivity of remaining land, literacy training, and assistance to access existing credit programs, priority for project-related job opportunities.
34. **Loss of Residential Land:** If following land acquisition there is insufficient land to rebuild upon, the AP will be relocated. If there is sufficient land remaining, the AP is assisted with replacement cost compensation for lost structures and provided other assistance and allowances to cover the cost of re-building or repairing the original structure. If there are no structures on the residential land, APs will be entitled to compensation in cash at 100% of the replacement cost of the affected land. For land with structures thereon, if relocation is required, legal or legalizable APs with permanent land-use rights to affected land will be entitled to stay and rebuild on their remaining land if viable¹ or they may opt for relocation. APs who reconstruct their house on their remaining land will be compensated with land-for-land or cash-for-land as well as 100% of the replacement cost of the structure. If insufficient land remains they will have to be resettled.

¹ Viable means an area of adjoining residential and garden land sufficient for the reconstruction of a house large enough to provide the affected persons with acceptable living conditions. The minimum plot will be equal to or more than 100 square meters.

35. ***Loss of standing crops and trees:*** For annual standing crops, compensation will be paid to households who cultivate the land according to the full market value of the affected crops, regardless of the legal status of the land. For perennial plants, compensation will be paid according to the full market value of the affected plants, regardless of the legal status of the land. If the plants are not yet ready for harvest, compensation will include the total cost of initial investment and care until the time of the land acquisition. In case perennial plants can only be harvested once, compensation will be paid for the total cost of investments and care calculated until the time of the land acquisition. Compensation will be in cash.

C. Compensation Policy for Structures

36. ***Loss of Structures:*** APs losing structures will be entitled to the following:
- i. Compensation in cash for all affected structures will be provided at 100% of the full replacement cost for materials and labor, regardless of whether or not they have title to the affected land or permit to build the affected structure. The amount will be sufficient to rebuild a structure the same as the former one at current market prices. The calculation of replacement cost will be based upon i) fair market value, ii) transaction costs, iii) interest accrued, iv) transition and restoration costs, and v) any other applicable payments.
 - ii. Compensation and assistance will be provided in the form of cash. No deductions will be made for depreciation or salvageable materials.
 - iii. The calculation of rates will be based on the actual affected area and not the useable area.
 - iv. The level of compensation for the removal of graves will be for all costs of excavation, relocation and reburial. Current building materials prices will be used when calculating the amount of compensation if necessary. Compensation in cash will be paid to each affected family.

Relocation of registered and unregistered business: APs who must relocate their shops or factories will be provided assistance to rebuild and/or relocate their premises regardless of whether or not the business is legally registered. The CPC must certify that the AP is engaged in business and therefore eligible for the assistance provided. The AP is entitled to transportation assistance to a new location, replacement cost for structures lost with no deductions for depreciation. Affected business owners are entitled to: i) costs of re-establishing commercial activities elsewhere, ii) loss of income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.

37. In order to enable relocating APs who have shops at the affected locations to restore their incomes, the following measures will be adopted:
- (i) Access to business locations within the same communes to permit APs to maintain their economic and social relationships. Such APs will be given priority for relocation at commercially advantageous locations along highways, communal roads, and along canals near the bridges or footbridges in order to maximize their benefit from business opportunities.
 - (ii) Businesses are entitled for compensation of lost earnings during the transition period. Businesses that are legally registered and paying tax will receive cash assistance equivalent to 30% of after tax income in one year, based on average of last three years. Income levels must be substantiated either through taxation records.

- (iii) Those that are not fully legal and registered with the taxation authorities will be entitled to assistance based upon an estimate of net income and will not exceed more than 3 million VND per shop.

D. Secondary APs

- 38. Secondary APs are likely to be affected through temporary loss of agricultural land being used for short term access, camping or storage areas, they will be entitled to compensation for loss of income where they lose any standing crops or are unable to cultivate on the land whilst it is being used by the contractors. As the land is being returned to the AP there is no compensation paid for the land temporarily acquired. The land must be handed back to the AP in the same condition in regards to fertility and cleared of any debris by the contractor. Also in the event that any property is damaged by the construction contractor, the contractor will reimburse the AP at full value. Secondary APs would also include workers of businesses that are affected. These secondary APs will receive compensation for lost wages for a period of up to 6 months. If longer, they may be eligible for retraining.
- 39. Temporary Impact During Construction: Under their contract specifications, the contractors will be required to take extreme care to avoid damaging private and communal and State property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

V. RESETTLEMENT

A. Principles of Resettlement

- 40. The following basic principles have been adopted for the Project:
 - (i) Physical displacement to resettlement sites will not take place until such time as the sites are ready and equipped with fully functioning infrastructure.
 - (ii) In the case of population relocation, efforts shall be made for the existing social and cultural institutions of the people being resettled and host community to be maintained to the extent possible.
 - (iii) Preparation of RPs and resettlement sites will be carried out with the full participation of affected people. APs' comments and suggestions will be duly taken into account during the design and implementation phases of the resettlement plans and in preparing the resettlement sites.
 - (iv) Adequate budgetary support will be fully committed and be made available to cover the costs of land acquisition, resettlement site preparation, and AP relocation and rehabilitation within the agreed implementation period.

- (v) ADB shall not approve of any civil works contract for any subproject to be financed from the loan proceeds unless the Government has completed satisfactorily and in accordance with the approved RP for that subproject compensation payment and relocation to new sites, and ensured rehabilitation assistance is in place prior to obtaining possession and rights to the land.

B. Relocation to a resettlement site

- 41. If there is insufficient residential land remaining after acquisition, the AP must relocate and may choose between the following options:
 - (a) land-for-land compensation with full title to a plot of land of equal area and quality (not less than the standard plot size) at a new location as close as possible to the old location; AND
 - (b) compensation for affected structures at full replacement cost, AND
 - (c) if not already available at the resettlement site, sufficient cash to develop access and water supply, electricity connection if available, and land filling if needed; AND
 - (d) subsistence and transportation allowances, social support under the OSDP, and if needed, rental assistance or temporary housing whilst waiting for the new accommodation ; OR,

Self relocation

- 42. APs may decide to relocate to a new location of their own choice, in which case they are entitled to assistance:
 - (a) with cash compensation at full replacement cost for their legal affected land and structures if they prefer to make their own arrangements for relocation, AND
 - (b) subsistence and transportation allowances.

APs who do not have recognized or recognizable claims to land at the affected location

- (a) relocation to a standard-sized plot on a fully serviced group site, or to an individual resettlement site with sufficient cash, at replacement cost, to develop their own access road, water, electricity and land filling, AND
- (b) compensation for affected structures at full replacement cost, AND
- (c) subsistence and transportation allowances.

Resettlement Site Preparation and APs

- 43. APs must be consulted and visit the resettlement sites during the preparation of the site and feedback obtained from APs regarding the conditions and adequacy of infrastructure at the site. It is important that the resettlement site be completed and adequate infrastructure developed at the resettlement site before any resettlement occurs. Observing these two conditions will help ensure that the APs are satisfied with the new location and do not delay moving when the time comes.

C. Allowances During the Transition Period

44. Decree 69/2009/ND-CP provides for transitional and other assistance allowances that are to be set by the specific provinces. The allowances in each province are therefore not the same. For the purpose of this resettlement framework, and in guiding the preparation of RPs, a single allowance policy will be adopted by the project for use in all three subprojects.
- **Relocation assistance** – for APs with permanent and semi-permanent houses whose dwellings are dismantled and must relocate the structure and materials, a materials relocation allowance of 7 million VND to 13 million VND based upon category of house. Transportation allowances of 10 million VND if relocation is within the province of origin, or 13 million VND if outside the province.
 - **Rental assistance** – APs with no other accommodation who must rent whilst waiting for a new house at a resettlement site assistance of 300,000 VND per person in the household or at least 900,000 VND per household per month, until new house is handed over, or until notice of new land is given plus up to 6 months whilst new house is built.
 - **Assistance for livelihood stabilization** – i) if the AP loses 20% to 70% of in-use agricultural land shall receive assistance for 6 months if relocation not required and 12 months if relocated. If relocated to difficult socio-economic area assistance extended to 24 months. Assistance is equivalent to 30 kg rice per person in the household per month; ii) if AP loses more than 70% of productive land, assistance will be for 12 months if no relocation and for 24 months if relocated. Assistance is equivalent to 30kg rice per person per month. If relocated to difficult socio-economic area assistance is extended to 36 months. In all cases the rice price is based upon average price at the time of compensation as announced by Provincial Department of Finance. *All the households who lost 10% or more of their total productive land will be included and entitled to the livelihood assistance under the Social Support Program.*
 - **Assistance for employment and new vocation** – Affected HHS will be assisted with a cash payment of up to 1.5 to 5 times the value of the agricultural land acquired (but not exceeding a standard allocation) to assist with vocational change. APs of working age in the household who wish to receive training in a new vocation, a training credit of up to 5 million VND will be provided (note that this is not a cash payment).
 - **Special assistance to policy and vulnerable households** – special assistance is available to certified policy households (Heroic Mothers, Heroes Armed Forces, Invalid, Martyrs, Revolution families) and vulnerable households. If the AP is affected an additional allowance of between 2 to 10 million VND per household is paid depending upon province and extent of loss of household and, extent of need in case of vulnerable households.
 - **Special assistance to poor households** – If certified poor households must relocate because they have lost their residential land they will receive an additional allowance of between 5 to 10 million VND per household, depending upon the province concerned and whether or not all residential land is lost.
 - **Relocating and Handing over land on time** – In cases of full residential land acquisition, households that hand over their land and move in accordance with the relocation schedule will receive 5 million VND per household. If residential land only partially acquired but full acquisition of productive land the amount will be reduced to 50% of the above.

- **Social Development Program** - All APs losing 10% or more of their productive assets as well as vulnerable households are entitled to participate in the On Farm and Social Development Program to facilitate the restoration of livelihoods and income generation. The AP will be entitled to benefit from job training, agricultural extension training, small business training and literacy training if needed. Similarly, any AP household losing between 10% and 19% of productive land and the remaining land is insufficient to sustain the household, is entitled to participate in the Social Development Program.

