

Resettlement Plan of Duc Hoa Irrigation

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CURRENCY EQUIVALENTS

Currency Unit – Vietnamese Dong (VND)

For the purpose of calculations in this report, the rate of \$1.00 = 19,000 VND is used, being the Interbank rate at the time of report preparation, and the term “dollar” or symbol \$, when used, refers to United States Dollars.

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
DMS	-	Detailed Measurement Survey
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 program	A program designed with various activities that aim to support affected 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 Project Area

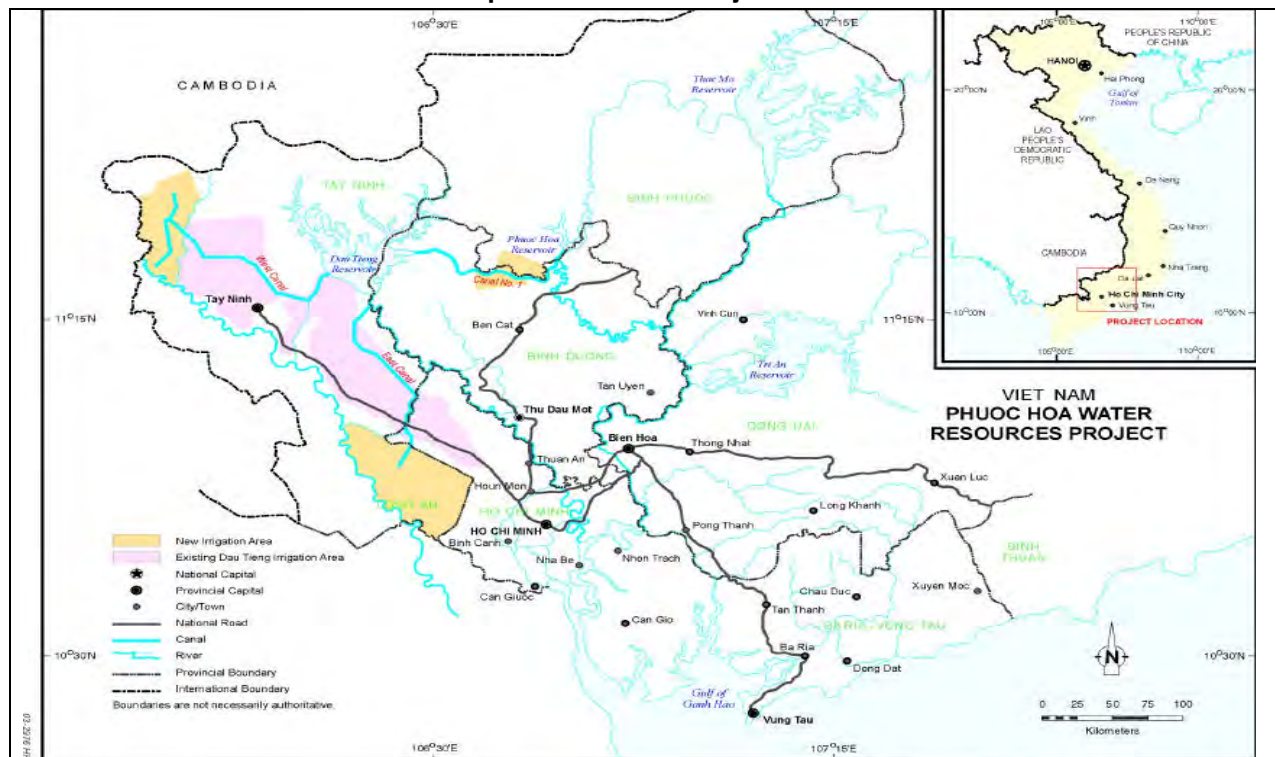
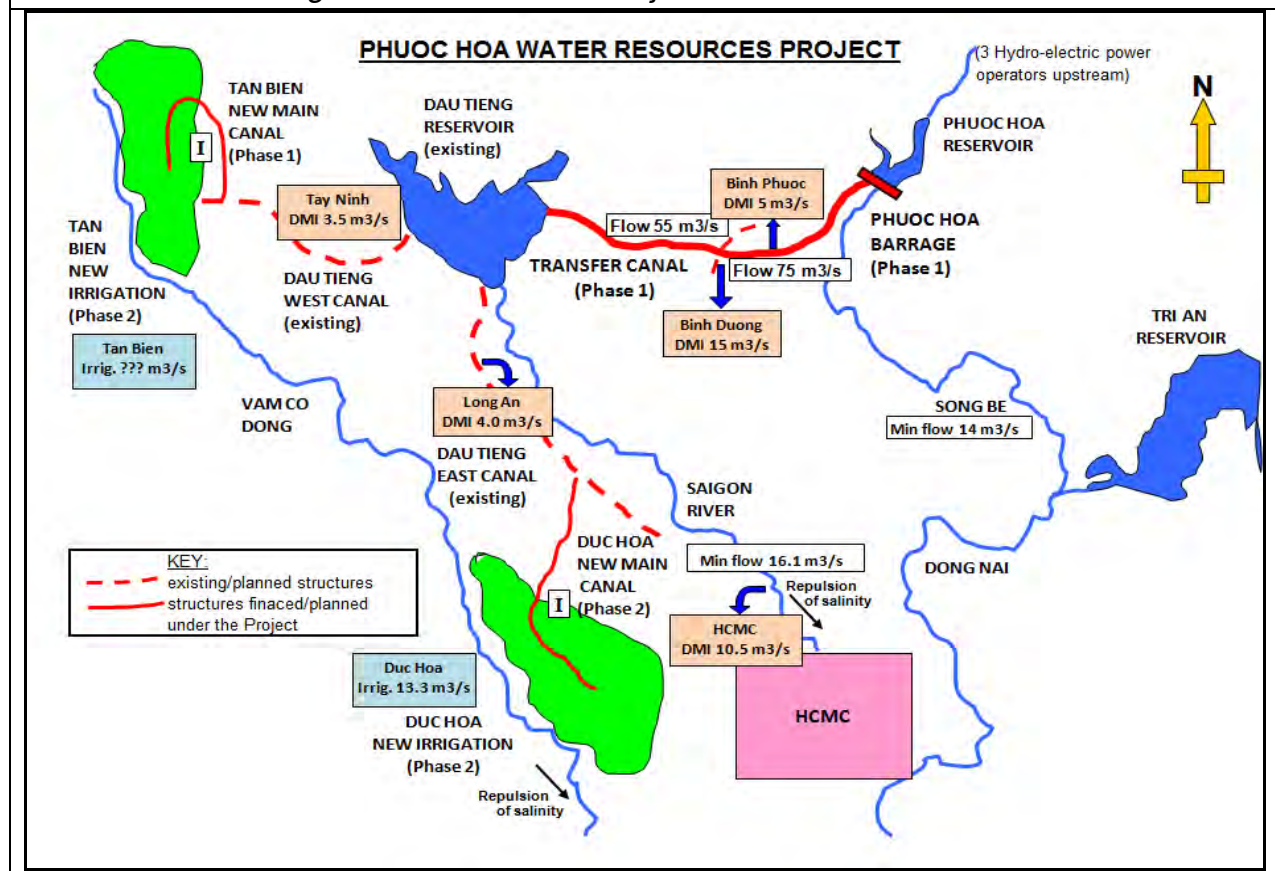


Diagram 1: Phuoc Hoa Project - Phase 1 and Phase 2



Executive Summary

1. Duc Hoa irrigation system (Duc Hoa Irrigation area) 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 towns in the Duc Hoa Irrigation system area. It will affect 13 communes and 01 towns such as: Tan My, An Ninh Tay, An Ninh Dong, Hiep Hoa, Tan Phu, Hau Nghia Town, Hoa Khanh Tay, Hoa Khanh Nam, Hoa Khanh Dong, Duc Lap Thuong, Duc Lap ha, Duc Hoa Thuong, My Hanh Bac and My Hanh Nam.
2. The Duc Hoa Resettlement Framework (RF), dated July 2010, was prepared in accordance with GoV Decree 69/2009/VD-CP and the ADB SPS in regards to the policies for compensation, assistance and resettlement. This subproject will comply with the conditions stated in that RF.
3. This RP was submitted to ADB in August 2010. The detailed designs are scheduled to be completed and approved in the second quarter of 2011. The DMS can then be completed by June 2011 and compensation payments commencing late 2011.
4. Based upon the data supplied and the estimation of losses involved, an overall amount of 606,734,085,310 VND will be required in order to relocate, compensate and restore livelihoods of affected households. Of this, 23,580,013,600 VND is compensation for permanently acquired residential land, and 522,037,445,600 VND is for acquired agricultural land. Included in the overall compensation figure is an amount of 12,931,653,500 VND being implementation and management costs. The costs of preparing resettlement sites and building resettlement homes have not been included in this draft RP. A detailed analysis of costs is provided at Annex 3 to this draft RP.

Total for Duc Hoa Irrigation Area	606,734,085,310	VND
Agriculture land	522,037,445,600	VND
Residential land	23,580,013,600	VND
Other land	2,796,200,000	VND
Houses and shops	4,383,856,400	VND
Structures	849,464,000	VND
Crops	4,236,029,710	VND
Trees	8,123,802,500	VND
Allowances	21,795,620,000	VND
OSDP costs	6,000,000,000	VND
Implementation	12,931,653,500	VND

I. Project Description

5. 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.

6. 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.

7. 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 towns in the Duc Hoa Irrigation system area. It will affect 13 communes and 01 towns such as: Tan My, An Ninh Tay, An Ninh Dong, Hiep Hoa, Tan Phu, Hau Nghia Town, Hoa Khanh Tay, Hoa Khanh Nam, Hoa Khanh Dong, Duc Lap Thuong, Duc Lap ha, Duc Hoa Thuong, My Hanh Bac and My Hanh Nam.

