

Resettlement Plan

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VIE: Phuoc Hoa Water Resources Project

Component: Tan Bien Irrigation Area – Five drainage canals in Chau Thanh District, Tay Ninh Province

Prepared by Tay Ninh Province Project Management Board (PPMB)
for the Asian Development bank

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

CURRENCY EQUIVALENTS

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ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	Affected Household(s)
AP	–	Affected Person(s)
BA	–	Borrow Area
BLIS	–	Binh Long Irrigation System
BVI	–	Black & Veatch International
CRC	–	Compensation, Support, and Resettlement Committee
CCRC	–	Commune Compensation, Support, and Resettlement Committee
CLFD	–	Centre of Land Fund Development of the district.
CSM	–	Center of Survey and Mapping
CHLS	–	Center of House and Land Services
DMS	–	Detailed Measurement Survey
DHIA	–	Duc Hoa Irrigation Area
DHIS	–	Duc Hoa Irrigation System
DoF	–	Department of Finance
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
HEC 1	–	Hydraulic Engineering Company No. 1
HH	–	Household(s)
ICMB9	–	Hydraulic Project Investment & Construction Management Board 9
IR/SS	–	Income Restoration and Social Support
EM	–	Ethnic minority
LACS	–	Land Acquisition and Census Survey
LURC	–	Land Use Rights Certificate
MARD	–	Ministry of Agriculture and Rural Development
MO	–	Monitoring Organization
MTR	–	Mid Term Review
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
CPC	–	Commune People's Committee
DPC	–	District People's Committee
PPC	–	Provincial People's Committee
PPMB	–	Provincial Project Management Board
RSS	–	Resettlement and Social Support
RF	–	Resettlement Framework
SPS	–	Safeguard Policy Statement
SAH	–	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
TOR	–	Terms of Reference
VAP(s)	–	Vulnerable Affected Person(s)

GLOSSARY

Affected person (AP)	<ul style="list-style-type: none">- 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)	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- Means any person who has 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 restore 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 area are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact on 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 to other place.
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	<p>This refers to affected households who will (i) lose 20% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 20% or more of their total income sources due to the subproject.</p> <p>-</p>
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 National poverty line (use for 2010-2015), (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