Project Entitlement Matrix

Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
<p>Marginal* Loss of Productive Land (Agriculture/Aquaculture/Garden)</p> <p><u>*Single affected plot:</u> The remaining area is still economically viable for use or meets the expected personal yield.</p> <p><u>*More than One Plot of Productive Land.</u> If owner is affected by more than 10% of productive land but have more than one plot of productive land and remaining area of total landholdings is still economically viable for use or meets the expected personal yield.</p>	<p>Owners of land with (i) LURC (Red book) or (ii) in the process of acquiring LURC or (iii) are eligible to acquire LURC according to the regulations of GoV.</p>	<p>Cash compensation at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, administration costs).</p> <p>Cash assistance equivalent to 1.5 to 5 times of the current market price of agricultural land.</p> <p>If agricultural land is within the residential area, cash assistance amounting to 20% to 50% of current market price of adjacent residential land.</p> <p>Bonus Allowance if land is handed over in time</p>	<p>The viability of remaining land will be officially determined by DCSCC and concurred with by the affected household during the Detailed Measurement Survey (DMS).</p> <p>Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.</p>
	<p>Land Users who have no formal legal rights nor recognized or recognizable claims to such land.</p>	<p>No compensation for public land and land allocated by GoV/ local authorities to institutions or individual DP, but full replacement cost for non-land assets and investment on land to land user.</p>	
<p>Severe* Loss of Productive Land (Agriculture/Aquaculture/Garden)</p> <p><u>*Single or More than One Plot of Land.</u> The remaining area is not economically viable for use or does not meet the expected personal yield.</p>	<p>Owners of land with (i) LURC (Red book) or (ii) in the process of acquiring LURC or (iii) are eligible to acquire LURC according to the regulations of GoV.</p>	<p>Cash compensation at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, administration costs).</p> <p>OR</p> <p>Land-for-land of equivalent productive value and with secure tenure, if replacement land is available in the locality.</p> <p>If agricultural land is within the residential area, cash assistance amounting to 20% to 50% of current market price of adjacent residential land.</p>	<p>The viability of remaining land will be officially determined by DRC and concurred with by the affected household during the Detailed Measurement Survey (DMS).</p> <p>Even if replacement land is available, DPs can still opt land for land or cash for land at the replacement cost.</p>
		<p>Provision of life stabilization assistance s:</p> <p>a) Losing between 10% to 20%</p> <ul style="list-style-type: none"> 30 kg of rice per person per month for 6 months if not relocating 30 kg of rice per person per month for 12 months if relocating 	<p>As per Article 20, Decree 69/2009 for Life Stabilization Allowance for those households losing 20% or more. However, for this project, households who lose less than 20% of their productive land and who are determined to depend heavily on agricultural production and the remaining land will no longer be</p>

Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
		<p>b) Losing between 20% to 70%.</p> <ul style="list-style-type: none"> 30 kg of rice per person per month for 6 months if not relocating 30 kg of rice per person per month for 12 months if relocating <p>c) Losing more than 70%</p> <ul style="list-style-type: none"> 30 kg of rice per person per month for 12 months if not relocating 30 kg of rice per person per month for 24 months if relocating 30 kg of rice per person per month for 24 months or more but not more than 36 months if relocating to a difficult socio-economic condition area. <p>Bonus Allowance if land is handed over in time</p>	<p>sufficient to support a household will also be entitled to life stabilization assistance similar to those losing 20% or more.</p> <p>It is estimated that the current cost 30 kg of rice per person is equivalent to 150,000 VND per person. The amount will be adjusted to reflect current market price of rice at the time of RP updating.</p> <p>Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.</p>
		Households provided with agricultural land will be provided with production stabilization assistance including seedling, domestic animal for agricultural production, other incentive agriculture service, veterinary services, plantation and feeding technique, and specialty technique for production, business of industrial-commercial services.	The type of assistance and period of assistance will be determined during RP updating and will reflect actual needs and conditions of the DPs.
		<p>Cash assistance equivalent to 1.5 to 5 times of the current market price of agricultural land to cover for career change and job generation.</p> <p>OR</p> <p>Allocated with one plot of land or one apartment building if DP opted to be compensated for land.</p>	<p>As per Article 22, Decree 69/2009. It refers to "Career Change and Job Generation".</p> <p>The amount of assistance (i.e., between 1.5 to 5) will be determined during RP updating and will reflect actual needs and conditions of the DPs.</p> <p>DP will be accepted to join vocational training free of charge for one training course organized for the labor-aged persons.</p>
	All Households losing more than 10% of their productive land	Entitled to participate in the income restoration activities through the Social Support Program (SSP). Various activities include but not limited to: agricultural/ aqua-culture extension assistance to intensify use of existing	

Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
		land; skills training for new skills or skills improvement (covers subsistence allowance for the trainees during the duration of the training program); access to existing credit programs and credit management; and literacy training.	
	Land Users who have no formal legal rights nor recognized or recognizable claims to such land.	No compensation for public land and land allocated by GoV/ local authorities to institutions or individual DP, but full replacement cost for non-land assets and investment on land to land user. Other assistance will be provided to households who will lose source of income due to loss of land use to ensure restoration of income of households.	As per Article 23, Decree 69/2009. It refers to "other assistance". The PPC will make the decision based on actual condition.
Loss of "Land Use" from State-Owned Land for Production Purposes	Registered economic organization, households, individuals allocated state-owned land by the state	Cash assistance equivalent to 30% of after tax income in one year based on average income in the last 3 consecutive years as certified by the tax department of the province Bonus Allowance if land is handed over in time	Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.
	Officer/Staff/Employees of state-owned farm who are either (i) working, (ii) retired; (iii) retired due to bad health; (iv) resigned/job terminated; (v) depend heavily on the land allocated by the state for main source of livelihood or income	Cash assistance which is the highest compensation level which is equal to the current market price of land based on the actual required land area but not over the agricultural land allocation in the area. Households provided with agricultural land will be provided with production stabilization assistance including seedling, domestic animal for agricultural production, other incentive agriculture service, veterinary services, plantation and feeding technique, and specialty technique for production, business of industrial-commercial services. Bonus Allowance if land is handed over in time	Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.
Partial* Loss of Residential Land *Will not Require Relocation	(i) Owners with LURC; (ii) Owners in the process of acquiring LURC; (iii) Owners Eligible to acquire LURC;	Cash compensation at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, administration costs). Bonus Allowance if land is handed over in time	The viability of remaining land will be officially determined by DRC and concurred with by the affected household during the Detailed Measurement Survey (DMS). Average bonus allowance given is 5,000,000 VND per

Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
			household. The actual amount will be finalized during RP updating.
	Land Users who have no formal legal rights nor recognized or recognizable claims to such land.	No compensation for public land and land allocated by GoV/ local authorities to institutions or individual DP, but full replacement cost for non-land assets and investment on land to land user.	
Total Loss of Residential Land Land no longer viable for continued use, i.e., can no longer build a house, therefore the entire property has to be acquired	(i) Owners with LURC; (ii) Owners in the process of acquiring LURC; (iii) Owners Eligible to acquire LURC;	Cash compensation at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, administration costs). Plus: cash assistance for self-relocation equivalent to investment cost per household at the resettlement site OR Plot at the resettlement site which will be constructed by the PPC of similar attributes with secure tenure. The process of compensation a plot at the resettlement site will be as follows: <ul style="list-style-type: none"> ➤ The area of allocated plot(s) at the resettlement site will be the same area of plot(s) acquired for the project (depends on the number and area of affected residential land, thus, one affected HH could be allocated with more than one standard plot at the resettlement site and based on the DPs' preference). ➤ If the selling cost of plot(s) at the new site is more than the value of the affected residential land, DPs receive new plot at no additional cost (Item 1 of Article 19 of Decree 69/2009). ➤ If the plot(s) at the new site is equal the value of affected residential land, DPs receive new plot at the new site without any balance. If the plot(s) at the new site is less than the value of affected residential land, DPs will receive plot and the difference in cash. Bonus Allowance if land is handed over in time	Cash assistance will not be less than 15 million VND per household. The viability of remaining land will be officially determined by DCSCC and concurred with by the affected household during the Detailed Measurement Survey (DMS). The planning and detailed design for the relocation sites will be done under the management of PPC in consultation with stakeholders. Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.
	Land Users who have no formal legal rights or recognized or recognizable claims to such land.	No compensation for public land and land allocated by GoV/ local authorities to institutions or individual DP, but full replacement cost for non-land assets and	The actual amount of cash assistance or special arrangements will be decided by the PPC during RP updating before RP implementation.

Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
		<p>investment on land to land user.</p> <p>For DPs who belong to poor and vulnerable households who do not have other accommodation as they cannot afford to purchase a plot of land or apartment will be offered special arrangements such as payment on a lease-to-own arrangements or long-term and low-cost interest payment.</p> <p>If DPs who belong to poor and vulnerable households prefer for self-relocation, will be assisted by providing cash assistance</p>	<p>The actual amount of cash assistance will be decided by the PPC during RP updating</p>
Loss of Garden/Pond Land that cannot be Certified/Recognized as Residential Land	<p>(i) Owners with LURC; (ii) Owners in the process of acquiring LURC; (iii) Owners Eligible to acquire LURC;</p>	<p>In addition to payment for affected land based on replacement cost of garden/pond land, DP will be entitled to cash assistance equivalent to 30% to 70% of the current market value of residential land.</p> <p>Bonus Allowance if land is handed over in time</p>	<p>As per Article 21, Decree 69/2009. The PPC will make the decision on the amount of assistance based on actual condition.</p> <p>Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.</p>
<p>Partial* Impacts on Houses or House-Cum-Shops</p> <p>*Unaffected portion of the house is still viable or can be continuously used and will not require any relocation, only repair works.</p>	<p>Owners with or without acceptable proof of ownership over the land; with or without building permit.</p>	<p>Cash compensation at replacement cost for the affected portion which is equivalent to the current market value of a newly built structure and with no depreciation or deduction for salvageable materials for the affected portion.</p>	
<p>Total* Impacts on Houses or House-Cum-Shops</p> <p>* House is partially affected but the remaining portion of the house will no longer be viable for continued use, therefore, the entire house should be destroyed.</p>	<p>Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit</p>	<p>Cash compensation at replacement cost for the entire house which is equivalent to the current market value of a newly built house or house-cum-shop and with no depreciation or deduction for salvageable materials.</p> <p>Cash payment for connection fees for water, electricity and telephone at the new site (relocation site or site that DP prefer)</p>	
<p>Partial* Impacts on Shops</p> <p>* Shop is partially affected but the remaining portion of the house will no longer be viable for continued use, therefore, the entire shop should be destroyed.</p>		<p>Cash compensation at replacement cost for the affected portion which is equivalent to the current market value of a newly built house or house-cum-shop and with no depreciation or deduction for salvageable materials for the affected portion.</p>	

Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
Total* Impacts on Shops * Shop is partially affected but the remaining portion of the house will no longer be viable for continued use, therefore, the entire shop should be destroyed.		Cash compensation at replacement cost for the entire shop which is equivalent to the current market value of a newly built shop and with no depreciation or deduction for salvageable materials.	Relocation of shop can be on remaining land or to a new plot of land at the resettlement site/commercial site or a plot of land that the DP chose (self-relocation).
Loss of Income from Business	Registered business	Cash assistance equivalent to 30% of after tax income in one year based on average income in the last 3 consecutive years as certified by the tax department of the province	
	Non-registered business (shops)	Cash assistance based on estimated net income of shop. Assistance will not be less than 3 months	It is estimated that net income of shop is 1,000,000 VND per month, therefore, allowance is 3,000,000 VND per shop. Shops found during IOL are family-run business.
Disruption During Relocation	Relocating households whose house are totally affected and will have to move on remaining land or new plot of land	a) Life stabilization allowance equivalent to 30 kg of rice per member of household. The allowance period will depend on the estimated transition period, b) Materials Relocation and Transportation Allowance which will be equivalent to the actual cost of moving (vehicle and labor), and c) House Rental Allowance if DP has no other accommodation while waiting for new accommodation (i.e., while DP is rebuilding house or waiting for house being built by a contractor at the resettlement site). d) For households who are certified by the government as poor household, additional cash assistance will be provided.	The actual amount per type of assistance will be determined during RP updating to reflect actual conditions. Materials relocation allowance is between 7 million VND to 13 million VND based on category of house while transportation allowance is about 10 million VND if within the province and 13 million VND if outside the province. Between 300,000 VND to 900,000 VND per household per month. Additional allowance will be between 5 million VND to 10 million VND depending on the loss (if HH will move back or will relocate to a new place).
	Relocating Shops	Materials Transport Allowance which will be equivalent to the actual cost of moving (vehicle and labor).	This applies to stand-alone shops. If shop-owner is also affected house-owner who will be required to relocate, the materials transport allowance will be included in the cost for affected house.

Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
Higher Risks of Impoverishment/Hardship Due to Loss of Resource Base	Affected poor and vulnerable households	<p>Allowances for households as per government regulation (social policy households, heroic mothers, wounded, dead soldiers)</p> <p>Additional support for vulnerable households to assist them in rebuilding their house or restoring/improving their livelihood</p>	<p>The allowance is between 2 million VND to 10 million VND depending on the loss of each household.</p> <p>The actual amount and period of assistance will be determined during RP updating to reflect actual needs of each vulnerable household.</p>
	Households who will experience severe loss of production land, relocating households and business owners, and vulnerable households	Entitled to take part in income restoration program/measures to be designed during RP updating.	
Loss of Secondary Structures	Owners with or without acceptable proof of ownership over the land; with or without building permit.	Cash compensation at replacement cost which is equivalent to the current market value of a newly built structure and with no depreciation or deduction for salvageable materials	
Impacts on Crops, Trees and Aquaculture Products	Owners regardless of tenure status	<p>Annual crops and aquaculture products equivalent to current market value of crops/aquaculture products at the time of compensation;</p> <p>For perennial crops trees, cash compensation at replacement cost equivalent to current market value given the type, age and productive value (future production) at the time of compensation.</p> <p>Timber trees based on diameter at breast height at current market value</p>	
Impacts on Public Facilities, Communal Owned Assets and Collective Assets	Owners of assets	<p>Cash compensation to cover the cost of restoring the facilities or assets</p> <p>OR</p> <p>In-kind compensation (such as materials, provide labor)</p>	To be agreed between PPC and owner during RP updating
Impacts on Graves/Tombs	Households/individuals who have affected tombs and graves	<p>Costs of excavation, relocation and reburial will be reimbursed in cash to the affected family.</p> <p>Graves to be exhumed and relocated in culturally sensitive and appropriate ways.</p>	
Temporary Impacts During Construction	Affected Land:	For the portion to be used temporarily during	

Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
	(i) Owners with LURC; (ii) Owners in the process of acquiring LURC; (iii) Owners Eligible to acquire LURC; Affected Non-Land Assets: Owners regardless of tenure status	construction: (i) rental in cash which will be no less than the net income that would have been derived from the affected property during disruption; (ii) restoration of the land within 3 months after use; PPC will pay full replacement cost if contractor fails to restore the affected land within 3 months after end of use. For non affected assets, payment will be based on replacement cost as indicated above.	

D. Indigenous Peoples

45. Each subproject may have some indigenous or ethnic minority households within the affected communes and therefore possibly affected households. However, in regards to socio-economic status, these subgroups do not appear to be identifiably worse off than their Kinh neighbors. In the majority, these subgroups will be of Khmer ethnicity and they are not amongst the poorest of households. In Tan Bien Irrigation area, there are some 14 IP household, Khmer, comprising 60 persons, and within these there are 6 households headed by women. In Duc Hoa Main Canal and Duc Hoa Irrigation Area there are no IP households. The 14 Khmer households in the Tan Bien subproject are not severely impacted in regards to land acquisition or resettlement. The Project will not negatively affect:
- (a) customary rights of use and access to land and natural resources as these households have been living in an assimilated environment for many years and enjoy the same access to land and resources as the majority Kinh. Each of these Khmer households have a LURC;
 - (b) socioeconomic status - none of the 14 Khmer households are classified as poor and are expected to benefit from the irrigation facilities to be developed. All are literate in Vietnamese language and are not vulnerable or disadvantaged in any way by the Project;
 - (c) cultural and communal integrity will not be negatively impacted as these households are distributed within the wider community and not segregated or separated, and are assimilated into the community, they are free to practice religious worship according to their choice and observe their important religious events and ceremonies;
 - (d) health, education, livelihood, and social security status will not be negatively affected by Project activities and livelihood should improve with better cropping opportunities provided through improved irrigation;
 - (e) the recognition of indigenous knowledge is not affected by the Project and will remain the same as in pre-project conditions; and
 - (ii) the level of vulnerability of the affected Indigenous Peoples community is not increased under the project and if anything should be reduced through improved income generation from developing irrigated agriculture.
46. At the time of preparing this Resettlement Framework, those IPs consulted indicated no special needs. However they are entitled to allowances such as those afforded vulnerable HHs and to participate and share in benefits from the On Farm and Social Development Program assistance as with vulnerable and poor HHs.

E. Income Restoration and the On farm and Social Development Program

47. Compensation alone is not sufficient to meet the objective of this Framework which is to restore pre-project living standards and productive incomes of farmers who lose a significant amount or all of their agricultural land, or of shopkeepers who must re-establish

their business at a new location. Income restoration measures have been designed to assist severely affected farmers and shopkeepers to restore their pre-project living standards and productive incomes, and improve living standards and future prospects for the poor and vulnerable APs. The Social Development program is expected to closely follow the Program already established under Phase 1 and still under implementation. Initial enquiries have identified community agreement with the program detailed under Social Support for Vulnerable Groups and Indigenous Peoples below.

Restoration of Income for Affected Persons Losing Agricultural and Forestry Land

Significantly Affected APs. APs who must relocate and/or with losses of more than 10% of their total agricultural landholdings, in addition to compensation for acquired assets will be entitled to participate in livelihood restoration and development initiatives designed within the framework of the On Farm and Social Development Program of the Project as detailed below under Social Support for Vulnerable Groups and Indigenous Peoples.

Social Support for Vulnerable Groups and Indigenous Peoples

48. Vulnerable groups are those likely to be particularly disadvantaged as a consequence of resettlement. Vulnerable groups include the poorest, those without legal title to assets, households headed by women, and households headed by the elderly and the disabled without means of support. Vulnerable households who are not severely affected through loss of assets (to be identified during the detailed measurement survey) will, nevertheless, receive assistance under the Social Support Program (agricultural extension assistance for vulnerable farmers, literacy and skills training, and access to credit programs) within the OSDP budget of the project Phase 1 and 2. Vulnerable groups are entitled to Social Development support under the OSDP in addition to the allowances stipulated under Decree 69. Social support will include:
 - (i) **Agricultural extension.** Affected farmers who is compensated with agricultural land, or receives cash compensation for partial loss of productive land and still has some agricultural land remaining will be entitled to agricultural extension assistance to increase productivity on their remaining, or their new land. Such assistance would include cultivation techniques for new high-yielding varieties. This measure could help restore future income losses so that the AP will be in a position to produce the same level of income from the next season's harvest. The implementing agency will coordinate with the extension department of Department of Agriculture and Rural Development to facilitate the provision of agricultural extension services to all severely affected farmers.
 - (ii) **Skills training.** Under the Social Support Program, one member of each severely affected agricultural family (losing more than 10% of their total agricultural landholding) will be entitled to skills training (plus a training subsistence allowance) either in their current occupation to enhance their existing skills so as to improve their productivity, or in a new occupation which could put them in a position to increase household income.

- (iii) **Literacy training.** Those APs being physically displaced or losing more than 20% of their productive land, and/or vulnerable APs will be assisted under the Social Support Program to increase their literacy through connection with existing Ministry of Labor Invalids and Social Affairs programs.
- (iv) **Access to credit.** Lack of access to credit often leads to lack of equipment and inputs and lack of capacity to optimize the use of agricultural land or to difficulties in creating new enterprises. In order for the poor and other vulnerable groups including severely affected farmers to gain fully from these new opportunities, severely affected and vulnerable APs will be assisted under the Social Support Program to obtain credit assistance, either through existing programs as a priority, or if that is not possible, through a micro-credit scheme to be established by the Project.
- (v) **Project-related job opportunities.** Severely affected persons will also have priority to be employed in the works linked to the Project.