II. Scope of Land Acquisition

8. The Initial surveys by the OSDP team indicate that a total of 3781 households, comprising 17,530 people will be affected by the irrigation area. Of these, some 794 HHs will be severely affected with 36 losing houses, 2 shops, and 765 HHs losing over 20% of their agricultural land. There are some 2,963 marginally affected HHs. Compensation will have to be made for some 172,874 m² of residential land, 3,827,254 m² of agricultural land and 20,460 m² of pond. In addition, compensation will be made of the loss of 4,419 m² of housing, 351 m² of shops, 3,482,789 m² of crops, some 85,715 trees, 29 graves and 51 wells.

9. Based upon the Basic design, the Inventory of Losses (IoL) has been carried out and the scope of impact is as follows:

- (i) Land – some 17.29ha of residential land will be acquired and a total of 382.73ha of agricultural land also acquired. Approximately 2.05ha of pond area will also have to be compensated. There are 58.56ha of stream and road areas for which no compensation need be paid.
- (ii) Trees and crops – about 3,482,789m² of crops and 85,715 trees will be lost and therefore compensated.
- (iii) Structures – 36 houses comprising some 4,419m² of house structures and 351m² of two shops will be affected, as well as some 29 graves and 51 wells all which will be compensated for.
- (iv) Incomes and businesses – owners of 2 shops will require compensation for lost earnings as well as assistance to re-establish their business elsewhere.

10. The Duc Hoa Irrigation Area subproject affects some 13 communes and one town as shown below, for which the main agricultural crops are paddy, peanut, maize and some sugar cane. Other agricultural activities include livestock rising. The Project will create adverse impacts of involuntary resettlement. Overall some 13,500 HHs stand to benefit from the improved irrigation facilities.

11. An initial social survey and preliminary measurement survey started in early June 2010 and completed in July. Altogether, some 3,781 HHs (17,530 APs) are affected, some 460.63 hectares of land will be permanently lost. Of this, some 36 HHs will have to move their dwellings and 2 move their shops, and some 794 households are severely affected by virtue of losing more than 20 percent of agricultural land holding or/and losing houses or shop.

12. Table 1 shown below summarizes the land acquisition impact from the construction of the Duc Hoa Irrigation Area, and Table 1 shows a summary of affected HHs, number of APs, and land to be acquired.

13. In addition to land permanently acquired, short term land acquisition will occur for access, storage yards, camp sites and any losses from this will be compensated.

Table 1a: Summary of Affected HHs and APs - Scope of Impact

I. Number of affected household									
No	commune	Severely affected				slight affected		Total of Affected HH and AP by Duc Hoa irrigation area	
		Total severely affected HH	Lose house	Lose shop	Lose over 20% agricultural land	Number of slight affected HH	Number of slight affected person	Number of affected HH	Number of affected person
1	An Ninh Dong	6	1	0	5	47	229	53	258
2	An Ninh Tay	10	0	0	10	121	589	132	642
3	Hiep Hoa	46	0	0	48	153	655	201	860
4	Hoa Khanh Dong	74	8	1	68	345	1,667	422	2,039
5	Hoa Khanh Tay	80	10	1	69	245	1,118	321	1,465
6	Hoa Khanh Nam	42	0	0	42	77	357	120	557
7	Duc Lap Thuong	60	1	0	59	225	1,064	285	1,348
8	Duc Lap Ha	130	0	0	131	345	1,553	485	2,183
9	Duc Hoa Thuong	94	3	0	91	315	1,422	415	1,873
10	My Hanh Bac	20	4	0	18	94	485	116	598
11	My Hanh Nam	25	1	0	24	128	548	153	655
12	Tan Phu	45	5	0	40	217	1,102	259	1,315
13	Tan My	73	0	0	73	511	2,300	589	2,651
14	Hau Nghia Town	89	3	0	87	140	661	230	1,086
Total		794	36	2	765	2,963	13,750	3,781	17,530

14. Note that there are a total of 9 HHs that will experience a double impact of both having to relocate and also lose over 20% of productive land. 29 HHs will lose house or shop only.

Table 1b: Acquired land

II. Acquire land							
No	Duc Hoa irrigation area/Long An	Compensation land				River and road land without compensation	Total compensation for land
		Residential land	Agricultural land	pond land	Total of compensation land		
		(m ²)	(m ²)	(m ²)	(m ²)	(m ²)	(m ²)
1	An Ninh Dong	1,536	38,392	0	39,929	16,942	56,871
2	An Ninh Tay	1,904	46,539	516	48,958	39,622	88,580
3	Hiep Hoa	2,505	215,801	762	219,067	162,688	381,755
4	Hoa Khanh Dong	10,961	261,513	682	273,156	72,634	345,790
5	Hoa Khanh Tay	20,530	235,127	1,311	256,968	53,913	310,881
6	Hoa Khanh Nam	6,375	139,127	312	145,814	13,801	159,615
7	Duc Lap Thuong	13,672	357,910	1,017	372,599	15,593	388,192
8	Duc Lap Ha	33,385	501,661	3,155	538,201	4,779	542,980
9	Duc Hoa Thuong	22,517	411,940	4,268	438,726	118,090	556,816
10	My Hanh Bac	20,363	143,934	322	164,619	14,594	179,213
11	My Hanh Nam	1,016	151,166	478	152,660	18,450	171,110
12	Tan Phu	15,865	282,579	2,336	300,780	5,733	306,512
13	Tan My	8,956	760,320	2,458	771,734	41,708	813,442
14	Hau Nghia Town	13,288	281,245	2,843	297,377	7,009	304,386
Total(m²)		172,874	3,827,254	20,460	4,020,588	585,555	4,606,143
Total (ha)		17.29	382.73	2.05	402.07	58.56	460.63

Table 1c: Other affected property

III. Other affected assets							
No	Commune	House	Shop	Crop	Tree	Grave	Well
		(m ²)	(m ²)	(m ²)	No	No	No
1	An Ninh Dong	30	0	25,644	3,187	0	1
2	An Ninh Tay	138	0	41,095	1,361	0	1
3	Hiep Hoa	354	0	199,761	4,010	0	2
4	Hoa Khanh Dong	466	330	255,697	1,454	0	8
5	Hoa Khanh Tay	574	21	231,987	785	0	6
6	Hoa Khanh Nam	98	0	139,127	0	0	1
7	Duc Lap Thuong	200	0	298,790	14,780	0	1
8	Duc Lap Ha	350	0	501,661	0	0	10
9	Duc Hoa Thuong	247	0	387,692	6,062	25	3
10	My Hanh Bac	332	0	138,658	1,311	0	4
11	My Hanh Nam	216	0	150,410	166	0	1
12	Tan Phu	790	0	260,119	5,615	4	4
13	Tan My	70	0	571,672	46,792	0	5
14	Hau Nghia Town	554	0	280,477	192	0	4
Total		4,419	351	3,482,789	85,715	29	51

Source: OSDP team Long An, June, July 2010

Table 1d: Summary of Productive Land Lost by HHs

Productive Land Loss %	No. AHHs	% of Total AHHs
Less than 10%	1526	40.17
11 to 20%	1461	38.94
21 to 30%	311	8.28
31 to 50%	215	5.73
Over 50%	239	6.37
Total	3752	100%

15. The number of affected HHs losing between 0 and 20% of productive land that are unable to sustain the household based on the remaining land, if any, will be identified during the DMS and final updating of this RP.

16. As shown above, the loss of 36 houses will result in the compensation of 4,419m² of housing structure and 2 shops some 351m² of structure. Housing structures include sheds, rice stores and other such buildings.

17. There are several vulnerable households within the number of severely affected households as shown below:

Table 2: Vulnerable and Severely Affected households

No	Commune	Vulnerable households									
		Ethnic minorities		Woman head household		Poor household		solitary, disabled household		policies households	
		3		4		5		6		7	
		HH	%	HH	%	HH	%	HH	%	HH	%
1	An Ninh Dong		0.00	3	0.06	0	0.00	2	0.04	12	0.24
2	An Ninh Tay		0.00	16	0.13	13	0.11	2	0.02	43	0.35
3	Hiep Hoa		0.00	26	0.15	3	0.02	6	0.03	24	0.13
4	Hoa Khanh Dong		0.00	4	0.01	0	0.00	4	0.01	18	0.06
5	Hoa Khanh Tay		0.00	8	0.04	0	0.00	4	0.02	20	0.09
6	Hoa Khanh Nam		0.00	0	0.00	2	0.02	0	0.00	6	0.06
7	Duc Lap Thuong		0.00	25	0.12	0	0.00	2	0.01	42	0.20
8	Duc Lap Ha		0.00	10	0.03	4	0.01	1	0.00	52	0.17
9	Duc Hoa Thuong		0.00	36	0.10	1	0.00	21	0.06	58	0.16
10	My Hanh Bac		0.00	7	0.06	0	0.00	1	0.01	47	0.39
11	My Hanh Nam		0.00	7	0.06	0	0.00	1	0.01	11	0.10
12	Tan Phu		0.00	14	0.07	0	0.00	4	0.02	41	0.21
13	Tan My		0.00	32	0.10	4	0.01	7	0.02	27	0.09
14	Hau Nghia Town		0.00	5	0.04	0	0.00	9	0.07	0	0.00
			0.00	195	0.06	28	0.01	65	0.02	405	0.14

III. Entitlement Eligibility Requirements

18. Eligibility is 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 are not entitled to compensation and assistance under the subproject.

19. 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.