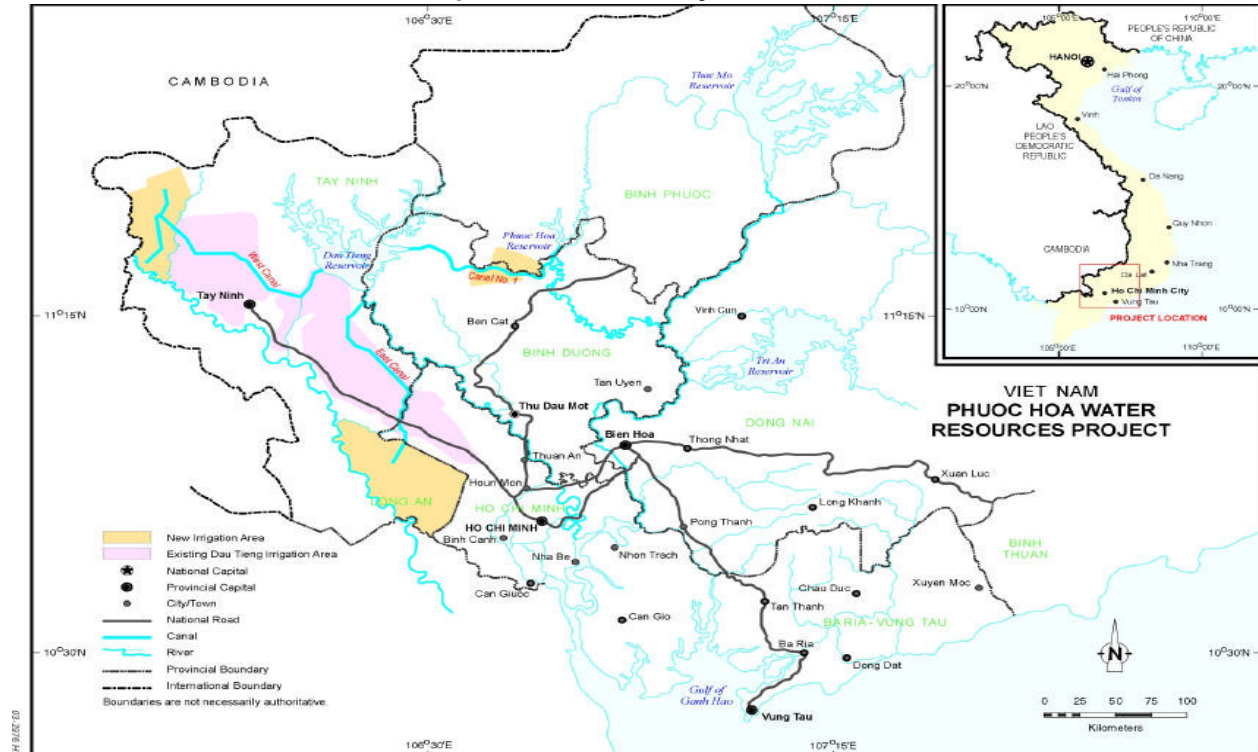
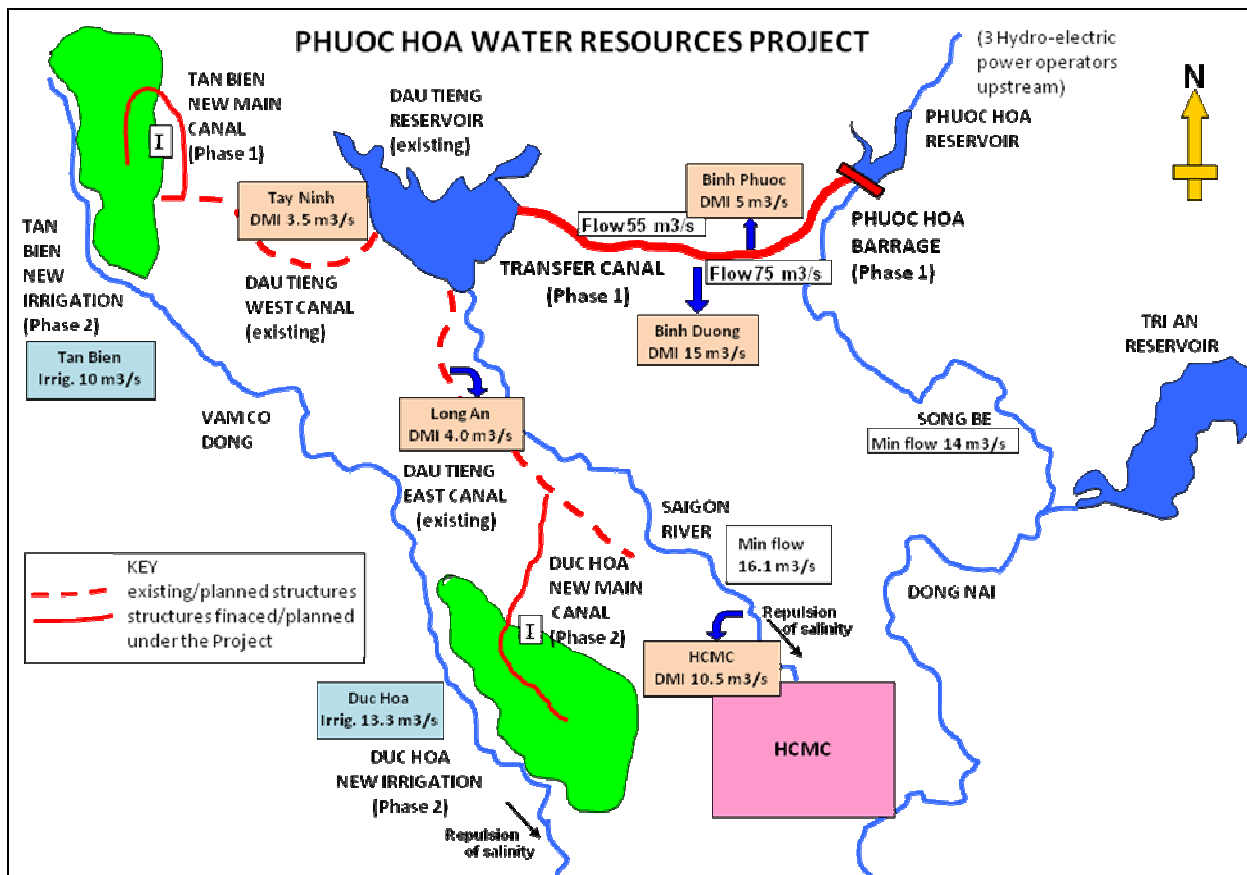