VI. IMPLEMENTATION ISSUES

A. Information Disclosure, Consultation and Participation

Information Disclosure

49. According to the ADB SPS, the following documents are submitted to the ADB for Disclosure on the ADB website:
1. Draft RP or RF endorsed by the Client before project appraisal
 2. Final RP endorsed by Client after the DMS (Census of APs)
 3. Updated RP following any changes from the DMS or other changes introduced (if any)
 4. Resettlement monitoring reports
50. In the RP preparation following the DMS and formulation of the Inventory of Losses (IOL) the PPC will direct the DRC and OSDP consultants to provide information for local people on:
- (i) Description of the subproject;
 - (ii) Potential resettlement impacts by the subproject;
 - (iii) Project Resettlement Policy Framework (concentrate on the entitlements);
 - (iv) Implementation schedule; and,
 - (v) Grievance redress mechanism.
51. The local people and affected households and other stakeholders will continue to be consulted during RP updating and implementation, following a two-way process – information dissemination and gathering of feedback and suggestions.
- (i) Affected households will be notified at least 6 months prior to the date that the land will be acquired by the subproject.
 - (ii) Public Consultations: A first public consultation with local people and the affected households and other stakeholders will be held prior to the start of the inventory of losses (IOL), as a way of introducing the subproject and the resettlement policy to the local population. Focus groups are to be held with representatives of households affected by land acquisition and with all households affected by loss of a dwelling. During the focus groups participants can express their concerns that should be addressed in the resettlement process and on their preferences for compensation and income restoration.
 - (iii) A second Public Consultation will take place to share the results of the IOL, the entitlements and the resettlement plan. This public consultation will include discussing the results of the impacts survey with the affected households and getting feedbacks and suggestions on their compensation and entitlements, including income restoration and relocation options.
 - (iv) Further public consultations will continue during implementation. These consultations should take place (i) following completion of the DMS and review and updating of unit costs for affected assets, where the CARB consults with the affected households individually and/or in group in connection with the updating of compensation and

entitlements and, as warranted, income restoration programs and relocation plans; and (ii) following approval of the updated RP, to present to the affected households in the communes (i.e., also referred to as “final disclosure meeting”) the validated/updated list of affected people, compensation and entitlements due to them, and schedule of delivery of compensation and entitlements.

- (v) Disclosure of RP: The draft RP will be uploaded on the ADB website. Following approval of the draft RP by EA and ADB, the final RP will again be disclosed to the affected households and uploaded on the ADB website.
- (vi) The updated RP (draft and approved) to be prepared following detailed design will likewise be disclosed to the affected households and uploaded on the ADB website.

Objectives of Public Information and Consultation

- 52. Information dissemination, in consultation and with the participation of all affected persons and involved agencies, reduces the potential for conflicts and minimizes the risk of project delays. This also enables the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit needs and priorities of the affected people, thereby maximizing the economic and social benefits of the Project’s investments.
- 53. Objectives of the public information campaign and AP consultation program are as follows:
 - To ensure that local authorities as well as representatives of all APs will be included in the planning and decision-making processes. ICMB9 will continue a dialogue with the Provincial People’s Committee and the District People’s Committee during Project implementation. AP involvement in implementation will be continued thereafter by requesting each district to invite AP representatives to take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).
 - To fully share information about the proposed project components and activities with the APs so that the process is transparent.
 - To obtain information about the needs and priorities of all APs, as well as information about their reactions to proposed policies and activities;
 - To ensure that all APs are able to make fully informed decisions that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.
 - To obtain the cooperation and participation of all APs and communities in activities necessary for resettlement planning and implementation in a bottom-up manner.
 - To ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

Consultations during Implementation

- 54. Information disclosure is an ongoing process beginning early in the project cycle and continuing throughout project preparation and implementation. The process must provide timely information to communities in order that they may meaningfully contribute to project

design, decisions and also mitigation. Provision of timely and accurate information will stem misinformation and inaccurate rumors from circulating in communities. During consultations particular attention is given to vulnerable subgroups in the community to ensure their understanding and collective input. In accordance with both ADB and GoV policy (contained in Decree 69 Articles 29, 30 and 31 and 2) the PPC and DPC must ensure that public notice is given and disseminate details of the approved draft resettlement plan, or framework, before project appraisal by the ADB. This draft will also be disclosed on the ADB website. Following the census of affected persons, the final resettlement plan, as endorsed by the GoV, is further disseminated to the affected communities and posted on the ADB website. Any updates or revisions to the final resettlement plan must be further disseminated to affected communities and again, posted on the ADB website.

55. The Provincial Project Management Boards (PPMBs) will direct the Provincial Resettlement Committees (PRCs) and District Resettlement Committees (DRCs) to conduct a series of public meetings to provide information regarding project activities and the proposed resettlement and compensation arrangements.
56. These public meetings will be needed to: (i) disseminate information on inventory and pricing results, (ii) inform the APs on amounts of compensation and supports of each affected household, (iii) to listen to their feed back and suggestions, and (iv) for revising or adjusting the inaccurate data, if any. It is important that APs are informed well in advance of the date, time and location of each meeting, and that reminders are also provided. It is essential that these meetings enjoy maximum participation as this will reduce misunderstandings and potential for conflict. The DRCs must ensure that they post this information on the announcement board at the Commune PC office for at least 20 days (Decree 69, Article 30(2c).
57. In accordance with Decree 69 Article 30(2b) the posting must be recorded in official minutes and confirmed by the CPC, the Commune Fatherland Front and APs. As per Decree 609 Article 30 Clause 3(a), following expiration of this period the agency in charge of compensation will summarize all opinions and comments received, including numbers of APs and stakeholders who agree and disagree, with the compensation and land acquisition and assistance offered in the resettlement plan.
58. The PPMBs, DRC and OSDP teams will be trained and briefed regarding the Consultations and Disclosure requirements and guidelines prepared indicating what topics and information needs to be discussed with whom, and when. Forms have also been provided for DRC and OSDP staff to record feed back received at meetings and numbers of participants as official records. These are included at Annex 4 to this document, along with a copy of the Public Information Booklet prepared for, and distributed to, each PPMB, DRC and OSDP.

Contents of public meetings

59. Information about the following items will be given to all APs in the form of a Project Information Booklet, as well posters and verbal presentations and explanation, by the district DRCs with assistance from the OSDPs:

- **Project components.** This includes the places where stakeholders can obtain more detailed information about the project.
- **Project impacts.** Anticipated impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the Duc Hoa Main Canal and other project components.
- **APs rights and entitlements..** The rights and entitlements for different categories of APs, including the entitlements for those losing businesses, jobs and income. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each. Entitlement to rehabilitation assistance under the Social Support Program, as well as opportunities for project-related employment will be applied for all APs².
- **Grievance mechanism and the appeal process.** All APs are to be informed that project policies and procedures are intended to ensure their pre-project living standards are at least restored if not improved. All APs must also be informed that if there is any confusion or misunderstanding about any aspect of the project, the commune or district resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. APs will also receive an explanation about how to access grievance redress procedures, according to Project's mechanisms and GoV's Grievance and Denouncement Law.
- **Right to participate and be consulted.** All APs are to be informed about their right to participate in the planning and implementation of the resettlement process. The APs are to be represented on district resettlement committees, and the representative for the APs present whenever commune/ district/provincial committees meet to ensure their participation in all aspects of the project. All APs are to be consulted about the following issues in particular: (a) their preferred resettlement option according to their entitlement; (b) training and training preferences in current or new occupations for all APs who will be relocated, and for APs whose income levels and living standards will be adversely affected.
- **Resettlement activities.** All APs are to be given an explanation regarding compensation calculations and compensation payments, monitoring procedures (which will include interviews with a sample of APs), reorganization, relocation to an individual location/self-relocation, and preliminary information about physical works procedures.
- **Organizational responsibilities.** All APs are to be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the Government officials with phone numbers, office locations, and office hours if available;
- **Implementation schedule.** All APs should receive the proposed schedule for the main resettlement activities and informed that physical works would start only after the completion of all resettlement activities and clearance from the project area. It should be clarified that APs would be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

60. Following all public meetings with APs and stakeholders the DRC must complete the following activities:

² Rights and Entitlement to livelihood rehabilitation supports, as well as opportunities for project-related benefit sharing or employment in the framework of OSDP programs.

- Make a list of all APs who joined the meeting;
- Make a complete record of all questions, comments, opinions, problems and decisions that arose during the information and consultation meetings.
- Deliver leaflets and project announcements to the APs.

Community Participation and Consultation

61. Interviews with APs will be conducted in order to check the adequacy of compensation prices issued by the provinces. Further public consultations will be carried out during the implementation stage with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning, and design of resettlement sites. These measures are undertaken to ensure that APs are satisfied with the compensation arrangements and will not object to the disruption and that they will not suffer enduring negative impacts due to the project and be able to fully restore and further improve their livelihoods.

B. Grievance Redress Procedure

62. In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Otherwise, all APs are not ordered to pay any fee during the grievance and complaints at any level of trial and court.
63. Complaints will pass through 4 stages before they could be elevated to a court of law as a last resort. The Executing Agency (EA) will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.
- (i) **First Stage, Commune People's Committee:** An aggrieved affected household may bring his/her complaint before any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 15 days following the lodging of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
 - (ii) **Second Stage, District People's Committee:** If after 15 days the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the DPC or the DRC. The DPC in turn will have 15 days following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DRC of any determination made. The DRC must ensure this decision is notified to the AP..
 - (iii) **Third Stage, Provincial People's Committee:** If after 15 days the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the PPC or the PRC. The PPC has 15

days within which to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping file of all complaints that reaches the same. The PPC must notify the PRC of any determination made and the PRC must ensure that the decision is notified to the AP.