Table 3: ownership land of affected persons by Duc Hoa Irrigation Area

No	Commune	Agricultural land				Residential land			
		Number of affected HH	number of HH with LURC	Number of households temporarily may legalized	Number of households without LURC	Number of affected HH	number of HH with LURC	Number of households temporarily may legalized	Number of households without LURC
1	An Ninh Dong	53	50	3	0	2	2	0	0
2	An Ninh Tay	132	131	1	0	5	5	0	0
3	Hiep Hoa	197	196	1	0	11	9	2	0
4	Hoa Khanh Dong	404	402	2	0	31	26	5	0
5	Hoa Khanh Tay	280	280	0	0	70	70	0	0
6	Hoa Khanh Nam	118	118	0	0	13	13	0	0
7	Duc Lap Thuong	265	265	0	0	33	33	0	0
8	Duc Lap Ha	423	423	0	0	100	91	9	0
9	Duc Hoa Thuong	375	373	2	0	67	56	11	0
10	My Hanh Bac	83	82	1	0	41	41	0	0
11	My Hanh Nam	143	142	1	0	11	11	0	0
12	Tan Phu	242	240	2	0	33	29	4	0
13	Tan My	562	561	1	0	42	34	8	0
14	Hau Nghia Town	221	221	0	0	21	18	3	0
Total		3,498	3,484	14	0	480	438	42	0

Source: from a survey of survey team OSDP Tay Ninh and Long An June, July 2010

20. According to the OSDP team survey of APs, there are no households without a LURC, or without a legalizable claim to obtaining a permanent LURC.

IV. Socio Economic Information and Profile

19. The preliminary survey for Duc Hoa Irrigation System affected areas were carried out and finished during June and July 2010 by the OSDP teams, and in which affected households (AHHs) were identified based on the basic design for canal layouts and structure placing. The numbers of AHHs may change once the detailed designs have been finalized and the DMS conducted. The OSDP team have surveyed 100% of the AHH identified.

Land in affected communes

20. There are a total of 13 communes and 1 town affected by Duc Hoa irrigation area, most communities are engaged in agriculture planting crops such as: rice, cassava, and beans.

Table 4: Total land areas in affected communes

	Communes	Area and natural land (ha)	Area residential land (ha)	Area Agricultural land		Area and Forest land (ha)	Area aquaculture (ha)	Area Non – agricultural land and other lands (ha)
				Perenn ial	Crops Annuals			
1	An Ninh Dong commune	1.801,32	58,78		1.545,79	18,25	2,48	
2	An Ninh Tay commune	2.160,18	97,50		1.830,22	1,71	20,53	0,47
3	Tan My commune	3.647,99	104,49		2.873,64	106,44	34,56	
4	Hiep Hoa commune	1.891,77	106,59		1.557,78		34,10	
5	Tan Phu commune	2.757,61	112,36		2.251,25	55,59	16,93	
6	Hoa Khanh Dong commune	1.801,32	81,47		1.286,01	0,40	17,10	0,18
7	Hoa Khanh Nam commune	1.604,28	103,26		1.240,01	9,66	11,72	
8	Hoa Khanh Tay commune	2.976,67	164,29		2.278,24	25,82	13,94	
9	Duc Lap Thuong commune	1.902,79	172,46		1.184,87	29,50	23,65	
10	Duc Lap Ha commune	2.651,08	213,86		1.377,92	6,91	26,42	
11	Duc Hoa Thuong commune	2.197,53	235,98		1.733,36		50,76	
12	My Hanh Bac commune	3.261,97	284,53		1.186,98		11,55	
13	My Hanh Nam commune	1.752,20	223,81		1.250,87	3,92	33,88	
14	Hau Nghia town	1.242,95	219,23		720,93		27,36	

Demographic information in affected communes

21. Most affected communes do not have any ethnic minority or indigenous people. Women account for 51.50% of the total population. Most households have less than 4 persons/household.

Table 5: Demographic Information

No	Communes	No. of hamlet	Number of households		Number of person		Average No. People in HH
			Kinh	Ethnic	Male	Female	
1	An Ninh Dong commune	04	2.053	0	3.652	3.896	3.68
2	An Ninh Tay commune	05	2.550	0	4.696	4.746	3.70
3	Tan My Commune	06	3.112	0	5.978	5.948	3.83
4	Hiep Hoa commune	05	2.537	0	4.515	4.871	3.70
5	Tan Phu commune	07	2.391	0	4.331	4.528	3.71
6	Hoa Khanh Dong commune	04	2.539	0	4.747	4.945	3.82
7	Hoa Khanh Nam commune	04	3.328	0	5.826	6.297	3.64
8	Hoa Khanh Tay commune	05	2.395	0	4.429	4.507	3.73
9	Duc Lap Thuong commune	04	4.160	0	7.433	8.191	3.76
10	Duc Lap Ha commune	05	2.935	0	5.689	5.662	3.87
11	Duc Hoa Thuong commune	05	4.160	0	7.433	8.191	3.76
12	My Hanh Bac commune	03	2.736	0	5.101	5.252	3.78
13	My Hanh Nam commune	03	3.328	0	5.826	6.297	3.64
14	Hau Nghia town	08	3.894	0	6.958	7.606	3.74

Source: OSDP Long An. Note: Low number of HH members due to single people renting and working in area.

Table 6: Population characteristics of affected households by Duc Hoa irrigation area

No	Commune	Affected HH / AP	Average size (person/H H)	Gender ratio of household leader (%)		Gender ratio of othes member in household (%)		The average age in household (age)
		HH/person		Man	woman	Man	woman	Householder
(i)	(ii)	(iii)	(vi)	(vii)	(viii)	(ix)	(x)	(xi)
1	An Ninh Dong	53 / 340	4.86	58%	42%	49.79%	50.21%	56.25
2	An Ninh Tay	132 / 830	4.86	63%	37%	49.41%	50.59%	56.84
3	Hiep Hoa	201 / 1072	4.28	67%	33%	48.69%	51.31%	55.20
4	Hoa Khanh Dong	422 / 2056	4.83	69%	31%	51.19%	48.81%	53.90
5	Hoa Khanh Tay	321 / 1380	4.56	78%	22%	49.70%	50.30%	56.30
6	Hoa Khanh Nam	120 / 689	4.64	66%	34%	46.95%	53.05%	54.83
7	Duc Lap Thuong	285 / 1417	4.73	68%	32%	46.84%	53.16%	58.11
8	Duc Lap Ha	485 / 1947	4.50	71%	29%	48.02%	51.98%	54.86
9	Duc Hoa Thuong	415 / 2249	4.51	67%	33%	48.72%	51.28%	55.56
10	My Hanh Bac	116 / 880	5.16	70%	30%	48.97%	51.03%	56.86
11	My Hanh Nam	153 / 677	4.28	66%	34%	49.59%	50.41%	60.22
12	Tan Phu	259 / 1414	5.08	68%	32%	48.91%	51.09%	56.98
13	Tan My	589 / 1985	4.50	68%	32%	47.95%	52.05%	55.65
14	Hau Nghia Town	230 / 806	4.72	71%	29%	49.83%	50.17%	55.40
Average		236 / 1084	4.58	66%	34%	49%	51%	56.18

Socio-economic and living conditions

22. **Road system:** National road N2 passes through the area over length of approximately 5.6 km which is all asphalt. In addition there are about nine inter-provincial roads, inter-district roads covering approximately 115.9 km which are all asphalt. Roads under district management reach approximately 134.782 km, some of these are asphalt, the remaining are spread red gravel, particularly commune to hamlet, and inter hamlet level.

23. **Electric power:** Duc Hoa, Hau Nghia town and Tan Phu and Duc Hoa Ha communes have 100% of households using the national grid. In the 13 remaining communes about 99.36% of households use the national grid. About 0.64% of household are not connected to the grid due to distance from the transmission corridor and their houses are separated from the main hamlets. Some of these households are using electricity from rechargeable battery.

Table 7: Affected Commune electrification

	Communes	% HH using national grid	% HH without electricity
1	An Ninh Dong commune	99,53	0,47
2	An Ninh Tay commune	99,83	0,17
3	Tan My commune	99,57	0,43
4	Hiep Hoa commune	99,18	0,82
5	Tan Phu commune	100,00	00
6	Hoa Khanh Dong commune	99,14	0,86
7	Hoa Khanh Nam commune	99,30	0,70
8	Hoa Khanh Tay commune	99,52	0,48
9	Duc Lap Thuong commune	99,15	0,85
10	Duc Lap Ha commune	99,06	0,94
11	Duc Hoa Thuong commune	99,60	0,40
12	My Hanh Bac commune	99,49	0,51
13	My Hanh Nam commune	99,30	0,70
14	Hau Nghia town	100,00	00

24. **Domestic water:** Almost all communes in the project area use water from dug or drilled wells. There are eight communes and the two towns where many households use town water supply as follows: Hau Nghia town 50.45%, Tan Phu commune 36.52%, Hoa Khanh Nam 34.68% and Hoa Khanh Tay 39,22% and a smaller number is other communes as follows:

Table 8: Domestic water supply in affected communes

	Commune	% household using clean water		
		From Drill wells	From Dug Wells	From the water plant or water purification station
1	An Ninh Dong commune	96,69	3,31	
2	An Ninh Tay commune	98,99		1,01
3	Tan My commune	100		

4	Hiep Hoa commune	80,92	19,08	
5	Tan Phu commune	63,48		36,52
6	Hoa Khanh Dong commune	100		
7	Hoa Khanh Nam commune	65,25	0,07	34,68
8	Hoa Khanh Tay commune	60,78		39,22
9	Duc Lap Thuong commune	100		
10	Duc Lap Ha commune	98,20		0,80
11	Duc Hoa Thuong commune	100		
12	My Hanh Bac commune	97,36		
13	My Hanh Nam commune	98,20		
14	Hau Nghia town	49,55		50,45

25. **Water for agriculture:** Almost all communes in the project area use underground water for agriculture, and have dug or drilled wells with their own resources, and in general these sources are dry in the dry season. Some irrigation water is taken from ponds, lakes, streams, rivers. There is some irrigated water supply from the Vam Co river. The proposed irrigation development would provide more reliable and extensive water supplies for agriculture and most people are therefore supportive of the project.