Diagram 1: Phuoc Hoa Project - Phase 1 and Phase 2



Executive Summary

1. The Tan Bien Irrigation System (TBIS) in Tay Ninh province will affect 3 communes of Tan Bien District known as Hoa Hiep, Thanh Tay and Tan Binh and 2 communes of Chau Thanh District known as An Co and Phuoc Vinh. The system will provide water to a command area of total 6,725 ha in which 1,495 ha using pumped water and 5,230 ha of gravity flow. The pumped water belongs to Hoa Hiep, Thanh Tay and Tan Binh communes where as the gravity flow will be in An Co and Phuoc Vinh communes and also a part of Hoa Hiep commune. Estimated calculation shows that the total primary and secondary canals will require a land acquisition of approximately 135 ha. This area is used for growing farm product land (41%) and for one crop annually rice (28%). There are natural forests along the Cambodia border and small amount of barren land. Besides, it is an additional investment of a system of 5 drainage canals in the communes of Phuoc Vinh and An Co of Chau Thanh District for a purpose of sewerage and flood control with in the area.
2. The total land area is acquired of the five drainage canal system sub-project in Chau Thanh district, Tay Ninh Province is 237,068.70 m², of which agricultural land area is 198,852.7 m², aquaculture land area is 1288.8 m² and other public land such as roads and canals without compensation is 36,927.2 m². Overall, there are 142 households (approximately 533 people) to be affected by the sub-project. From the 142 households, there are 17 HHs severely affected (losing more than 20% of their productive land). Compensation will be paid by the sub-project for about 117,434.4 m² of crops and 12,802 trees as well as 3 wells and 179 reinforced concrete sewer pipes. There are some ethnic groups living in An Co and Phuoc Vinh communes but no ethnic minorities people are affected by the project.
3. The *socio-economic surveys with affected households* of Tan Bien Irrigation Area of An Co and Phuoc Vinh Communes were conducted by the provincial OSDP team in Aug 2011 to get information of socio-economic profile, needs and expectations of affected households in TBIA which has included also in territory of the five drainage canals. The Detail Measurement Survey (DMS) of affected households of the five drainage canals was conducted from Aug – Nov 2013 by the Center of Land Fund Development of Chau Thanh district following the document of acceptance of PPMB for the sub-project detailed design of additional drainage canals in Jul 2013.
4. *The Resettlement Framework of Phuoc Hoa Water Resource Project (RF)* was issued in 2010 as an updated version of the initial RF 2003 of the project according to Degree 69/2009/ND-CP of the Vietnamese Government and the Safeguard Policy Statement (SPS) in 2009 of ADB related to compensation, relocation and supports. Compensation and resettlement issues of the sub-project will be implemented according to the regulations mentioned in the RF and this updated RP.
5. *Public consultations.* The Provincial Project Management Board (PPMB) has directed the district Center for Land Fund Development (CLFD), District Resettlement Committees (DRC) with the participation and support of OSDP consultants to conduct public meetings to provide information regarding project activities and the proposed resettlement and compensation arrangements to the affected households. Public consultation meetings with APs of the five drainage canal system sub-project were also held before and during DMS process.
6. *Grievance redress mechanism.* The mechanism has been designed to ensure that AHs' complaints and grievances will be addressed and resolved timely and precisely. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort; of which stage 1 is handed by Commune PC, stage 2 at District PC and stage 3 is responsible by Provincial PC. The Grievance Redress Mechanism was disclosed to APs during public consultations.
7. *Institutional arrangement.* As permitted under Decree 197/2004/ND-CP, MARD has assigned the Tay Ninh Provincial Peoples' Committee (PPC) to be the project owner responsible for the implementation of resettlement activities for the sub-project in Phuoc Vinh and An Co communes. PPMB Tay Ninh is an implementation agency which is responsible for the preparation and implementation of the RP. However the main overall project implementation agency is ICMB9 under MARD.

8. *Monitoring and evaluation.* Implementation of the updated RP will be regularly supervised and monitored by PPMU's internal monitoring with the support of OSDP consultants and implementation consultants. A qualified external monitoring consultant was selected by ICMB9 for conducting independent monitoring on the compliance of the compensation and resettlement implementation with the regulations of this updated RP.
9. *Budget of the RP.* Compensation and assistance for APs are funded by the counterpart fund of Vietnam's Government (MARD) and ODA loans. After obtaining approval of compensation plan by the PPC, the Center for Land Fund Development of Chau Thanh District will withdraw cash from the Provincial Treasury to pay for APs. The total estimated amount of compensation for TBIA in Chau Thanh District is **26,216,476,519 VND** (of about 1.24 million USD); of which, 23,347,843,600 VND is paid for land, assets and allowances and the remaining of 2,850,632,919 VND for implementation cost and contingency. Detailed analysis on compensation costs is provided in Annex 3 of this Updated RP.

I. Project Description

10. The Phuoc Hoa Water Resources Project (PHWRP) is to provide an additional source of water in the Saigon and Vam Co Dong river basins for development of irrigated agriculture and to supplement existing supplies for salinity control and domestic, municipal, and industrial (DMI) use in Ho Chi Minh City (HCMC) and surrounding provinces. It will adopt an integrated development approach to increasing agricultural production by promoting efficient and sustainable management of the water resources.
11. Water resources infrastructure to be developed will include the Phuoc Hoa headworks which 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 6,725 ha, and (ii) Duc Hoa Irrigation System (DHIS) in Long An Province with a net command area at full development of 13,821 ha. A third irrigation area, Binh Long, was dropped at the mid term review during Phase 1. The remaining total combined net irrigation command area at full development will be about 20,546 ha. The project scheme will provide about 17.1 cubic meters per second of water to HCMC and neighboring provinces for DMI use. In addition, another irrigation area in Thai My Commune, Cu Chi District, HCMC is being considered to add to the project with the command area of 900 ha for further project efficiency.
12. The TBIA belonged to Chau Thanh District affects 2 communes and will provide irrigation to a total of 2,863 ha of Chau Thanh District with a natural flow system. Total land area to be acquired for construction of secondary and tertiary canals is about 38.54 ha. A gravity-fed system will provide irrigation water for both Phuoc Vinh and An Co communes of Chau Thanh District. An additional five drainage canals No. 1,2,3, Chot Quyen and Chot Quyen Branch located in Phuoc Vinh and An Co communes will also be implemented for drainage function and preventing flood in the area during rainy season. The total length of drainage system is 10,075 m with 35 works and total required land area of about 23,7 ha.