- (iv) **Final Stage, the Court of Law Arbitrates:** If after 15 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PRC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Under no circumstance will the affected household be evicted from his/her property or for the Government to take over his/her property without the explicit permission of the court. Moreover, the PRC will deposit in an account to be designated by the court the proffered replacement cost of the subject property. Within 30 days following the adjudication of the expropriation case, PRC will pay the affected household the amount the court will decide.

C. Preparation of Subproject Resettlement Plans

- 64. Procedural requirements are outlined in the ADB Safeguard Policy Statement (2009), and further detail is found in the ADB Operations Manual for Bank Policies (4/3/2010). Scoping and preparation for resettlement will be part of the updated social assessment.
- 1. **Participatory Consultation**
- 65. A detailed socio-economic survey and census will be conducted with each affected household. This must cover 100% of the affected households and will be conducted by the OSDP teams with assistance from the PRC and DRC and CRC. This will include a detailed measurement study in order to formulate the inventory of losses and calculate compensation for lost land, dwellings, structures and other assets. This will identify severely affected households and those partially affected. Other social and development assistance measures needed will be discussed with the APs and confirmed, then the final resettlement budget calculated. It is important that the survey be gender responsive and must include the men and women of the household.
- 66. Participatory meetings will be convened with the community to explain the process that will be followed in obtaining information regarding the census and DMS and as to why these are necessary. Separate meetings should be held with members of vulnerable groups to ensure that these people understand the process. Holding separate meetings will allow them to freely ask questions without feeling intimidated or less knowledgeable than others. These meetings will allow the community to provide feedback in regards to the process and facilitate coordination of events.
- 67. In regards to the valuation of affected assets, each province has established a book value system for valuing land on a square meter basis. These values are updated on an annual basis by the PPC. These valuations will be obtained during the socio-economic data collection and concurrently, details of land transactions occurring over the past 12 months will be obtained by the OSDP survey teams from each affected commune. This will provide a better indication of the current market value of any land being acquired. In accordance with ADB policy, current market values will be applied. In regards to structures and dwellings, replacement cost surveys will be undertaken by the DRCs in each district, with

support from the OSDP team in order to obtain unit prices for building materials and other components and assets lost. Any AP not satisfied with the level of compensation applied will be able to appeal according to the Grievance Process established for the project.

68. The following general steps will be followed in the formulation of each RP:

Step 1: In further refining of the subproject physical design, consult with potential APs and engineers to avoid resettlement effects as much as possible by adjusting the course of irrigation canals to keep the impact minimum, choosing alignments that avoid or minimize severance of plots and farms, applying the infrastructure that does not require land acquisition, identifying optimal locations for bridges and crossings to mitigate severance, and so forth.

Step 2: Carry out a census and socio-economic survey of all the potential APs as part of the social assessment. This should include the socioeconomic data of the APs and the detailed measurement survey that inventories each household's losses. The socio-economic survey will be carried out by the OSDP team in each province and will be conducted on a participatory basis with all members of each household. The census survey establishes the cut-off date for the eligibility of entitlement. It will be carried out with the attendance of relevant local authorities. ADB's Safeguard Policy Statement (2009) and Handbook on Resettlement - A Guide to Good Practice (1998) suggests the following data to be collected:

Data about APs:

- Total number of APs
- Demographic, education, income, and occupational profiles
- Inventory of all property and assets affected
- Socioeconomic production systems and use of natural resources
- Inventory of common property resources if any
- Economic activities of all affected people, including vulnerable groups
- Social networks and social organization
- Cultural systems and sites

Data on land and the area:

- Map of the area and villages affected by land acquisition
- Total land area acquired for the Project
- Land type and land use
- Ownership, tenure, and land use patterns
- Land acquisition procedures and compensation
- Existing civic facilities and infrastructures
- Cultural systems and sites

Step 3: In parallel to AP census survey, continue consultation with APs to identify their preferences and special needs that the RP needs to address. In addition, information on market prices for land, crops, and other assets need to be collected from respective provincial, district, and commune authorities and the local market, so that the cost estimates for the RP can be done.

Step 4: Prepare the RP in approved format for the Duc Hoa Main Canal and the Tan Bien and Duc Hoa irrigation systems. The Entitlement Matrix in this Framework (Attachment 1) will be used for each subproject and applied to the inventory of losses obtained from the

DMS, specifying the number of APs, the size of land affected, the number of other assets affected, lost, and the compensation amount for each category of loss.

Step 5: Present the draft RP to the ADB, ICMB and following approval, disseminate the RP at public meetings for the subproject as well as post on the ADB website. Any comments made during the meeting need to be minuted as per Decree 69, and where appropriate, incorporated into the finalized RP.

Updating the Resettlement Plan

69. The RP must be updated following the completion of the detailed designs and conducting of the DMS. This will provide up to date and accurate figure regarding the scope of impact, identification of APs and severity of impact, as well as an updated compensation calculation. The RP should be reviewed to update any changes in market prices for replacement values and would need to be reviewed again at the time compensation is due for payment. If rates and prices are found to be out of date, revised updated costs must be used. The procedure for updating is also discussed below under RP Implementation.

D. Resettlement Plan Implementation Schedule

70. **Approval of the Framework.** ADB and the Government of Viet Nam shall both approve the subproject Resettlement Framework.
71. **Information Dissemination Prior to Detailed Design.** Prior to the commencement of detailed design, ICMB9 will coordinate with PPMBs to implement an information campaign throughout the project area. Information meetings will be held in all potentially affected hamlets to inform the communities about (i) the project scope, (ii) impacts, (iii) entitlements for all categories of loss, (iv) schedule of activities beginning with the detailed design survey, (iv) institutional responsibilities, and (v) the grievance mechanism. The PIB will be prepared and distributed to all affected communities during the meetings.
72. **Detailed Design.** Prior to loan effectiveness, the design consultants will prepare the preliminary detailed design for the subprojects and mark the project boundaries for land acquisition.
73. **Establishment of Resettlement Committees.** All provinces will establish their resettlement committees as soon as the Project has been approved. This will be followed by establishment of resettlement committees at district and commune levels.
74. **Training for Resettlement Staff.** Within 2 months of mobilization of the resettlement consultants for the PMU, all local resettlement staff at PPMBs, PRC, DRC, and CRC levels will be trained by the PMU assisted by the implementation consultants³. Training subjects will include:
- i. Participatory methodologies in regards to data collection and community meetings
 - ii. procedures for preparing and or updating and finalizing the RPs;
 - iii. consultation and information dissemination methods;
 - iv. principles, policies, and entitlements of the RPs;

³ Under Phase 1 this was BVI. At the time of preparing this RF it is not clear who will undertake the role of implementation consultants.

- v. implementation steps, procedures, and schedule;
- vi. grievance redress mechanism; and
- vii. powers and obligations of individuals/agencies involved in the process of resettlement programs.

75. **Updating and Issuance of Replacement Cost Unit Rates.** During the preliminary detailed design process, the PPCs will establish unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation. Prior to formal issuance of the project compensation unit rates, with the assistance of the project resettlement consultants and the OSDP teams, the implementing agencies and PRCs, will validate the unit rates through consultation with APs and local governments.
76. **Detailed Measurement Survey (DMS) and Census Survey.** A detailed new DMS will be conducted after completion of the detailed design. The new surveys will serve as a basis for formulating the RP based upon this RF, and the DMS and the Entitlement Matrix serves as the basis for calculating compensation. Data will be computerized by ICMB9 and PPMBs.
77. **Approval of the Subproject RPs.** Each subproject RP will be approved by ADB before commencement of any resettlement activities for that component
78. **Information Dissemination and Consultation.** This will be implemented as described already in this RF.
79. **Pricing Application and Compensation of APs.** Resettlement committees at all levels will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by PPCs, PPMBs and PMU of unit prices, quantity of affected assets, AP entitlements, etc. before posting them at each commune for the people to review and comment. All compensation forms must be checked and signed by the APs to indicate their agreement.
80. **Compensation and allowance payment.** This will be handled at commune level under the supervision of representatives of PRCs, DRCs, PPMBs, and PMU. Guidance will be given by PPMBs to aid local resettlement committees in making payments to APs.
81. **Relocation of APs.** DRCs and CRCs will assist APs who opt for individual relocation to seek and purchase or otherwise arrange replacement land satisfactory to APs. Assistance from DRCs and CRCs is also required to assist APs during the movement of houses and during the construction period.
82. **Secondary APs.** Secondary APs will be affected mainly by the location of storage yards, access tracks and relocation sites, if required. Once these locations are known, surveys to identify secondary APs could start.
83. **Award of Civil Works Contract.** Although contracts may be awarded, no physical or economic displacement can occur until after all APs affected have been compensated and relocated in accordance with the approved RP for the specific subproject.
84. **Income Restoration and Social Support Assistance.** In order to provide adequate economic rehabilitation measures, APs entitled to rehabilitation assistance shall be consulted on rehabilitation options provided under the Social Support Program and shall be assisted to participate in the relevant activities.
85. **Monitoring.** Internal and external monitoring shall start as soon as the updated RP has been approved. Monitoring will continue throughout the construction period. A post-resettlement evaluation will be undertaken by the external monitoring organization 6 to 12 months after completion of all resettlement activities.

86. A schedule for each component is presented in the implementation schedule for the Project (Annex 2).

VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

87. As per Decree 197/2004/ND-CP, MARD assigned the Long An Provincial Peoples' Committee (PPC) to be the project holder responsible of the implementation of resettlement activities for both HCMC and Long An provinces, and the PPC from Tay Ninh responsible for resettlement activities in Tay Ninh, with the participation and support of their respective Provincial Steering Committees and concerned provincial departments and the District Peoples' Committees of Trang Bang district (Tay Ninh Province), Cu Chi district (HCMC), and Duc Hoa district (Long An Province). Further support and implementation responsibilities are also delegated to the Commune Peoples' Committee(s) in Loc Hung and An Tinh communes (Tay Ninh), Tay My commune (HCMC), and Tan My commune and Hau Nghia township (Long An). The main project implementation agency is ICMB9 of HCMC.