Table 9 : Water for agriculture

	Communes	Water resources for agriculture			Irrigation canals pass through communes and the communal water use
		Water from drill wells/ wells %	From natural pond, streams, rivers %	Irrigation canal %	
1	An Ninh Dong commune	30	05	60	Hoc ro canal
2	An Ninh Tay commune	20	10	70	Nha vương canal
3	Tan My commune	35	05	60	Bung Bang canal
4	Hiep Hoa commune	35	05	60	Bau ca day canal
5	Tan Phu commune	20	10	70	Nhum branch
6	Hoa Khanh Dong commune	60	10	30	Thoi Moi inter-cannal
7	Hoa Khanh Nam commune	40	10	50	Canal No3
8	Hoa Khanh Tay commune	20	20	60	Ngang canal
9	Duc Lap Thuong commune	70	10	20	Hai Chau canal
10	Duc Lap Ha commune	75	05	20	Hai Thue canal
11	Duc Hoa Thuong commune	65	05	30	Bay Quang canal
12	My Hanh Bac commune	80	05	15	K2 canal
13	My Hanh Nam commune	85	05	10	KT4 canal
14	Hau Nghia town	90	0	10	Cầu Duyên canal

26. **Education:** Almost all communes in the project area have kindergarten and primary schools. There are 18 kindergartens with a total of 4,841 pupils, and 13,944 pupils attending 22 primary schools. The attendance ratio of pupils in kindergarten and primary school is reported as 100%. Nine out of 15 communes, and the two towns, have secondary schools with a total of

9,913 pupils with an attendance ratio of 100%. Hau Nghia town also has 2 high school with 2031 pupils. The eight remaining communes that do not have secondary school are: An Ninh Dong, Hiep Hoa, Tan Phu, Hoa Khanh Dong, Hoa Khanh Tay, My Hanh Nam communes. The pupils of these communes go to adjacent communes to study. An Ninh Dong commune has a junior high school with 1022 pupils and the rate of age of going to school is 100%. Most the facilities of these schools are very good including water and electrical supply, learning tools and ablution facilities.

Table 10: Education and schools in affected communes

	Commune	Kindergarten			Primary school			Secondary school			High school		
		No. School	No. pupils	Attendance Ratio %	No. School	No. pupils	Attendance Ratio %	No. School	No. pupils	Attendance Ratio %	No. School	No. pupils	Attendance Ratio %
1	An Ninh Dong commune	01	172	100	01	660	100				01	1022	100
2	An Ninh Tay commune	01	217	100	01	668	100	1	1056	100			
3	Tan My commune	01	299	100	02	937	100	1	913	100			
4	Hiep Hoa commune	01	186	100	01	438	100						
5	Tan Phu commune	01	154	100	01	544	100						
6	Hoa Khanh Dong commune	01	243	100	01	611	100						
7	Hoa Khanh Nam commune	01	133	100	02	781	100	1	860	100			
8	Hoa Khanh Tay commune	01	105	100	01	407	100						
9	Duc Lap Thuong commune	01	269	100	02	942	100	1	1307	100			
10	Duc Lap Ha commune	01	304	100	01	749	100						
11	Duc Hoa Thuong commune	01	317	100	01	709	100	1	492	100			
12	My Hanh Bac commune	01	445	100	01	976	100	1	1158	100			
13	My Hanh Nam commune	01	252	100	01	656	100						
14	Hau Nghia town	02	716	100	02	1367	100	1	1787	100	02	2031	100

Resettlement Plan for Duc Hoa Irrigation Area

27. **Health:** All communes in the project area have health stations and doctors. There are 3 health stations newly built to national standards in the area. In general, all health stations are in relatively good condition with adequate facilities and are able to meet the usual treatment needs for local people.

Table 11: Health facilities in affected communes

	Communes	Health station				
		Number of health stations	Number of beds	Number of doctors	Number of paramedics and nurses	Quality of facilities
1	An Ninh Dong commune	01	05	01	7	
2	An Ninh Tay commune	01	05	01	9	
3	Tan My commune	01	05	01	8	Newly built
4	Hiep Hoa commune	01	05	01	6	
5	Tan Phu commune	01	05	01	7	
6	Hoa Khanh Dong commune	01	05	01	5	
7	Hoa Khanh Nam commune	01	05	01	8	
8	Hoa Khanh Tay commune	01	05	01	5	
9	Duc Lap Thuong commune	01	05	01	6	
10	Duc Lap Ha commune	01	05	01	6	
11	Duc Hoa Thuong commune	01	05	01	8	Newly built
12	My Hanh Bac commune	01	05	01	6	
13	My Hanh Nam commune	01	05	01	8	
14	Hau Nghia town	01	05	01	8	

Ownership of land

28. On average, each household owns from 2000 m² to 5.000 m², and there are numerous households owning a few hectares of land.

Income and Employment

29. Most of the households in affected communes derive their primary source of income from agriculture and in addition, some households will have income from sources such as: handicraft production, trade and services. Handicrafts include making traditional conical straw hats, bamboo and cane weaving, making rice cakes, making brooms and brushes, small scale rice milling, peanut shelling, husking corn by machine, pressing peanut for oil. Some of the younger people work in the adjacent industrial park. Most farmers in region have income from rice, peanuts, corn and livestock, and some communes plant sugar-cane to supply Hiep Hoa sugar company.

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No	Communes	Total of HH	Occupation			
			Farming and animal husbandry (HH)	Handicraft (HH)	Services / trade (HH)	Others (HH)
1	An Ninh Dong commune	2053	1125	214	220	494
2	An Ninh Tay commune	2550	1476	120	370	584
3	Tan My commune	3112	1781	62	339	930
4	Hiep Hoa commune	2537	1014	116	289	1118
5	Tan Phu commune	2391	1414	74	197	760
6	Hoa Khanh Dong commune	2539	839	60	302	1138
7	Hoa Khanh Nam commune	1960	589	30	192	1149
8	Hoa Khanh Tay commune	2395	1126	50	281	938
9	Duc Lap Thuong commune	2591	1093	94	368	1036
10	Duc Lap Ha commune	2935	1110	62	315	1448
11	Duc Hoa Thuong commune	4160	1023	87	312	2738
12	My Hanh Bac commune	2736	556	43	370	1767
13	My Hanh Nam commune	3328	1098	71	298	1861
14	Hau Nghia town	3894	602	85	1100	2107
	Total	45511	15418	1319	5638	22990

Table 12: Occupations in affected communes

Table 13: Main Occupations of Heads of Affected Households

No	Commune	Farmer	Workers	Business/com pany	staff state, retire staff	other jobs,	Total
1	An Ninh Dong	92%	0%	0%	0%	8%	100%
2	An Ninh Tay	88%	2%	0%	1%	8%	100%
3	Hiep Hoa	77%	14%	1%	6%	2%	100%
4	Hoa Khanh Dong	86%	3%	5%	3%	3%	100%
5	Hoa Khanh Tay	90%	1%	3%	1%	5%	100%
6	Hoa Khanh Nam	80%	10%	3%	1%	5%	100%
7	Duc Lap Thuong	99%	0%	0%	0%	0%	100%
8	Duc Lap Ha	90%	2%	3%	3%	2%	100%
9	Duc Hoa Thuong	86%	4%	4%	3%	4%	100%
10	My Hanh Bac	81%	2%	1%	0%	16%	100%
11	My Hanh Nam	94%	2%	0%	4%	1%	100%
12	Tan Phu	80%	1%	3%	6%	10%	100%
13	Tan My	93%	3%	2%	1%	1%	100%
14	Hau Nghia Town	88%	1%	2%	1%	7%	100%
	Total	87%	3%	3%	2%	5%	100%

Resettlement Plan for Duc Hoa Irrigation Area

Table 14: Average Incomes in Affected Communes

	Commune	The average income Dong/household/year	The average income Dong/person/year
1	An Ninh Dong commune	34,650,000	9,000,000
2	An Ninh Tay commune	28,880,000	7,500,000
3	Tan My commune	44,260,000	11,500,000
4	Hiep Hoa commune	42,350,000	11,000,000
5	Tan Phu commune	46,210,000	12,000,000
6	Hoa Khanh Dong commune	44,280,000	11,500,000
7	Hoa Khanh Nam commune	40,430,000	10,500,000
8	Hoa Khanh Tay commune	42,350,000	11,000,000
9	Duc Lap Thuong commune	51,980,000	13,500,000
10	Duc Lap Ha commune	52,940,000	13,750,000
11	Duc Hoa Thuong commune	51,980,000	13,500,000
12	My Hanh Bac commune	51,020,000	13,250,000
13	My Hanh Nam commune	52,940,000	13,750,000
14	Hau Nghia town	54,870,000	14,250,000

Table 15. The Average Income of Affected HHs

No	Commune	The average income of HH	The average income of person
		(VND/HH/year)	(VND/person/year)
(i)	(ii)	(iii)	(iv)
1	An Ninh Dong	23,623,529	4,860,809
2	An Ninh Tay	21,198,374	4,361,217
3	Hiep Hoa	31,905,000	7,455,607
4	Hoa Khanh Dong	41,917,219	8,674,496
5	Hoa Khanh Tay	32,396,384	7,096,977
6	Hoa Khanh Nam	28,615,472	6,165,122
7	Duc Lap Thuong	51,294,393	10,846,838
8	Duc Lap Ha	34,269,232	7,612,647
9	Duc Hoa Thuong	37,400,213	8,285,299
10	My Hanh Bac	54,640,323	10,597,964
11	My Hanh Nam	36,653,398	8,557,508
12	Tan Phu	44,943,920	8,855,287
13	Tan My	41,352,381	9,186,178
14	Hau Nghia Town	47,566,176	10,074,780
Average		38,348,446	8,410,950

Poverty and Gender

Resettlement Plan for Duc Hoa Irrigation Area

30. Almost all households the main occupation of households is farming so incomes are relatively low. The average per capita income of a farming household is about 5,195,000 VND per year. Poverty households are usually those with little or no land, and also those with labor shortages.