II. Scope of Land Acquisition and Resettlement

13. Based upon the Detailed Design of the five drainage canal system, the Detailed Measurement Survey (DMS) at the two communes, Chau Thanh district, Tay Ninh province was conducted by the Center for Land Fund of Chau Thanh district. Representatives of affected household were involved in DMS process and signed in DMS forms. Results of DMS are defined as follows:

- *Affected households*: there are 142 households (533 people affected) to be affected by the component. Of these, 17 households are severely affected (by virtue of losing more than 20 percent of agricultural land). There is not any EM household to be affected by the component.
- *Acquired land area*: A total 237,068.7 m² of land will be acquired permanently by the project, of which 198,852.7 m² of agricultural land, 1288.8 m² of aquaculture land area will be compensated and 36,927.2 m² is not compensated due to public land.
- *Affected trees and crops*: about 118,965 m² of crops and 12,802 trees will be lost. Main crops and trees are cassava, rice and rubbers.
- *Affected houses*: none
- *Affected works and structures*: 03 wells and 179 reinforced concrete sewer pipes.

14. The tables below summarize the impacts of land acquisition on local people and their assets.

TBIA of Chau Thanh District	Table 1: Number of affected households							
	Severely affected				Light affected		Total of affected HHs and persons	
	Total of severely affected household s	No.HHs loss their houses and have to move	No. HHs loss their shop	No. HHs loss over 20% agricultural land	No. of light affected HHs	No.of light affecte d person s	No. of HH s	No. of person s
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)
Phuoc Vinh Commun e	8	0	0	8	61	227	69	241
An Co Commun e	9	0	0	9	64	251	73	292
Sub Total	17	0	0	17	125	478	142	533
TBIA of Chau Thanh District	Table 2: Acquired land							
	Residentia l land and non- agricultural	Agricultura l land (m2)	Aquacultur e (m2)	Total land area to be compensate d for (m2)	Total land area without compensatio n (m2)	Total of acquired land (ha)		

	land (m2)					
Phuoc Vinh commune	0	102,851	0	102,851	3823.5	106,674,50
An Co commune	-	96,001.7	1,288.8	97,290.5	33,103.70	130,394.20
Sub Total	0	198,852.7	1,288.8	200,141.50	36,927.2	237,068.70
TBIA of Chau Thanh District	Table 3: Other affected properties					
	Houses and structures (m2)	Shops (m2)	Crops (m2)	Number of trees (unit)	Number of wells (unit)	Numbers of pipes (unit)
Phuoc Vinh Commune	0	0	101,615.0	0	0	0
An Co Commune	0	0	17,350.1	12,802	3	179
Sub Total	0	0	118,965.1	12,802	3	179

Sources: CLFD of Chau Thanh District

In the total affected households of An Co and Phuoc Vinh communes, there are 12 vulnerable households, among of which 5 households are both vulnerable and severely affected households as shown in the table below:

Table 4: Vulnerable and Severely Affected households

Location	Ethnic minority HH	Poor HH	Female Headed HH	Lonely HH	Social Policy HH	TOTAL
Vulnerable households in Phuoc Vinh and An Co Communes, Chau Thanh District	0	na	5	0	7	12
Households with both Vulnerable and Severely affected	0	0	5	0	0	5

III. Socio Economic Information and Profile

- The approval of the detailed design report on Tan Bien Irrigation Area was given by MARD in 2010, after that the OSDP team of the project carried out preliminary survey for Tan Bien irrigation affected areas in Chau Thanh and Tan Bien districts in Aug 2011, the affected area of the five drainage canal system sub-project of TBIA in Chau Thanh District is also included in the surveyed area.

3.1. Demographic information of affected communes

16. Majority of people of 2 affected communes Phuoc Vinh and An Co of Chau Thanh District of TBIA is Kinh people. There are only two ethnic groups in Phuoc Vinh Commune with total 26 ethnic minority HHs (about 125 people), occupying 0.9% of communal population. The ethnic minority groups are mainly Khmer, only one household is E-de. However, there are no EM HHs affected by the component.

Table 5: Total population of two affected communes

Commune	Number of hamlets	Number of households	Number of people	Average persons/household
Phuoc Vinh	10	3,153	12,612	4.00
An Co	9	2,822	9,877	3.50

Source: data provided by CPC in 2012

Table 6: Population characteristics of affected households of TBIA

Commune	Number of AH/AP	Ethnic (AH/AP)		Average household size	Gender ratio of household heads (%)		Male and female ratio of household members (%)		The average of household heads and members (age)	
		Kinh	Ethnic		Man	Woman	Man	woman	Head	Member
Phuoc Vinh	356 /1438	356 /1438	0	4.04	70.0	30.0	44.3	55.7	48	24
An Co	21/ 82	21 / 82	0	3.9	73.0	27.0	46.6	53.4	50	22

Source: from a survey of OSDP team in August 2011

Table 7: Land use status of two Affected Communes

Commune	Total land (ha)	Area and percentage of residential land (ha)	Area and percentage of agricultural land (ha)		Area and percentage of forestry land (ha)	Area and percentage of aquaculture land (ha)	Area and percentage of other lands (ha)
			Perennial crops	Annual crops			
Phuoc Vinh	7.424	85.19	2,176.61	3,772.21	820	3.99	566
	100.00%	1.15%	29.32%	50.81%	11.05%	0.05%	7.62%
An Co	3.674	97.15	1,299.77	2,075.22	0	21.12	180.74
	100.00%	2.46%	35.57%	56.47%	0.00%	0.57%	4.91%