Ministry of Agriculture and Rural Development (MARD) and Hydraulic Investment and Construction Management Board No.9 (ICMB9)

88. The Ministry of Agriculture and Rural Development (MARD) is responsible for the realization of the Phuoc Hoa Project, on behalf of the Government. Within resettlement tasks, MARD is responsible for allocating in time the counterpart funds, in order to pay on time compensation to the APs.
89. The Hydraulic Investment and Construction Management Board No.9 (ICMB9) is assigned by MARD to be responsible for coordinating with relevant stakeholders to implement the Project's activities, including land acquisition, clearance and resettlement. ICMB9 has gained experience from resettlement planning and implementation under Phase 1 of the project. ICMB9 has overall responsibility for:
- Providing overall planning, coordination, and supervision of the resettlement program;
 - Guiding implementing agencies (DRC) and the commune-level Inventory Working group) to apply RPs and to conduct resettlement activities in accordance with policy of the approved RP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RP implementation, to ensure that the objectives of the RPs are met;
 - Finalizing RP and obtaining Government and ADB's approval before implementing approved RPs;
 - Awarding civil works contracts for the package after getting the approval of the RP;
 - Providing resettlement training to implementing agencies, all PPMB staff and RCs at all levels, and to the external monitoring organization;
 - Coordinating with other implementation agencies and relevant institutions during periods of preparation, planning and implementation of the RP;
 - Establishing standardized AP databases for each component, as well as for the Project as a whole;
 - Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies;

- Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction;
- Recruiting, supervising, and acting upon the recommendations of the external monitoring organization;
- Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances;
- Reporting periodically on resettlement activities to the ADB.

Provincial People's Committees (PPCs)

90. The Tay Ninh, Ho Chi Minh City and Long An PPCs are the principal authorities at the Provincial level and act as the Project Holder(s) of the resettlement component of this Package. The PPCs are responsible for:

- Setting up and directing a Provincial Resettlement Steering Committee and the expertise working group to support the former institution;
- Leading, checking and approving RPs;
- Issuing decisions approving land valuations applied for compensation rates, allowances and other supports to APs, especially vulnerable groups, based on principles of RP;
- Revising and approving budget allocation for compensation, support and resettlement;
- Leading provincial relevant departments to implement effectively the RP.

District People's Committees (DPCs)

91. The District-level People's Committees of the three districts have responsibility for;

- Leading the DRC and other district level agencies to implement RP effectively;
- Checking and approving plans of compensation, support and resettlement and then submitting these to PPC to get approval;
- Clarifying legitimacy, legality of affected land and properties;
- Taking acquired land and providing land-for-land;
- Issuing decisions to establish DRC, Inventory Working Group and assigning workloads to those agencies.

Implementation Agencies

Tay Ninh PPMB, Ho Chi Minh City PPMB and Long An PPMB

92. The PPMBs will be responsible for:

- Preparing, implementing and supervising RP implementation;
- Guiding DRC and Commune-level Inventory Working Groups to implement all RP resettlement activities in compliance with RP policy and in accordance with the approved RP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RP implementation, to ensure that all are corrected and the objectives of the RPs are met; and otherwise, to provide appropriate technical, financial and equipment supports to DRC and Commune-level Inventory Working Groups.
- Providing guidance and supervision to Commune-level Inventory Working Groups to conduct survey, asset inventory, measurements to identify accurately affected households and properties; to guide Inventory Working Groups to apply procedures and compensation entitlement identified in the policy of the approved RP, preparing

and submitting estimated costs of compensation, allowances and other supports to responsible agencies;

- Implementing information campaigns and stakeholder consultation in accordance with established project guidelines, supervising the compensation payment process and the implementation of the RP, and redressing grievances concerning resettlement activities in collaboration with DRCs;
- Coordinating with other line agencies to ensure delivery of mitigation and support measures;
- Providing income restoration and other social support under the Social Support Program (OSDP);
- Implementing established procedures for internal monitoring, establishing and maintaining AP databases for each component in accordance with established project procedures and providing regular reports to ICMB9, MO;
- Implementing prompt corrective actions in response to internal and external monitoring, and resolution of grievances;
- Implementing established project procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.

The Compensation, Support and Resettlement Committees of Trang Bang District of Tay Ninh Province, Cu Chi District of Ho Chi Minh City, and Duc Hoa District of Long An Province (DRCs)

93. DRC is responsible for:

- Implementing all resettlement activities within the district territory under the DPC' management;
- Establishing and strengthening commune-level Inventory Working Group;
- Cooperating with Provincial agencies to prepare valuation of land and structures, and compensation rates, preparing plan for land acquisition and allocation;
- Preparing a plan for compensation and submitting to PPC to value and approve;
- Providing guidance of resettlement activities within DRC' responsibility;
- Guiding and supervising survey, inventory and measurement tasks;
- Accepting and handing over the sites to the implementing agencies;
- Assisting DPC to redress APs' complaints and grievances.

Agency Responsible for External Monitoring

94. The Project owner will select and hire an experienced and independent institution for the role of external monitor. Selection will be based upon either Single Source Selection or through National Competitive Bidding. ICMB9 contracted the Institute of Sociology Hanoi during Phase 1 implementation for external monitoring.

VIII. BUDGET

95. Following completion of the detailed designs and conducting the Detailed Measurement Survey to precisely define each APs full entitlements, the RP budget can be prepared based upon the project compensation rates and allowances. Once the Resettlement Plans are finalized and approved, MARD will request the compensation budget from the Ministry of Finance and Economy and transfer the appropriate amounts to each provincial treasury. To avoid problems and delays it is essential that GoV ensure that adequate budget is made

available on a timely basis and that the provincial PPMBs ensure that the compensation funds are disbursed to APs quickly. Lengthy delays in disbursing AP compensation may result in compensation rates becoming obsolete due to price increases.

IX. MONITORING AND REPORTING

96. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation. It provides systematic and continuous collection and analysis of information on the progress of the project. It is a tool to identify strengths and weaknesses and to enable timely decisions for corrections.

97. The implementation agencies (PPMBs and ICMB9) assigned staff responsible for internal monitoring of Project PR, with the supports of the implementation consultants and OSDP staff at provincial level, as well as regularly external monitoring by MO.

A. Internal Monitoring

98. All resettlement – related activities are monitored by internal monitoring experts who will follow-up the implementation of RP. The internal monitoring of RPs of sub-projects and main components is the responsibility of PPMB staff, with the supports of provincial resettlement specialists (OSDP consultants) and implementation consultants. All specialists working for internal monitoring will cooperate closely with DRC to implement and update resettlement data.

Monitoring Indicators

99. An initial key indicator will be, as per assurances to the ADB, the payment of compensation, relocation to new sites, and rehabilitation assistance being in place before award of civil contracts and these will be monitored under each of the Civil Contracts.

100. The other main indicators that will be monitored regularly are:

- Payment of compensation to all APs in various categories, according to the compensation policy described in the RP.
- Delivery of technical assistance, relocation, payment of subsistence and moving allowances.
- Delivery of income restoration and social support entitlements.
- Public information dissemination and consultation procedures.
- Adherence to grievance procedures and outstanding issues requiring management's attention.
- Priority of APs regarding the options offered.
- Coordination and completion of resettlement activities and award of civil works contract.

101. The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project is being maintained and updated every month.

102. The implementing agencies will submit to the ICMB9, and the ICMB9 assisted by the project consultants will submit to the ADB as part of ICMB9's regular quarterly progress report to ADB, a monitoring report on the progress of implementation of the RP every 6 months, from the ADB's approving this updated RP. The internal monitoring reports shall include the following topics:
- The number of APs by category of impact per component, and the status of compensation payment and relocation and income restoration for each category.
 - The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.
 - The eventual outcome of complaints and grievances and any outstanding issues requiring action from management.
 - Implementation problems.
 - Revised actual resettlement implementation schedule.

B. External Monitoring

103. The general objective of the external monitor is to provide an independent verification of the Borrower's monitoring information through the conducting of a periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.
104. ICMB9 will retain the services of an external entity or institute as the qualified experienced external monitoring organization (MO) to undertake objective monitoring and evaluation of RP implementation of PHWRP.

C. Monitoring and Evaluation Indicators

105. The following indicators will be monitored, upon approval of this RP, and evaluated by the MO:
- Payment of compensation will be as follows: (a) Full payment to be made to all affected persons sufficiently before land acquisition; adequacy of payment to replace affected assets; and (b) Compensation for affected structures should be equivalent to the replacement cost of materials and labor based on standards and special features of construction with no deductions made for depreciation or the value of salvageable materials.
 - Coordination of resettlement activities with construction schedule: the completion of land acquisition and resettlement activities for any component should be completed prior to award of the civil works contract for that component.
 - Provision of technical assistance for house construction to APs who are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the project, or on newly assigned plots.
 - Provision of income restoration assistance under the Social Support Program.
 - Public consultation and awareness of compensation policy: (a) All APs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) The monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) Public awareness of the

compensation policy and entitlements will be assessed among all APs; (d) Assessment of awareness of various options available to APs as provided for in the RP.

- Affected persons should be monitored regarding restoration of productive activities.
- The level of satisfaction of APs with various aspects of the RP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.
- Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

Monitoring Methods

106. The methodology for conducting monitoring and evaluation of the RP implementation includes the following activities, which will commence upon approval of this updated RP:
107. A socioeconomic survey is required before, during, and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. The sample size should be 100% of relocating households and severely affected farmers, and at least 20% of all other households. The sample survey should be conducted twice a year, using the same or similar questionnaire as that used for the DMS baseline, and sampling the same 20% of marginally affected APs and 100% of severely affected APs.
108. The survey should not omit women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents. Certain set questions in the interview should be specifically categorized to be answered by female members of the family only.
109. A post-resettlement evaluation will be carried out 6 to 12 months after completion of all resettlement activities.
110. Periodic participatory evaluations and appraisals allow the MO to consult with the various stakeholders (local government; the Compensation, Support and Resettlement Committees; ICMB9 and PPMBs, implementing agencies; nongovernmental organizations; community leaders; and APs). Participatory rapid appraisals will involve obtaining information, identifying problems and finding solutions through participatory means which will include the following:
 - Key informant interviews with selected local leaders, resettlement committee members.
 - Focus group discussions on specific topics such as compensation payment, income restoration, and relocation.
 - Community public meetings to discuss community losses and impacts, construction work employment.
 - Structured direct field observations on the status of resettlement implementation, plus individual and group interviews for cross-checking purposes.
 - Informal surveys and interviews of APs, host communities, special interest or vulnerable groups and women.
 - In-depth case studies of problems that have arisen during internal or external monitoring requiring special efforts for resolution.
111. The MO will maintain a database of resettlement monitoring information that will be updated every 6 months. It will contain certain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and ICMB9

112. The MO is required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted at the end of each quarter of monitoring activity to the PMU, which in turn will submit these reports to ADB as an annex of its progress report.
113. The report will contain (i) a report on the progress of RP implementation, (ii) deviations, if any, from the provisions and principles of the RP, (iii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner, and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.
114. The monitoring reports will be discussed in a meeting between the MO, ICMB9, PPMB and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.
115. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities, using the same survey questionnaire and sample as used during the monitoring activities.