Table 16: Poor households in communes of Project in 2009

No	Commune	Provincial standard (HH)	Ratio	Central standard (HH)	Ratio	Total of household	Ratio
1	An Ninh Dong commune	280	10.94	134	5.25	414	16.19
2	An Ninh Tay commune	126	6.14	20	0.97	146	7.11
3	Tan My commune	247	9.74	51	2.01	298	11.75
4	Hiep Hoa commune	69	2.89	8	0.33	77	3.22
5	Tan Phu commune	78	3.26	33	1.38	111	4.64
6	Hoa Khanh Dong commune	154	7.7	19	0.97	173	8.67
7	Hoa Khanh Nam commune	50	1.93	8	0.32	58	2.25
8	Hoa Khanh Tay commune	72	2.66	18	0.49	90	3.15
9	Duc Lap Thuong commune	89	3.03	36	1.23	125	4.26
10	Duc Lap Ha commune	50	1.89	46	1.74	96	3.63
11	Duc Hoa Thuong commune	71	2.31	9	0.29	80	2.6
12	My Hanh Bac commune	16	0.58	5	0.18	21	0.76
13	My Hanh Nam commune	22	0.6	23	0.63	45	1.23
14	Hau Nghia town	110	2.82	29	0.74	139	3.56

31. Long An province is implementing poverty reduction programs as per Decision 20/2007/QĐ-TTg 5th February, 2007, of the Prime Minister's Office. These programs include:

- i) Incomes of poor households to increase by 1.45 times, in comparison with 2005
- (ii) Support for infrastructure development in poor communes, communal areas and remote areas
- (iii) 100% poverty standard household of the province are eligible for preferential bank loans from social policy banks to business
- (iv) Provide 100% health insurance cards to the certified poor people and support for near poor households to buy health insurance since 2009
- (v) Reduction and exemption of tuition fees for poor students at all levels and trainees
- (vi) Training and capacity building for officials at all levels working on poverty reduction
- (vii) Provide training on agriculture - forestry and fisheries, training and support creation job
- (viii) Building houses for poor households
- (ix) Commune officials specifically focused on poverty alleviation work

Table 17: Results of poverty reduction of Long An province in period 2006 - 2010

No	Targets / tasks	Unit	Result of period 2001-2005	Implementation of the year in the period 2006-2010					Results period 2006-2010
				2006	2007	2008	2009	2010	
	Poverty Reduction								
1	Total households	HH	323,015	329,741	336,867	344,526	361,736	365,000	365,000
	The number of poor by central standard	HH	40,202	25,431	21,606	19,106	11,510	6,889	6,889
	- The percentage of poor HH by central standard	%	12.44	8.83	6.70	3.34	3.34	1.91	1.91
	Provincial standards of poor households	HH		-	-	-	36,327	30,411	30,411
	The percentage of poor HH Provincial standard	%		-	-	-	10.50	8.40	8.40

Agricultural Production in Affected Communes

32. Most communes in the project area cultivate rice which accounts for 66.82% of total area in 2009, peanut accounted for 16.38% and maize 8.64%. Remaining areas are planted with sugar cane and other crops such as tobacco, watermelon or grasses for livestock.

Table 18: Agriculture and crop areas

Crops type	Productive area (ha)	Percent (%)
Productive area in 2009	40,790	100.00
Rice	27,257	66.82
Peanut	6682	16.38
Corn cob	3,526	8.64
Tobacco	100	0.25
Crops	1,475	3.62
Watermelon	150	0.37
Grassland	290	0.71
Sugar cane	1,310	3.21

33. Farmers report numerous problems with crop pests, depending on weather and seasons. The most widespread problem is brown leaf hoppers. During the 2008-2009 Winter-Spring season, brown leaf hoppers occurred in average density but, in March 2009 leaf hoppers appeared with the density of 3000-5000 hopper/m² on 555 hectares. In the summer – Autumn brown leaf hoppers appear with low density causing no significant damage. Other problems such as leaf roller, stem borers, leaf folder, yellow leaf, rice blast disease occur everywhere with low-level damage.

Livestock

34. In affected communes the total number of buffaloes are 5,368, cattle 51,468, dairy cattle 3,430, pigs 30,216, and poultry number 450,575.

Marketing arrangements

35. Farmers deal in a free market environment. The main agricultural products are collected by traders, and smaller scale production or remaining products are sold in local markets. The price is decided by the traders and many traders will set the price to exploit the farmers, there are no stable commodity markets for farmers.

Agricultural inputs

36. Most farmers use large amounts of fertilizers, pesticides and herbicides as advised by the direction of the District Agriculture Development Dept. There are many inputs of unknown origin that are sold in the market, without quality guarantees or instructions on usage. These products are available in large quantities from Agri-agencies, local agricultural supplying stores, but there are also some products that are out of date or not subject to quality control that are sold freely in the market.

Need for and use of credit.

37. Credit is essential for farmers however the interest rates are considered high by farmers and due to the absence of a stable market price farmers hesitate to borrow money. Farmers express the need for credit but with preferential interest rates, and remedial policies in cases of crop failure.

Table 19 :Average yields for main crops

Crops type	Productive area (ha)	Productivity average (Ton/ha)	Total Yield (ton)
Total Productive area 2009	39,305		
Rice	27,257	2.89	78,877
Peanut	6682	2.93	19,553
Corn cob	3,526	4.31	15,212
tobacco	100	1.60	160
Crops	1,475	2.03	29,961
Watermelon	150	2.09	3,135
Grassland	290	37	10730
Sugar cane	1,310.5	48.6	63,677

Disposal of agri production

38. In general farmers use 50% to 65% of their total rice output for their own consumption and household use. Consumption of vegetables and fruits ranges from 10% to 50% depending on the type of trees and purposes of cultivation. Those HHs growing on large areas for commercial production will use around 10% - 20%. In regards to home gardens, Hhs will use most of the production.

Indigenous People and Minority Groups

39. According to data obtained from the Commune Peoples Committees and the OSDP survey in June 2010, there are no indigenous peoples resident in the affected communes.

V. Legal Framework

5.1. Asian Development Bank Policy

40. The objectives of the ADB Safeguard 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.

41. The policy indicates important elements in involuntary resettlement are (i) compensation for lost assets and loss of livelihood and income, (ii) assistance in relocation including provision of relocation sites with appropriate facilities and services, and (iii) assistance with rehabilitation so as to achieve at least the same level of well-being with the Project as before. 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 stipulates that those APs who are unable to demonstrate a legalizable or recognizable claim to the land being acquired will be eligible for non-land assets only.

5.2. Vietnamese Acts and Bylaws

42. In recent years, the Government has formulated several rules and regulations to protect the interests of displaced persons. 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;

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- 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.

43. 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 20 below).

5.3. Gaps between ADB's and GoV Policy on Involuntary Resettlement

44. Generally, Decrees 197/2004/ND-CP and the more recent Decree 69/2009/ND-CP meet 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. Table 14 presents the main areas of possible discrepancy.

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Table 20: Discrepancies Between Decree 197/CP, Decree 69/CP and ADB Policy

	197/2004/ND-CP, 69/2009/ND-CP	ADB Policy (SPS 2009)	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% and more 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	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	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

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	197/2004/ND-CP, 69/2009/ND-CP	ADB Policy (SPS 2009)	Project Policy
	upon the market transfer price of such land 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.	for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.	replacement cost at current market value, to be updated 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 69Art 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. Dec69 Art14(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 69Art 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 Art24 – 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	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)

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	197/2004/ND-CP, 69/2009/ND-CP	ADB Policy (SPS 2009)	Project Policy
	constructed house/structure using MoC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure		transitional and restoration costs, v) other applicable payments
Compensation for registered businesses	Articles 26, Decree 197: Only registered businesses are eligible for assistance. Decree 69Art20(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.

5.4. Compensation and Assistance for Loss of Land

45. This is 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, ensures that all APs are able to, at a minimum; restore their incomes, standards of living, and productive capacities to pre-project levels. This is so that they are as well-off as they would have been in the absence of the Project. 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.

46. Compensation at Replacement Cost: Compensation for all types of affected assets, including residential and commercial structures as well as other fixed assets, is paid at replacement cost (including material and labor at current market prices) without any depreciation calculated, or deductions made for salvageable building materials. This ensures 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 has been offered 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. During preparation of this RP the OSDP team has conducted replacement cost surveys and also tracked recent land transactions in affected communes to ensure that compensation prices being applied are current. These will be checked again at the time compensation is to be paid and prices updated.

47. Preliminary cost data was obtained during the initial AP surveys by the DRC and OSDP teams. The data from these surveys is shown at Annex 5 to this RP. Detailed replacement cost surveys will be conducted by DRC in parallel with the Detailed Measurement Surveys as part of updating this draft RP. The following prices have been used in calculating compensation for agricultural and residential land, and these prices vary according to province and location.