Source: data from the CPC provided in 2012

3.2. Occupation and Income

17. Most income of affected people by TBIA is derived from agriculture and hired labour in agricultural field. There are numbers of government officials and factory workers in Phuoc Vinh Commune. In addition, some households have secondary income sources from other jobs such as services or small business. Other cottage industries such as brick-kiln or raising poultry are found but only attract small numbers of

employees (Table 8). Where as, of HHs heads there are some hired workers and state or retired officers but majority of people are engaged in agricultural field (Table 9)

Table 8: Main occupations of members of the surveyed affected households of TBIA

Current main occupations	Commune				Total	
	Phuoc Vinh		An Co		Number of HHs	%
	Number of HHs	%	Number of HHs	%		
Agriculture and livestock (% HH)	86	36.0	15	34.9	101	35.8
Commercial services (% HH)	10	4.2			10	3.5
State officials (% HH)	15	6.3			15	5.3
Factories workers	30	12.6	4	9.3	34	12.1
Cottage industries	2	.8			2	.7
Free labor	87	36.4	20	46.5	107	37.9
Others	5	2.1	4	9.3	9	3.2
Retirement, elder people	4	1.6			4	1.4
Total	239	100.0	43	100.0	282	100.0

Source: Data from survey of OSDP team in August 2011

Table 9: Main occupations of the surveyed Household Heads of TBIA

Current main occupations	Commune		Total
	Phuoc Vinh	An Co	
	%	%	%
Agriculture and livestock (% HH)	63.5	69.0	66.25
Commercial services (% HH)	4.0	5.0	4.5
State officials (% HH)	2.5	0	1.25
Factories workers	3.3	0	1.65
Cottage industries	0	0	0
Free labor	9.4	15.5	12.45
Others	5.3	0	2.65
Retirement, elder people	12.0	10.5	11.25
Total	100	100	100

Source: Data from survey of OSDP team in August 2011

18. The income structure of affected households is two-third derived from agriculture and livestock occupations. (Table 10 and 11)

Table 10: Average income of households in the affected communes (2011)

Commune	Average income (2011)	Average income (2011)
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	(VND/household/year)	(VND/person/year)
Phuoc Vinh	81,935,850	20.281.151
An Co	87,686,948	22.483.833

Source: data from the CPC provided in 2012

Table 11: The average income of affected households by TBIA

Commune	Average income (VND/household/year)	Average income (VND/person/year)
Phuoc Vinh	78,210,360	19,359,000
An Co	91,530,192	23,469,280

Source: from a survey of OSDP survey team August 2011

19. It is important to note that this represents cash income only and does not include household consumption of crops and vegetables grown by household themselves. Therefore, losing land of affected households results in losing not only cash income from selling products but moreover they have to spend money for their food consumption of crops and vegetables in the market.
20. **Land ownership:** in the affected communes, most farmers own some small and big land parcels with the average area of garden and farm land up to 1 to 3 ha. There are numbers of households having larger land holdings up to 20 ha or more, especially people who come to buy land for rubber plantation in this area can own a very large area of land.

3.3. Indigenous People and Minority Groups

21. According to data obtained from social survey of OSDP team and confirmed by the Commune Peoples Committees in August 2011, there are only 26 Kh'me households living in the affected communes. No one is affected by the project.

3.4. Living Conditions

22. **Road system and access:** road system of the two affected communes is rather in good condition. Roads between communes and hamlets are not asphalted but are compacted with red gravel, however local people still prefer to have a better road conditions in the irrigation area so that the transportation of materials and farmer products will be more convenient and helps reduce costs.
23. **Electricity:** The related communes have now applied for government support programs in order to assist 100% HHs accessing to the national grid. At present, all the commune in the district have been connected to the national grid. Only people living up in the highland area are so far away to be connected. In these areas some HHs are still using battery.

Table 12: Percentage of HHs being connected to electricity national grid

No	Commune	% HHs connecting to National grid	% HHs without connecting
1	Phuoc Vinh	99,00%	1%
2	An Co	100%	0%

Source: data from the CPC provided in 2012

24. **Domestic water supply:** Most of people in affected communes use water from drilled wells: An Co commune - 98% of households and Phuoc Vinh commune - about 87% of HHs, 13% remaining HHs along Vam Co River still use water from river.

25. **Water for agricultural production:** Most households of the two communes are still using rain water because river water is not enough. A few HHs can use drilled wells for watering plantation in a small scale crops or gardens. Recently, some HHs have drilled wells to get water or pumped water from Vam Co River but the supply is not reliable, and as a result in many cases there is only one rice crop per year. Communities are looking forward to the irrigation scheme being constructed in order to increase cropping for higher income.
26. **Education:** The two communes have pre-schools, primary and junior secondary schools but no high school. In Phuoc Vinh, there are 04 primary schools and 01 secondary school. An Co commune has 03 primary and 01 secondary schools. However, the numbers of kindergarten and preschool are still little in comparison to numbers of children of that age. Due to insufficient of high schools in the locality, the children of these communes have to go to high schools in Tan Bien town rather far from where they live.