Annex 1 – Entitlement Matrix

Annexes

Annex 1 –Implementation Schedule

Annex 3 – Public Consultation and Disclosure and Guidelines

ANNEX 1: IMPLEMENTATION SCHEDULE

	2010												2011												2012													
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12		
Public Meeting							■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■														
Inventory							■	■	■	■	■	■																										
Pricing								■	■	■	■																											
Updating RP										■	■	■	■	■	■	■	■	■	■	■	■	■	■	■														
Compensation																■	■	■	■	■	■																	
Resettlement																	■	■	■	■	■	■																
Social Support																		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
Monitoring																		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	

ANNEX 2: PUBLIC CONSULTATION AND DISCLOSURE

PUBLIC INFORMATION BOOKLET

PHUOC HOA WATER RESOURCES PROJECT PHASE 2.

PROJECT INTRODUCTION

1. General Information

To undertake poverty reduction and socio-economic development programs, the Government of Vietnam has signed the ODA Loan Agreements with the ADB and AFD for implementation of the Phuoc Hoa Water Resource Project. The Project has been undertaken in three provinces of Tay Ninh, Long An and Ho Chi Minh City. The overall objective of the Project is to provide an additional source of water in the Saigon and Vam Co Dong river basins for development of irrigated agriculture and to supplement existing supplies for salinity control and domestic, municipal, and industrial (DMI) use in Ho Chi Minh City (HCMC) and surrounding provinces. It will adopt an integrated development approach to increase agricultural production by promoting efficient and sustainable management of the water resources.

Water resources infrastructure to be developed will include the Phuoc Hoa barrage which will inundate 685 hectares (ha) and a 40 kilometer (km) long transfer canal to divert and convey water from the Be River to the existing Dau Tieng Reservoir for water use purpose as mentioned above. These works were completed under Phase 1.

Two new irrigation areas will be developed under Phase 2 of the Project: (i) Tan Bien Irrigation System (TBIS) in Tay Ninh Province with a net command area at full development of about 7,000ha, and (iii) Duc Hoa Irrigation System (DHIS) in Long An Province with a net command area at full development of 14,000 ha. The total net command area at full development will be about 21,000 ha.

Scope of Land Acquisition and Resettlement of the Project

Phase 2 of the Project affects two provinces: Tay Ninh and Long An; and Cu Chi district of Ho Chi Minh City, comprising 6 districts, 24 communes and 2 towns. The main infrastructures include:

Duc Hoa Main Canal: The canal will have a total length of 17.68 km with a capacity of 13.3m³/s.. The Canal passes through Loc Hung and An Tinh communes in Trang Bang district of Tay Ninh province, Thai My commune in Cu Chi district of HCM, and Tan My commune of Duc Hoa district of Long An province.

Tan Bien Irrigation System: is a complexity of gravity and pumping irrigation system, located in Tay Ninh province. Of a total area of 7,000 ha some 5,500ha is gravity fed and the remaining 1,500ha will be pumped. It is estimated that the acquired land will be 136 ha for secondary and tertiary canals. It will benefit An Co commune in Chau Thanh district, and also benefit households in Phuoc Vinh commune of Chau Thanh district, and also, households in Hoa Hiep, Thanh Tay Tan Binh communes of Tan Bien district.

Annex 2: Public Consultation and Disclosure

Duc Hoa irrigation system: is located in Duc Hoa district of Long An province, however, after splitting from the East Canal of the Dau Tieng System, the newly built part of the main canal will run through some part of Tay Ninh province and of HCMC. The total irrigated area is estimated at 14,000ha, of which some 12,000ha will be gravity fed and the remaining 2,000ha will supplement water in existing low level canals. There are a total of 146 canals and 441 structures comprising the irrigation system. The canal network is made up of 30.38 km of primary canal with a width of up to 25.3m. Secondary canals make up 71.626km in length and are 20.25 m in width. The tertiary canal network totals 129.675 km in length and are 15.2m in width. The acquired land is estimated at about 300ha. There are a total of 15 communes in the Duc Hoa Irrigation system area. It will affect 15 communes and towns such as:

- Duc Hoa and Hau Nghia towns;
- An Ninh Dong, An Ninh Tay, Tan My, Hiep Hoa, Tan Phu, Hoa Khanh Dong, Hoa Khanh Nam, Hoa Khanh Tay, Duc Lap Thuong, Duc Lap Ha, Duc Hoa Thuong, Duc Hoa, Duc Hoa Dong, Hanh Bac, Hanh Nam communes.

Borrow areas: Borrow areas may be used for the Tan Bien irrigation System, the Duc Hoa Main Canal and the Duc Hoa Irrigation System. Material used for building embankment of transfer canal is obtained from the earth taken from digging the canal, although sometimes borrow areas are required and will be identified the sites during the construction. This

Provincial Project Management Boards

The Provincial Project Management Boards in each province are responsible for implementing the Resettlement, Compensation, and Social Support Program in cooperation with the District Resettlement Committees in each affected district after the detailed design has been approved. Project is expected to be finalized by 30 June 2014.

Legal framework of compensation, resettlement and supports for affected persons

The objectives of the resettlement, compensation and assistance program are to:

i) avoid involuntary resettlement wherever possible by exploring project and design alternatives; to enhance , or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

Eligibility of affected persons and properties

There are three types of Affected Persons: i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially, ii) persons who lost land they occupy in its entirety or partially who do not currently possess a LURC but have a claim that is recognizable under national laws, or, iii) persons who lost land they occupy in its entirety or partially who do not have any recognizable claim to that land.

Compensation policy

All affected persons are compensated for loss of properties and are entitled in income restoration and livelihood stability, as per compensation and resettlement policy of the Phuoc Hoa project, based on related Asian Development Bank and Government of Vietnam policies. The project compensation policy in detailed as follows as:

Compensation for loss of land

Any land acquired will be compensated for at the replacement cost of same-use land in pre-project condition at the time compensation is made..

Agricultural land

Annex 4: Public Consultation and Disclosure

Affected persons (APs) who are eligible and have permanent land use certificate or are waiting for a legalizable land use right will:

- Be compensated for all acquired land by land-for-land method, with the same category if local authorities have sufficient land, or cash-for-land based on replacement cost if there is not available land.
- Be compensated for all plants, crops and structures on the acquired land, based on market prices.
- Affected persons will receive some supports for income restoration and livelihood stability, depending upon levels of adverse impacts.

Affected persons who are non-eligible and not having land use right certificates will:

- Not be compensated for loss of land, but compensated for loss of plants, crops and structures on acquired land, based on market prices, and also get some support for investment cost used so far on that land.

Residential land and land used for business

All eligible affected persons will be compensated or by land-for-land, or by cash-for-land, based on replacement cost. If the remaining land is not sufficient for building a new house, within the area identified by the State, they will be relocated in other location, by choosing one of those options: (i) to receive cash and make their own arrangement for relocation, (ii) move to relocation site (if entitled). Non-eligible persons, case by case, will be examined for getting a subsistence; if they can't find any land for a self-relocation, the District Resettlement Committee will examine their situation submit to the Provincial Peoples' Committee for arranging a new place for them;

In the case affected persons have sufficient land for a new house, they will get compensation for the loss of land and structures, based on replacement cost;

If the affected person must relocate they will get some subsistence for income restoration and livelihood stability.

Compensation for loss of house and structure

Eligible affected persons will be entitled to:

- In case their house is demolished, full compensation based on construction cost of a new house;
- Get some subsistence for income restoration, livelihood stability and skills training.

It may not be necessary to relocate in all cases. If a house is partly demolished but the remainder is still usable, the affected person will be entitled to compensation for costs of dismantling the part to be demolished and compensation for that part of the structure demolished based on replacement costs to original specifications, plus costs for repairing the remaining part. If a remaining part is not sufficient for basic needs of living, those affected households will get full compensation for those houses/structures.

Compensation for moving graves

Moving grave will get compensation for those costs: buying/renting land, digging and moving, building new grave, and other reasonable expenses, based on rates fixed by the Provincial Peoples Committee.

Compensation for loss of plants and crops

Affected persons will be compensated for loss of plants and crops, based on the real amount and replacement prices.

Secondary affected persons

This applies to those affected by borrow areas needed for construction or for group resettlement sites, with the same provisions for all other affected persons.

Support & Subsistence Policy

All affected households are entitled to assistance for vocational training regardless of severity of loss.

Severely affected persons will get additional allowances:

- Relocation assistance - support for moving (if must be relocated in another place), with amounts of cash identified by the Provincial Peoples Committee.
- Loss of livelihood assistance - Transitional subsistence in 6 months for households not moving their houses and 12 months if they must relocate. Provincial Peoples Committee.
- Support for skills training for a working-aged member of affected households
- Special support for income restoration during transitional period of business households, with amounts of cash identified by the Provincial Peoples Committee.
- A bonus for on time moving suitable to the schedule as identified by the Local Committee of Compensation, Support and Resettlement.

5. Procedures of Grievance Redress

In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Otherwise, all APs are not ordered to pay any fee during the grievance and complaints at any level of trial and court.