Table 21: Long An - Land compensation unit cost for Duc Hoa Irrigation Area

	Type of land	Price of land in accordance with Decision of the province in early 2010 (VND/m ²)	Initial OSDP Survey Price	Expected Value for Compensation at June 2010 – VND/M ²
Long An Province				
Tan My Commune	Agricultural land	45,000	124,000	124,000
	Residential land	350,000	800,000	800,000

Data Source: Based on the transfer contract from the Office of Natural Resources and Environment district and survey data of the survey team OSDP

48. Some land will be acquired on a temporary basis for short term access tracks and where needed, storage areas and campsites, and perhaps some short term borrow pits, although borrow pits that cannot be restored will be acquired permanently. This temporarily acquired land

will be returned to its original owners and compensation paid for any temporary loss of income from standing crops and the land will be returned to its original condition. In regards to productive land permanently acquired, although land for same-use land is preferred by the ADB, this resettlement plan recognizes that under the current project this will be difficult. Due to the proximity to the project province 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.

49. For 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, are 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 rehabilitation assistance under the Social Support Program (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, and priority for project-related job opportunities). *The rehabilitation assistance under the Social Support Program also provided for the households who lost 10% or more of the total productive assets.*

50. None were found during project preparation or when updating the PSA, however this will be confirmed during field surveys by the OSDP team. Households occupying and using land without permission from the commune will be entitled to compensation for crops and trees 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 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 or more family members of working age, depending upon extent of loss, 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.

51. Loss of Residential Land: 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.

52. 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 viable,¹ 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. APs who have no viable remaining land, or who opt for relocation, will have the choice of one of the following options:

(i) **Relocation to a resettlement site**

- (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, and if needed, rental assistance or temporary housing whilst waiting for the new accommodation ; OR,

(ii) **Self relocation**

- (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.

(iii) **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.

During the initial OSDP survey of all AHHs, the following HHs indicated their preferences in regards to relocation and assistance. These figures may well change following additional consultation and also following completion of the DMS.

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.

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Table 22: AHH preferences

No		Opinions of APs		
	Commune	Land for land (HH)	cash compensation (HH)	new vocation job (HH)
1	An Ninh Dong	0	34	0
2	An Ninh Tay		121	4
3	Hiep Hoa	0	171	13
4	Hoa Khanh Dong	0	337	10
5	Hoa Khanh Tay	0	111	204
6	Hoa Khanh Nam	1	98	56
7	Duc Lap Thuong	0	157	0
8	Duc Lap Ha	0	93	199
9	Duc Hoa Thuong		374	2
10	My Hanh Bac		122	0
11	My Hanh Nam	4	130	1
12	Tan Phu	4	220	4
13	Tan My	3	291	27
14	Hau Nghia Town	0	165	6
		15	2,500	533

5.5. Compensation and Assistance for Structures

53. The Provincial Department of Construction has responsibility for pricing houses and other structures. The process of pricing is based on the construction standards of Viet Nam and the market prices of construction materials and labor in the localities of the province. The prices of properties are issued every year and adjusted if there is some change in the free market. These prices will be reviewed again when finalizing the RP and at the time compensation is paid. Tables 20 to 23 below show the compensation rates for structures used in preparation of this RP.

54. 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.

55. 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.

5.6. Compensation and Assistance for Loss of Standing Crops and Trees

56. Prices of trees and crops are valued and issued annually, the Long An DoF has responsibility for valuation and consultation with PPC to provide an official issuance for plants and crops, based on free market prices. 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. Tables 20 to 23 below indicate the compensation rates adopted for this RP.

5.7. Compensation and Assistance for Affected Business Activities

57. 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.

58. 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.

5.8. Temporary Impact During Construction

59. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging 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.

5.9. Secondary APs

60. 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.

5.10. Allowances during the Transition Period

61. APs are entitled to a range of special allowances, in accordance with Decree 69/2009, in order that the relocation and transition, and the restoration of the APs livelihood may proceed as

rapidly as possible. Some of the allowances are contingent upon severity and extent of loss. More detail on the allowances is provided in the Entitlement Matrix at Annex 1 of this RP:

- **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.
- **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.

5.11. Income Restoration and the Social Support Program

62. Compensation alone is not sufficient to meet the objective of this draft RP 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.

63. **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.

64. **Significantly Affected APs.** APs who must relocate and/or 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 rehabilitation assistance, as well as the income restoration designed within the framework of OSDP social support programs of the Project as detailed below under Support for Vulnerable Groups. *The households who lost 10% or more of their productive assets are also entitled to rehabilitation assistance within the framework of OSDP.*

5.12. Social Support for Vulnerable Groups

65. 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 of the project.

- (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 20% 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.

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- (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.

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Project Entitlement Matrix

Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
<p><u>Marginal* Loss of Productive Land (Agriculture/Aquaculture/Garden)</u></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><u>Severe* Loss of Productive Land (Agriculture/Aquaculture/Garden)</u></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 	<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</p>

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Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
		<p>not relocating</p> <ul style="list-style-type: none"> 30 kg of rice per person per month for 12 months if relocating <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>than 20% of their productive land and who are determined to depend heavily on agricultural production and the remaining land will no longer be 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-</p>

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Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
			aged persons.
	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 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.	<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>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.</p>	<p>As per Article 23, Decree 69/2009. It refers to "other assistance".</p> <p>The PPC will make the decision based on actual condition.</p>
Loss of "Land Use" from State-Owned Land for Production Purposes	Registered economic organization, households, individuals allocated state-owned land by the state	<p>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</p> <p>Bonus Allowance if land is handed over in time</p>	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	<p>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.</p> <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,</p>	

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Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
		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 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: ➤ 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	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.

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Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
		<p>plot at the resettlement site and based on the DPs' preference).</p> <ul style="list-style-type: none"> ➤ 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. <p>Bonus Allowance if land is handed over in time</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 or 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>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 or special arrangements will be decided by the PPC during RP updating before RP implementation.</p> <p>The actual amount of cash assistance will be decided by the PPC during RP updating</p>
<p>Loss of Garden/Pond Land that cannot be Certified/Recognized as Residential Land</p>	<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</p>

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Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
			RP updating.
Partial* Impacts on Houses or House-Cum-Shops *Unaffected portion of the house is still viable or can be continuously used and will not require any relocation, only repair works.	Owners with or without acceptable proof of ownership over the land; with or without building permit.	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.	
Total* Impacts on Houses or House-Cum-Shops * 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.	Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit	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. Cash payment for connection fees for water, electricity and telephone at the new site (relocation site or site that DP prefer)	
Partial* 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 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.	
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	

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Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
	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	<ul style="list-style-type: none"> 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. 	<p>The actual amount per type of assistance will be determined during RP updating to reflect actual conditions.</p> <p>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.</p> <p>Between 300,000 VND to 900,000 VND per household per month.</p> <p>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).</p>
	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.
Higher Risks of Impoverishment/Hardship Due to Loss of Resource Base	Affected poor and vulnerable households	Allowances for households as per government regulation (social policy households, heroic mothers, wounded, dead soldiers)	The allowance is between 2 million VND to 10 million VND depending on the loss of each household.

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Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
		Additional support for vulnerable households to assist them in rebuilding their house or restoring/improving their livelihood	The actual amount and period of assistance will be determined during RP updating to reflect actual needs of each vulnerable household.
	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>	

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Impact/ Loss and Application(*)	Eligible Persons	Entitlements	Implementation Issues
Temporary Impacts During Construction	<p>Affected Land:</p> <ul style="list-style-type: none"> (i) Owners with LURC; (ii) Owners in the process of acquiring LURC; (iii) Owners Eligible to acquire LURC; <p>Affected Non-Land Assets: Owners regardless of tenure status</p>	<p>For the portion to be used temporarily during 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.</p> <p>For non affected assets, payment will be based on replacement cost as indicated above.</p>	

VI. Information Disclosure, Consultation and Participation

6.1. Information Disclosure

66. According to the ADB Safeguard Policy Statement (SPS) to apply to projects approved after 20 January 2010, the following documents will be submitted to the ADB for Disclosure on the ADB website:

1. The Resettlement Framework - which was submitted to the ADB before project appraisal
2. Final RP endorsed by Client after the DMS (Census of APs) has been submitted
3. Updated RP following any changes from the DMS or other changes introduced (if any)
4. Resettlement monitoring reports

67. 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.

68. According to the ADB's SPS, meaningful consultation pays special attention to needs of disadvantaged and vulnerable group and especially those below the poverty line, and:

- Begins early in the project preparation stage and is carried out throughout the project cycle
- Provides timely disclosure of relevant and adequate information that is understandable and accessible to APs
- Consultation is undertaken free of intimidation or coercion
- Is gender inclusive and responsive, and tailored to needs of disadvantaged and vulnerable groups
- 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.

69. 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 are included in the planning and decision-making processes. PPMBs of Provinces with the support from OSDP team 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.

6.2. Consultations during Implementation

70. The preparation and implementation of this RP is being carried out with the full participation of, and in consultation with, the affected households and their representatives. Interviews with APs have been conducted in order to collect data on (i) vulnerable groups which may be adversely affected by the Project, (ii) identify resettlement preferences of affected families, (iii) identify measures to reduce impacts, and (iv) ensure adequacy of compensation prices issued by the provinces. Further public consultations will be carried out before and following the DMS and also during implementation with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning, and design of resettlement sites. Relocating APs will be taken to visit the resettlement site and their agreement obtained prior to further action being taken

71. Following the census of affected persons, the final resettlement plan, as endorsed by the GoV, will be further disseminated to the affected communities and posted on the ADB website. Any updates or revisions to the final resettlement plan will be further disseminated to affected communities and again, posted on the ADB website.

72. The Provincial Project Management Boards (PPMBs) have directed 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. These public meetings began prior to the commencement of initial socio-economic surveys and are ongoing.

73. These public meetings were held 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.

74. Information about the following items was given to all APs in the form of a Project Information Booklet (PIB, See Annex 4), 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 Irrigation System 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.

75. 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.

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.

- Deliver leaflets and project announcements to the APs.

6.3. Grievance Redress Mechanisms

76. 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 has been established and informed to APs. 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.