Table 13: School age children enrolments

Commune	Rate of pre-school pupils	Rate of Primary school pupils	Rate of Secondary school pupils	Rate of High school pupils
Phuoc Vinh	100%	100%	96,50%	95.00%
An Co	100%	100%	99,60%	96.00%

Source: data from the CPC provided in 2012

27. **Health services:** there are clinics in the 2 communes of Phuoc Vinh and An Co with doctors and nurses to provide health services to the community. Quality of local clinics is relatively good. Currently the clinic of Phuoc Vinh commune is under construction for meeting national standards.

Table 14: Health service facilities

Commune	Numbers of clinic	Numbers of beds	Numbers of doctors	Numbers of nurses
Phuoc Vinh	1	10	1	5
An Co	1	7	1	4

Source: data from the CPC provided in 2012

3.5. Poverty Conditions

28. The provinces are currently implementing the Poverty Reduction Programs according to the Social Protection strategies of the Government of Vietnam in order to achieve the poverty reduction targets announced under the Government's Vietnam Decision 20/2007/QĐ-TT February 5, 2007 of the Prime Minister. These programs have achieved significant success during the implementation 2006 up to the present. The programs and initiatives include:
- Initiatives to reduce the overall poverty rate and support to increase the income of poor households have increased HH incomes by 145% in comparison with 2005.
 - Support to develop infrastructure in poor communes, communal areas and remote areas
 - 100% poverty HHs are granted health insurance cards, when they get ill using this indicator, medical treatment insurance billing for poor households was reduced by 50%.
 - Poor households according to the general standard of the province are eligible for preferential loans of the bank for social policy business.
 - Support for replacing temporary houses with permanent housing
 - Provision of scholarships and loans to poor students
 - Capacity building for officials at all levels focusing on poverty reduction tasks

- Implementing agricultural extension training including fisheries and forestry, and other vocational training for poor households.
 - Besides, implementation of Decree No. 67/2007/ND-CP April 13, 2007 on aid policy objects Social Protection.
29. The Prime Minister has issued a Decision on poverty line for both poor and pro-poor HHs for the period of 2011-2015. According to the decision, poor HHs in rural area are HHs with average income under 400,000 VND/person/month (or 4.8 million VND/person/year). Poor HHs in urban area are HHs with average income under 500,000 VND/person/month (or 6 million VND/person/year). Pre-poor in the rural from 401,000 - 520,000 VND/person/month. Pre-poor in the urban from 501,000 - 650,000 VND/person/month. The poverty line regulated above is served as a basis for the implementation of social policies and other economic policies. This decision has been valid since 1 Jan 2011.
30. Details of progress in the reduction of poverty and of poor households in affected communes are shown below:

Table 15: Situation of poverty reduction in affected communes

Year	Phuoc Vinh Commune		An Co Commune	
	Poor (HH)	Pre-poor (HH)	Poor (HH)	Pre-poor (HH)
2009	114	44	92	60
2010 ¹	121	63	129	82
2011	-	-	134	62
2012	117	53	80	45

Source: Data from CPC provided in 2012

31. The project communes are currently providing the following support programs to poorer and vulnerable households as follows:
- Allocate health insurance cards to poor households.
 - Regular cash support allowances: 200,000 VND/ month/ single elderly, the elderly aged over 85 years old, the disabled and orphans.
 - Regular support of 180,000 VND/ month for seriously disabled person, single people under the poverty line, single women raising children under 16 years of old, households with school age children attending school, vocational training applied to 18 years old, and those with chronic psychiatric diseases and those afflicted with HIV infection.

3.6. Gender issues

32. The results of household survey show that from the 17 vulnerable and severely affected households there are 5 female-headed households. In the vulnerable and severely affected households, most of them have been living in difficult conditions, concentrating in both Phuoc Vinh and An Co communes. These people shall be main beneficiaries of social support programs for affected households within the framework of OSDP program. Special attention to be paid to female affected HHs during project implementation in terms of gender strategies, as follows: (i) special attention to be paid to female headed group during project implementation, (ii) ensure the active participation of women during the resettlement plan implementation and especially design of restoration measures to suit their needs and requirements, (iii) to have consultation to women in making decision of resettlement and improvement their remaining land and

¹ In 2011 comply with the new poverty line of MOLISA

maintaining their family livelihood conditions. Gender action plan will be applied to support women affected of land acquisition and relocation includes: micro credits for home-based business and livestock; providing medical insurance cards; providing schooling grants to children of vulnerable and severely affected households; and agriculture extension programs to support women farmers, etc.

33. Women Union of Tay Ninh at all levels has a major role in poverty alleviation in the locality. Especially, women union has been associated with other social organizations to help poor households to improve their living conditions. As a result, Women Union at all levels is an important stakeholder and local service provider of livelihood restoration for vulnerable households affected of the TBIA sub-project. Women in the area affected by TBIA are mainly participating in agricultural production. In each commune there is a women union unit. In these organizations, women groups play an active role in carrying out various activities on livelihood improvement of women in the rural area.