6. General guidance

- (i) The concerned households must prepare necessary documents relating their ownership of affected land, house, structures.
- (ii) The head of the affected household needs to take part in the process of measuring and inventory the household's property, signing the Minutes of the inventory and measuring on the total affected properties. The CSRC has to provide a valid copy of the Minute to the household for checking if necessary.
- (iii) After the inventory, the CSRC makes a list of concerned households with their affected property, the list will be publicly put up at the office of the respective commune people's committee and other appropriate public sites for community people to get information.
- (iv) The PPMBs, CSRC, and local authorities announce specific date, time, location for implementation of compensation payment.

This announcement is put up in local media means; and sent to affected households right after getting approval of the detailed technical designs of the related components.

Since this announcement is publicly put up in local media means in concerned commune/village/hamlet and is distributed to APs, PPMBs recommend them not cultivate or build houses and physical structures on the to-be-acquired land.

Annex 4: Public Consultation and Disclosure

The cut-off date will be following notice of land acquisition issued by the DRC and posted by the CPC. There will be no compensation for structures built or crops planed on land to be acquired after the cut off date.

For community benefits and for the Project's progress, PPMBs require affected households dismantle their house/structures/affected property and hand over the site to the Project's holder in timely manner, after receiving full compensation payments and supports. Households with on-time hand-over as planned by the CSRC will be awarded a bonus.

For more information, please contact:

The People's Committee ofCommune.

Address:....., Tel:, Fax:.....

The Compensation, Support and Resettlement Committee (CRC)

Address:....., Tel:, Fax:.....

The Provincial Project Management Board (PPMB) ofProvince,

Address:....., Tel:, Fax:.....

The Investment & Construction Management Board 9 (ICMB 9)

Address:....., Tel:, Fax:.....

Date (day, month, year)

Representative of ICMB9

Consultation and Information Disclosure

According to the ADB Revised SSP to apply to projects approved after 10 January 2010, the following documents are required to be submitted to the ADB for Disclosure on the ADB website:

1. Draft RP or RF endorsed by the Client before project appraisal
2. Final RP endorsed by Client after the DMS (Census of APs)
3. Updated RP following any changes from the DMS or other changes introduced (if any)
4. Resettlement monitoring reports

• Consultation and Participation

Information Dissemination, Consultation, Participatory Approaches and Disclosure Requirements	<ul style="list-style-type: none">• Identification of project stakeholders.• Disclosure of project information• Consultations for determining principles of resettlement and compensation• Mechanisms for stakeholder participation in planning, management, monitoring, and evaluation• Disclosure of RP to people affected• Local institutions or organizations to support people affected. Potential role of non-government organizations (NGOs), women's groups and community based organizations (CBOs).
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According to the ADB's revised SSP, Meaningful consultation pays special attention to needs of disadvantaged and vulnerable group and especially those below the poverty line:

1. Begins early in the project preparation stage and is carried out throughout the project cycle
2. Provides timely disclosure of relevant and adequate information that is understandable and accessible to APs
3. Consultation is undertaken free of intimidation or coercion
4. Is gender inclusive and responsive, and tailored to needs of disadvantaged and vulnerable groups
5. Enables incorporation of all relevant view of APs and other stakeholders into decision making such as project design, mitigation measures, sharing of project benefits and opportunities.

• Phuoc Hoa – Proposed Public Consultations

Information Dissemination and Community Consultation

Information disclosure is an ongoing process throughout project preparation and implementation. In accordance with both ADB and GoV policy (contained in Decree 69 Articles 29, 30 and 31 and 2) the PPC and DPC must ensure that public notice is given and disseminate details of the approved draft resettlement plan before project appraisal by the ADB. This draft will also be disclosed on the ADB website. Following the census of affected persons, the final resettlement plan, as endorsed by the GoV, is further disseminated to the affected communities

Annex 4: Public Consultation and Disclosure

and posted on the ADB website. Any updates or revisions to the final resettlement plan must be further disseminated to affected communities and again, posted on the ADB website.

The Provincial Project Management Boards (PPMBs) will direct the Provincial Resettlement Committees (PRCs) and District Resettlement Committees (DRCs) to conduct a series of public meetings to provide information regarding project activities and the proposed resettlement and compensation policies.

These public meetings will be needed to: (i) disseminate information on inventory and pricing results, (ii) inform the APs on amounts of compensation and supports of each affected household, (iii) to listen to their feed back and suggestions, and (iv) for revising or adjusting the inaccurate data, if any. At the same time, the DRCs will post this information on the announcement board at the Commune PC office for at least 20 days (Decree 69, Article 30(2c)). In accordance with Decree 69 Article 30(2b) the posting must be recorded in official minutes and confirmed by the CPC, the Commune fatherland Front and APs. As per Decree 609 Article 30 Clause 3(a), following expiration of this period the agency in charge of compensation will summarize all opinions and comments received, including numbers of APs and stakeholders who agree and disagree, with the compensation and land acquisition and assistance offered in the resettlement plan.

Contents of public meetings

Information about the following items was given to all APs in the form of a Project Information Booklet (PIB), a poster, verbal presentation and explanation, by the district DRCs:

- **Project components.** This includes the places where stakeholders can obtain more detailed information about the project.
- **Project impacts.** Anticipated impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the Duc Hoa Main Canal and other project components.
- **APs rights and entitlements..** The rights and entitlements for different categories of APs, including the entitlements for those losing businesses, jobs and income. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each. Entitlement to rehabilitation assistance under the Social Support Program, as well as opportunities for project-related employment will be applied for all APs⁴.
- **Grievance mechanism and the appeal process.** All APs are to be informed that project policies and procedures are intended to ensure their pre-project living standards are at least restored if not improved. All APs must also be informed that if there is any confusion or misunderstanding about any aspect of the project, the commune or district resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. APs will also receive an

⁴ Rights and Entitlement to livelihood rehabilitation supports, as well as opportunities for project-related benefit sharing or employment in the framework of OSDP programs.

Annex 2: Public Consultation and Disclosure

explanation about how to access grievance redress procedures, according to Project's mechanisms and GoV's Grievance and Denouncement Law.

- **Right to participate and be consulted.** All APs are to be informed about their right to participate in the planning and implementation of the resettlement process. The APs are to be represented on district resettlement committees, and the representative for the APs present whenever commune/ district/provincial committees meet to ensure their participation in all aspects of the project. All APs are to be consulted about the following issues in particular: (a) their preferred resettlement option according to their entitlement; (b) training and training preferences in current or new occupations for all APs who will be relocated, and for APs whose income levels and living standards will be adversely affected.
- **Resettlement activities.** All APs are to be given an explanation regarding compensation calculations and compensation payments, monitoring procedures (which will include interviews with a sample of APs), reorganization, relocation to an individual location/self-relocation, and preliminary information about physical works procedures.
- **Organizational responsibilities.** All APs are to be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the Government officials with phone numbers, office locations, and office hours if available;
- **Implementation schedule.** All APs should receive the proposed schedule for the main resettlement activities and informed that physical works would start only after the completion of all resettlement activities and clearance from the project area. It should be clarified that APs would be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

Following all public meetings with APs and stakeholders the DRC must complete the following activities:

- Make a list of all APs who joined the meeting;
- Make a complete record of all questions, comments, opinions, problems and decisions that arose during the information and consultation meetings.
- Deliver leaflets and project announcements to the APs.

GUIDELINES FOR PUBLIC CONSULTATION FOR PPMB' AND OSDP'S**Minimum Public Consultation and Disclosure Meetings – Phuoc Hoa Phase 2**

Item	Target	Period/Stage	Month							
			July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
General Project Awareness	All Community	During project preparation and formulation of RF – before Loan Appraisal	■							
APs Consultations	Community APs	To prepare draft RP with draft detailed designs		■						
APs Finalization of RP	Community APs –Slightly AP Severely AP	Final RP after detailed design finalized/approved.			■	■				
Announcement of Final RP	Community APs –Slightly AP Severely AP	Approval of RP – after Loan and Project Approval							■	

1. General Project Awareness.

- Cover Project Components
- Project Expected Impacts and Benefits
- Basic compensation principles
- Distribute PIB
- Collect and Minute Comments/Opinions

2. AP Consultations

- Conduct at hamlet level with identified APs.
- Discuss estimated impacts and losses.
- Discuss Resettlement and Compensation Policies and Basis for Calculating losses
- Other allowances
- Explain Severely Impacted APs and Special Arrangements and Enquire of needs for Social Program
- Posters at Commune Hall

3. APs Finalization of RP

- Before conducting DMS and formulation of Inventory of Losses
- Explain Approved Policies, Compensation, Allowances and Resettlement Amounts and Arrangements
- Purpose and Procedures for DMS
- Draft Implementation Schedule
- Visit AP households, Explain Resettlement, Compensation Package
- Collect and Minute Opinions, Comments

Announcement of Final RP

- Announcement of RP Finalization
- Implementation Schedule
- Visit AP households
- Present Details of Finalized RP, Resettlement and Compensation packages, Allowances
- Collect and Minute Comments and Opinions

Annex 2: Public Consultation and Disclosure

1. Record of Meetings for Public Dissemination

Province:

Location of Meeting		Hamlet	Date of Meeting	No. of AP Participants	
District	Commune			# of Men	# of Women

Comments and Decisions

Questions / Comments Received	Responses Given	Follow-Up Action (if any)

Recorded by: Name..... Signature.....

Witnessed by: Name Unit

Date:

Annex 4: Public Consultation and Disclosure

2a. Consultation Meetings with Affected Households

Province:

Location of Meeting		Date of Meeting	No. of AP Participants	
District	Commune		# of Men	# of Women

Comments and Decisions

Questions / Comments Received	Responses Given	Follow-Up Action (if any)

Recorded by: Name..... Signature.....

Witnessed by: Name Unit

Date:

2b Consultation Meetings with Affected Households: Participation Attendance Record

Names of Participants for Meeting Conducted on /..... /..... Location of Meeting

[illegible]

Recorded by: Name..... Signature.....

Witnessed by: **Name** **Unit**

Date:

3a. Dates of Other Dissemination Events and Consultations

Certified by: Name Unit
Date:

3 b: Record of Comments and Opinions from Notice Postings, Leaflet Distribution and Other Consultations

[illegible]

Prepared by: (name)..... Agency.....Signature.....

Dated.....

Witnessed and Certified by: (name)..... Agency..... Signature.....

Dated.....