77. Complaints will pass through 3 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.

VII. Resettlement Budget and Financing Plan

78. Compensation and assistance, including compensation for acquired land acquisition, plants and crops on land paid to APs are fully funded by the Vietnam's Government (MARD), and all funds will be transferred to the provincial treasuries. After obtaining approval from the PPCs, the District DRCs will request cash through the PPMBs from the Treasury to pay APs. Total amount for compensation for Duc Hoa Irrigation System amounts to 606,734,085,310 VND as follows:

Table 23: Total Costs

Total for Duc Hoa Irrigation Area	606,734,085,310	VND
Agriculture land	522,037,445,600	VND
Residential land	23,580,013,600	VND
Other land	2,796,200,000	VND
Houses and shops	4,383,856,400	VND
Structures	849,464,000	VND
Crops	4,236,029,710	VND
Trees	8,123,802,500	VND
Allowances	21,795,620,000	VND
OSDP costs	6,000,000,000	VND
Implementation	12,931,653,500	VND

79. As per Decree 197 and Decree 69 and the Ministry of Finance's regulations, costs of management and resettlement implementation are equal to 2% of the total compensation amount. In the case of Duc Hoa Irrigation System these costs amount to 12,931,653,500 VND.

80. In addition to provincial decisions based upon GoV decrees, and guided by Decree 69/2009, the issuance of the Project compensation price is based on:

- (i) Investigating historic land prices prior to Project implementation, as shown in current contracts of transferring land use right registered in each of the localities and interviews with local people about historic land prices (refer Annex 7), and,
- (ii) Recording opinions of APs at public meetings on historic prices of land and properties.

81. Normally, there is some delay, usually approximately 4 to 6 months, from the time of PPC's issuance of compensation price to the time of PPC's approval of the plan of compensation payment. During that delay, the market price could change. In such case, the Vietnam's Government allows to have an adjustment based on the principles as follows: In case at the time of issuing the decision for land acquisition, if that price is not close to the current price of land use right transferring dealing in the free market in a normal condition, the PPC will decide whether or not the land price is appropriate and reasonable as compared to the actual market price.

82. Procedure for compensation price adjustment is as follows: the DRC, with support from the OSDP, conducts a survey on prices of land use right transferring and those of construction materials on free market, at the time of land acquisition. Afterwards, based on survey results,

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DRC submits to PPC a proposal on compensation price adjustments, in order to derive a compensation price close to the market price at the time of acquiring land.

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Table 20: Other Compensation rates – Long An

No	Type	Unit	Unit price
I	Houses		
1	permanent house	m2	1,212,000
2	semi-permanent house	m2	953,000
3	Temporary house type 1	m2	210,000
4	Factory	m2	210,000
	Total house		
II	Structures		
1	Water tanks for activities	m3	400,000
2	Cement ground	m2	40,000
3	Bathroom with cement ground	m2	500,000
4	Bamboo bathroom, lined background	m2	200,000
5	Toilet, no warrant bowl	m2	500,000
6	Main electricity meter	No	1,500,000
7	Building Breeding facilities	m2	300,000
8	Drill wells	No	2,000,000
9	Graves	No	8,000,000
	Total structures		
III	Trees		
1	Rubber	No	200,000
2	Cashew	No	250,000
3	Coffee	No	250,000
4	Fruit tree group 1	No	300,000
5	Fruit tree group 2	No	225,000
6	Fruit tree group 3	No	225,000
7	Fruit tree group 4	No	125,000
8	Fruit tree group 5	No	40,000
9	Bamboo	No	20,000
10	Eucalyptus	No	100,000
11	Tuberose	No	20,000
12	Decorate tree	m2	2,500
13	other tree	No	30,000
	Total trees		
IV	Crops		
1	Rice	m2	1,000
2	Sugar cane	m2	2,000
3	Bean	m2	2,000
4	Casavar, corn, potato, ...	m2	800
5	vegetables	m2	2,500
	Total crops		

VIII. Institutional Arrangements

83. As permitted under Decree 197/2004/ND-CP, MARD and ICMB9 will assign the Long An Provincial Peoples' Committee (PPC) to be the project holder responsible of the implementation of resettlement activities for Long An province, with the participation and support of their respective Provincial Steering Committees and concerned provincial departments and the District Peoples' Committees of Duc Hoa district (Long An Province). Further support and implementation responsibilities are also delegated to the Commune Peoples' Committee(s) in each affected commune. The main project implementation agency is ICMB9 of HCMC. It is proposed to retain the roles and responsibilities and institutional arrangements for implementation established under Phase 1 for the second phase, as both institutions and personnel have gained familiarity with these arrangements and these have performed satisfactorily.

8.1. Management Agencies and Responsibilities

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

84. 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.

85. 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;

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- 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 (PPC)

86. The Long An PPC is the principal authorities at the Provincial level and act as the Project Holder(s) of the resettlement component of this Package. The PPCs is 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)

87. The District-level People's Committees of the Duc Hoa district has 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.

8.2. Implementation Agencies and Responsibilities

Long An PPMB

88. The PPMB is 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.
- Co-ordinate with DRC 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,

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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 (as described in Section 5 of this RP);
- 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 District Compensation, Support and Resettlement Committees (DRCs)

89. Duc Hoa 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.

90. 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

IX. Implementation Schedule

91. **Approval of the Framework.** ADB and the Government of Viet Nam shall both approve the subproject draft Resettlement Plan. Approval is expected late August 2010.

92. **Information Dissemination Prior to Detailed Design.** Prior to the commencement of detailed design, PPMBs will coordinate with DRCs 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.

93. **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.

94. **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.

95. **Training for Resettlement Staff.** All local resettlement staff at PPMB, PRC, DRC, and CRC levels will be trained by the ICMB9 assisted by the implementation main consultants and assisted by the OSDP consultants. Training subjects will include

- (i) participatory methodologies
- (ii) procedures for preparing, updating and finalizing the RPs;
- (iii) consultation and information dissemination methods;
- (iv) principles, policies, and entitlements of the RPs;
- (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.

96. **Updating and Issuance of Replacement Cost Unit Rates.** During the preliminary detailed design process, the PPC 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.

97. **Detailed Measurement Survey (DMS) and Census Survey.** A DMS will be conducted after completion of the detailed design in order to finalize this draft RP. The new the DMS and the Entitlement Matrix serves as the basis for calculating the compensation package. All data will be computerized by ICMB9 and the PPMB.

98. **Information Dissemination and Consultation.** This is an ongoing activity that will be implemented as described already in this RP.

99. **Approval of the Subproject RPs.** Each subproject RP will be reviewed approved by ADB before commencement of any resettlement activities for that component.

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100. **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.
101. **Compensation and allowances.** This will be handled at commune level under the supervision of representatives of PRC, DRC, PPMB, and PMU. Guidance will be given by the PPMB to aid local resettlement committees in making payments to APs.
102. **Relocation of APs.** DRC and CRC 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.
103. **Secondary APs.** Secondary APs will be affected mainly by the location of camp sites, storage yards, access tracks and relocation sites, if required. Once these locations are known, surveys to identify secondary APs could start.
104. **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.
105. **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.
106. **Monitoring and Reporting.** 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. 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. 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.

X. Monitoring and Evaluation

10.1. Internal Monitoring

107. 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.
108. **Monitoring Indicators.** 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. 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.
109. 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.
110. 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 3 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.

10.1. External Monitoring

111. 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.

112. ICMB9 will retain the services of an external entity or institute as the experienced qualified external monitoring organization (MO) to undertake objective monitoring and evaluation of RP implementation of PHWRP.

113. 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.

114. The methodology for conducting monitoring and evaluation of the RP implementation includes the following activities, which will commence upon approval of this updated RP:

a) Sample Survey

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.

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.

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A post-resettlement evaluation will be carried out 6 to 12 months after completion of all resettlement activities.

b) Participatory Evaluations and Appraisals

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.

c) Database Storage

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

d) Reporting

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. 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.

e) Monitoring Report Follow-Up

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.

f) Evaluation

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

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resettlement activities, using the same survey questionnaire and sample as used during
the monitoring activities.

Annexes

Annex 1: Time based Implementation Schedule of RP for Duc Hoa Irrigation Area

Annex 2: Estimated costs for compensation Duc Hoa Irrigation Area

Annex 3: Project Information Booklet (PIB)

Annex 4: Provincial land Prices

Annex 5: Names of Vulnerable Household Heads

Annex 6: List of APs and Estimated Compensation Entitlements

Annex 1: RP 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							■	■	■	■	■	■	■	■	■	■	■																				
Completion and Approval of Detailed Designs													■	■	■	■	■	■	■																		
Inventory																■	■	■	■	■	■	■	■	■	■												
Pricing																■	■	■	■	■	■	■	■	■	■	■											
Updating RP																		■	■	■	■	■	■	■	■	■											
Compensation																							■	■	■	■	■	■	■								
Resettlement																							■	■	■	■	■	■	■								
Social Support																			■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Monitoring																		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