The local women union groups participate in the following activities and programs:

- Saving and credit group: women use their saving in providing loan to other members.
- They are getting loan from the social Bank for making drilling wells, building community toilets, paying school fee to children and providing loan for production investment.
- Women participate in vocational training such as mushroom growing, rubber tree planting and pig raising.
- Women households to be ranked as poor households according to government standard (by MoLISA) have an additional benefit from the following programs: (i) free medical treatment and medical insurance cards; (ii) monthly allowances for having small children; (iii) receiving gifts on Tet occasions; (iv) being provided with loan for improvement of temporary houses according to Decision No.167 of the Government and (v) vocational trainings.

IV. Information Disclosure, Consultation and Participation

4.1. Information Disclosure

34. Information dissemination, consultation with and participation of all affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of project delay. This also enables the design of project resettlement and rehabilitation program as a comprehensive development program suitable with needs and priorities of the affected people, thereby maximizing the economic and social benefits of the project investments.

4.2 Consultation during project preparation

35. According to the ADB's Safeguard Policy Statement, 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 and 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
36. 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.

37. Information dissemination, consultation and participation of all affected persons of the TBIA were conducted via early meetings with all APs of the TBIA at the two affected communes of Phuoc Vinh and An Co from 2010. The specific objectives of these meetings were as follows: (i) to publicize project information and purpose, (ii) the framework policy of compensation, relocation and support, (iii) to get opinions and expectations of potential affected persons on compensation, resettlement and social support programs for livelihood restoration. During these meetings, the OSDP consultants and the project implementation agencies such as LFDC, DRC and PPMB presented a project information booklet with an overview on project objectives, design, compensation and resettlement policies as well as grievance mechanism issue to affected households. APs have raised their opinions on supporting the project and preferred that it can be soon implemented. The CPCs of two communes have also actively provided cooperation and support during the project implementation.

4.3. Consultations during Implementation

38. In Aug 2013, PPMB Tay Ninh cooperated with Chau Thanh DRC and CPC of the two communes to organize public announcement meetings on the project implementation of the five drainage canals of TBIA in the two communes An Co and Phuoc Vinh to all project APs. The project implementation representatives have presented the project objectives and benefits, investment procedures of a drainage canal system and proposed APs to support the working team during DMS process for pushing up the project early implementation. Households' opinions, comments and expectation were listened and reported during the meetings (Annex 9).
39. In Sep 2013, surveys and interviews with local community representatives and households living with in the project affected area have been carried out by authorities at commune level to collect data on (i) making land price replacement cost surveys in the area to ensure compensation prices are closed to market prices; (ii) list of vulnerable groups to be affected by the project in order to propose additional social supports to those households from the project and local authorities.
40. In Dec 2013, CLFD of Chau Thanh District and CPC of An Co Commune organized public announcement on Draft compensation and support policy to inform each household on their draft compensation price so that can receive feedbacks/ comments from the APs. Participants of the meeting included representatives of CLFD, CPC, Communist Party units, Mass associations and Women unions, PPMB and Affected Households. In the meeting, majority of households have agreed on the proposed compensation rates, 1 opinion on residential land price, 1 opinion on prices of land and house and 1 opinion on DMS data correction (Annex 9). Notice of Draft compensation, relocation and support policy to be posted at CPC office in 20 days, CLFD will recorded all the feedbacks for consideration and inclusion into the final compensation policy.
41. For Phuoc Vinh commune, Draft compensation and resettlement policy has been prepared by CLFD of Chau Thanh district but not having public announcement yet at commune level due to a legal requirement of having official Decision on the investment of two additional canals Chot Quyen and Nhanh Chot branch need should be early issued. It is expected that in Feb 2014 Phuoc Vinh commune will publicize the Draft

compensation and resettlement policy to each household before finalizing and submitting them for final approval.

42. It is planned that from Mar 2014 An Co and Phuoc Vinh communes will also have discussion meetings with affected households on suitable measures of the social support program. Results of the meetings shown that severely and vulnerable households as well as other affected households will voluntarily register to be beneficiaries each particular social support program of the project currently being implemented in the Chau Thanh district for APs of TBIA such as credits for income generation, health insurances, school grants and vocational trainings.
43. Following the census of affected persons, the final Updated RP, as endorsed by the province, 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.
44. 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 DRC.

V. Grievance Redress Mechanisms

45. 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. AP's can utilize their normal civil rights at any stage of the process in term of access to the national legal system. For the project, 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.
46. Grievances related to any aspect of the Project will be handled through negotiation aimed at achieving consensus. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort.

First Stage: Commune People's Committee

47. An aggrieved affected household may bring his/her complaint to 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 30 days (or 45 days for complicated case) following the lodging of the complaint to resolve it (Note: in remote and mountainous areas or complicated case, the complaint should be resolved within 45 or 60 days, respectively). The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
48. Upon issuance of the decision of the CPC, the affected household can make an appeal within 30 days (45 days for mountainous area). If the second decision has been issued and the household is still not satisfied with the decision, the affected household can elevate his/her complaint to the DPC.

Second Stage: District People's Committee

49. Upon receipt of the complaint from the household, the DPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) 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.
50. Upon issuance of the decision of the DPC, the affected household can make an appeal within 30 days. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the PPC.