Annex 2: Draft RP Budget

Estimated Total Resettlement Costs - Phase 2				Duc Hoa Irrigation Area							
Item	Quantities				Base Costs			Totals plus Contingencies 10% (000's)			
	Unit	Years		Totals	Unit cost VND	Years		Totals	Years		Totals
		2011	2012			2011	2012		2011	2012	2011
Investment costs											
a. Land											
A. Agricultural land	m2	3,827,254		3,827,254	124,000	474,579,496,000		474,579,496,000	522,037,445,600		522,037,445,600
B. Residential land	m2	172,874		172,874	124,000	21,436,376,000		21,436,376,000	23,580,013,600		23,580,013,600
C. Pond land	m2	20,500		20,500	124,000	2,542,000,000		2,542,000,000	2,796,200,000		2,796,200,000
Sub Total Land		4,020,628		4,020,628		498,557,872,000	0	498,557,872,000	548,413,659,200	0	548,413,659,200
Agricultural land	M2										
Housing											
permanent housing	m2	2,905		2,905	1,212,000	3,520,860,000		3,520,860,000	3,872,946,000		3,872,946,000
Semi -permanent house	m2	98		98	953,000	93,394,000		93,394,000	102,733,400		102,733,400
Temporary houses type 1	m2	1,416		1,416	210,000	297,360,000		297,360,000	327,096,000		327,096,000
Factory	m2	351		351	210,000	73,710,000		73,710,000	81,081,000		81,081,000
Sub Total House / Shops		4,770		4,770		3,985,324,000		3,985,324,000	4,383,856,400		4,383,856,400
Works											
Water Tanks for activities	m3	59		59	400,000	23,600,000		23,600,000	25,960,000		25,960,000
Cement ground	m2	531		531	40,000	21,240,000		21,240,000	23,364,000		23,364,000
Bathroom with cement ground	m2	90		90	500,000	45,000,000		45,000,000	49,500,000		49,500,000
Bamboo bathroom, lined backg	m2	30		30	200,000	6,000,000		6,000,000	6,600,000		6,600,000
Toilet, no warrant bowl	m2	83		83	500,000	41,500,000		41,500,000	45,650,000		45,650,000
Main electricity meter	No	15		15	1,600,000	24,000,000		24,000,000	26,400,000		26,400,000
Building Breeding facilities	m2	923		923	300,000	276,900,000		276,900,000	304,590,000		304,590,000
Drill wells	m	51		51	2,000,000	102,000,000		102,000,000	112,200,000		112,200,000
Graves	No	29		29	8,000,000	232,000,000		232,000,000	255,200,000		255,200,000
Sub Total Other Structures / Works						772,240,000		772,240,000	849,464,000		849,464,000

Trees										
Rubber	No	13,200	13,200	200,000	2,640,000,000	2,640,000,000	2,904,000,000	2,904,000,000		
Cashew	No	5,076	5,076	250,000	1,269,000,000	1,269,000,000	1,395,900,000	1,395,900,000		
Coffee	No	360	360	250,000	90,000,000	90,000,000	99,000,000	99,000,000		
Fruit trees group 1	No	3,154	3,154	300,000	946,200,000	946,200,000	1,040,820,000	1,040,820,000		
Fruit trees group 2	No	1,355	1,355	225,000	304,875,000	304,875,000	335,362,500	335,362,500		
Fruit trees group 3	No	1,848	1,848	225,000	415,800,000	415,800,000	457,380,000	457,380,000		
Fruit trees group 4	No	62	62	125,000	7,750,000	7,750,000	8,525,000	8,525,000		
Fruit trees group 5	No	382	382	40,000	15,280,000	15,280,000	16,808,000	16,808,000		
Bamboo	No	40,794	40,794	20,000	815,880,000	815,880,000	897,468,000	897,468,000		
Eucalyptus	No	2,627	2,627	100,000	262,700,000	262,700,000	288,970,000	288,970,000		
Apricot tree	No	7,502	7,502	20,000	150,040,000	150,040,000	165,044,000	165,044,000		
other trees	No	9,355	9,355	50,000	467,750,000	467,750,000	514,525,000	514,525,000		
Sub Total Trees		85,715	85,715		7,385,275,000	7,385,275,000	8,123,802,500	8,123,802,500		
Crop										0
rice	m2	3,100,512	3,100,512	1,000	3,100,512,000	3,100,512,000	3,410,563,200	3,410,563,200		
sugar cane	m2	267,107	267,107	2,000	534,214,000	534,214,000	587,635,400	587,635,400		
bean	m2	41,950	41,950	2,000	83,900,000	83,900,000	92,290,000	92,290,000		
Carsava, corn, vegetable....	m2	29,847	29,847	800	23,877,600	23,877,600	26,265,360	26,265,360		
vegetables...	m2	43,373	43,373	2,500	108,432,500	108,432,500	119,275,750	119,275,750		
Sub Total Crops		3,482,789	3,482,789		3,850,936,100	3,850,936,100	4,236,029,710	4,236,029,710		
J. Social support in which:										0
a. Relocation support	HH	36	36	10,000,000	360,000,000	360,000,000	396,000,000	396,000,000		
b. Rental Support	HH	36	36	8,100,000	291,600,000	291,600,000	320,760,000	320,760,000		
c. Support stable life and stable production	person	3,616	3,616	3,600,000	13,017,600,000	13,017,600,000	14,319,360,000	14,319,360,000		
d. Support to affected businesses	No.	2	2	10,000,000	20,000,000	20,000,000	22,000,000	22,000,000		
e. Support converting career and job creation	population	1189	1,189	5,000,000	5,945,000,000	5,945,000,000	6,539,500,000	6,539,500,000		
f. Policy HHs	HH									0
g. Poor HHs	HH									0
h. Bonus for Relocated on time	HH	36	36	5,000,000	180,000,000	180,000,000	198,000,000	198,000,000		
Sub Total Allowances		4,915	4,915		19,814,200,000	19,814,200,000	21,795,620,000	21,795,620,000		
Estimate management cost and implementation of resettlement is 2% of total compensation costs for Duc Hoa main channel	2%				11,756,048,636	11,756,048,636	12,931,653,500	12,931,653,500		
Cost for the OSDP program (including EMDP if any) to Duc Hoa main channel										6,000,000,000
Costs for independent consultants MO for phase 2 of Phuoc Hoa Water Resources Project										0
Sub Total Implementation Costs										18,931,653,500
Total for DHIA										606,734,085,310

Annex 3: 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 7,670 ha, and (iii) Duc Hoa Irrigation System (DHIS) in Long An Province with a net command area at full development of 27,560 ha. The total net command area at full development will be about 35,230 ha.

Scope of Land Acquisition and Resettlement of the Project

Phase 2 of the Project affects two provinces: Tay Ninh and Long An; and Ho Chi Minh City, concerning 6 districts and approximately 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 affecting up to 218 households, Thai My commune in Cu Chi district of HCM affecting up to 34 households, and Tan My commune of Duc Hoa district of Long An province affecting up to 98 households.

Tan Bien Irrigation System: is a complexity of gravity and pumping irrigation system, located in Tay Ninh province. Of a total area of 7,670 ha some 5,663 ha is gravity fed and the remaining 2,007 ha will be pumped. It is estimated that the acquired land will be area is 136,46 ha for primary, secondary and tertiary canals . 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, and also, 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.

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 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 13 communes and one 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, 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

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 immediately after detailed design is 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

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) receive land or house in resettlement site and 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

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.

The Grievance Procedure adopted by the Project will be in accordance with Decree 69/2009/QĐ-CP; Art 40: Dealing with Grievance on Land Compensation price, Decision on Compensation, Assistance, Resettlement or Decision on Coercion for Land Acquisition.

Clause (1) of the Decree states that grievance is dealt with as per Art 138 of Land Law, Art 63, 64 of Decree 84, and regulations of Dec 136/2006/ND-CP (14/Nov/2006), and the Ordinance on Procedures for Resolving Disputes on Administrative Cases, 1986, amended in 1993 and 2006.

Stage 1 – Within 90 days of the date of the President of the District Peoples' Committee announcing plans regarding land acquisition, the AP may lodge an appeal against the decision to the District Peoples' Committee. The Chairman of the DPC is responsible to review and rule on the decision which will be publicized and advised to the AP.

Stage 2 – Within 45 days of receiving the decision of the DPC, and if the AP is still dissatisfied, the AP may take the matter to the Peoples' Court or lodge an appeal to the Provincial Peoples' Committee. It is the responsibility of the Chairman of the PPC to review and rule on the decision, which will be publicized and advised to the AP.

Stage 3 – If the AP is still not satisfied with the decision of the PPC they may, within 45 days of the date of the PPC Chairman's decision, refer the case to the Peoples' Court for final decision.

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.

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 Director

Information Disclosure

According to the ADB Revised SPS 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 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 Irrigation Area 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 APs³.
- **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

³ Rights and Entitlement to livelihood rehabilitation supports, as well as opportunities for project-related benefit sharing or employment in the framework of OSDP programs.

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.

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.

1. Record of Meetings for Public Dissemination

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:

2a. Consultation Meetings with Affected Households

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:

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

[illegible]

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

Date:

3a. Dates of Other Dissemination Events and Consultations

Poster and Notice Posting on Commune Notice Boards			
Commune	Date	Certified and Witnessed by (Signature)	
		Representative of CPC	Fatherland Front
Leaflet Distribution	Date	Certified and Witnessed by (Signature)	
Location		Representative of CPC	Fatherland Front
Other Announcements and Meetings		Details of Event	Certified by PRC or DRC (Signature)
Location	Date		

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.....

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 4: Provincial land Pricing

Long An province – Duc Hoa District									
1	Assignment Agreement	Trần Văn Tuấn	Chanh hamlet- Tan my commune	22/4/2010	299/perennial land	167,000	50.000.000	45,000	
2		Phạm Văn Sơn	Lap Dien hamlet – Tan My commune	17/3/2010	242/rice land	161,000	39.000.000	45,000	
3		Huỳnh Thị Se	Chanh Hoi hamlet - Tan My commune	29/1/2010	1212/rice	45,000	55.000.000	45,000	
4		Mai Văn Châu	Bau Cong hamlet – Tan My	20-Jun	3500/rice	130,000	455.000.000	45,000	
5		Nguyễn văn Hững	Bau Cong hamlet – Tan My	18-Jun	1000/garden	150,000	150.000.000	45,000	
Average price						124,000		45,000	

Data Source: Based on the transfer contract from the Office of Natural Resources and Environment district

Annex 5: List of Vulnerable HHs

Annex 6: List of Affected Heads of Households and Estimated Compensation