Third Stage: Provincial People's Committee

51. Upon receipt of the complaint from the affected household, the PPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping file of all complaints
52. Upon issuance of the decision of the PPC, the affected household can make an appeal within 30 days if disagree. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the court within 45 days.

Final Stage, the Court of Law Arbitrates

53. Should the complainant file his/her case to the court and the court rules in favor of the complainant, then PMU will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, then the complainant will receive compensation approved by PPC.
54. The affected people will be provided with support and assistance by locally based organizations, in case they have limited capacity or in case they have questions or complaints.
55. If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Operations Department, i.e., Transport and Communications Division, Southeast Asia Department (SERD) or through ADB Viet Nam Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator (OSPF) as outlined in the "Information Guide to the Consultation Phase of the ADB Accountability Mechanism"
56. To assure that the mechanism described above is pragmatic and acceptable to APs, consultation with local authorities and affected communities about this mechanism is needed, particularly consultation with vulnerable groups.

VI. Legal Framework

6.1. Asian Development Bank Policy

57. The objectives of the ADB Involuntary Resettlement 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.
58. 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 allowance and compensation for non-land assets affected. 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 compensation only.

6.2. Vietnamese Acts and By Laws

59. 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:

- (i) Land law No. 13 passed by the National Assembly on 26 November 2003.
- (ii) Decree 181/2004/ND-CP of the Government, dated 29 October 2004, on executing Land law.
- (iii) Decree 197/2004/ND-CP of the Government, dated 03 December 2004, on compensation, assistance and resettlement when the State acquires the land. This is arguably the key piece of legislation which replaces Decree 22/CP dated 24 April 1998 which previously provided the primary basis for compensation and resettlement activities.
- (iv) Decree 198/2004/ND-CP of the Government, dated 03 December 2004, on charging fees on land use.
- (v) Decree 188/2004/ND-CP of the Government, dated 16 November 2004, on methods to identify tariffs and the tariff frames for different types of land.
- (vi) Decree 17/2006/ND-CP, dated 27 January 2006, relating to amendment and additions to Decrees 181/2004/ND-CP and 197/2004/ND-CP above.
- (vii) Decree 84/2007/ND-CP, on 25th May 2007 on supplementary regulations on granting land use certificate, orders and procedures for compensation, assistance and resettlement when the State acquires land and settling complaints on land.
- (viii) Circular 06/2007/TT-BTNMT, dated 15 June 2007, of the Ministry of Natural Resources and Environment guidelines to executing Decree 84 of the Government.
- (ix) Decree 123/2007/ND-CP, dated 27 July 2007, relating to amendment and additions to Decree 188/2004/ND-CP above.
- (x) Circular 145/2007/TT-BTC, dated 6 December 2007, of the Ministry of Finance guidelines to executing Decree 123/2007/ND-CP of the Government above and

replacing Circular 144/2004/TT-BTC, dated 26 November 2004, of the Ministry of Finance providing guidelines to executing Decree 188 above.

- (xi) Decree 69/2009/ND-CP, dated 13 August 2009, regulating additional planning of land use, land prices, land acquisition, compensation, assistance and resettlement.
- (xii) Circular 14/2009/TT-TNMT, dated 16 November 2009, of the Ministry of Natural Resources and Environment providing guidelines on executing Decree 69/2009/ND-CP of the Government and replacing Circular 116/2004/TT-BTC, of the Ministry of Finance guiding on executing Decree 197/2004 of the Government.
- (xiii) Ordinance 34/2007/PL-UBTVQH11 of the National Assembly, dated 20 April 2007 on implementation of democracy in communes, wards, and townships, regulating issues for public announcement, which including public announcement of “investment projects and works and priority, implementation progress, compensation plans, assistance for land clearance and resettlement relating to project and works in communes”.
- (xiv) Decree No: 11/2010/NĐ-CP dated 24 February 2010 of the Government on traffic infrastructure management and protection;
- (xv) Decree No: 42/2012/NĐ-CP dated 11 May 2012 of the Government on management of paddy land use;
- (xvi) Complaint Law No. 02/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Vietnam;
- (xvii) Denunciation Law No. 03/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Vietnam;
- (xviii) Decree No. 75/2012/ND-CP dated 03 October 2012 of Government on detailed regulations of Complaint Law;
- (xix) Decree No. 76/2012/ND-CP dated 03 October 2012 on detailed regulations for executing some articles of the Denunciation Law;
- (xx) Decree No. 38/2013/NĐ-CP, replacing Decree 131, on management and utilization of the official development assistance (ODA) and concessional loans from donors.
- (xxi) Resettlement Framework (RF) of the Phuoc Hoa Project dated 2003.
- (xxii) 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, Binh Phuoc, Tay Ninh, Long An and HCM project sites;
- (xxiii) 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;
- (xxiv) 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.
- (xxv) Decision 3338/QĐ-BNN-TCCB dated 6 November 2006 by MARD assigning roles and responsibility for Management and Implementation of the Phuoc Hoa Project.

- (xxvi) Decision 3798/QD-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;
- (xxvii) Decision 44/2010/QD-UBND dated August 19, 2010 "certain provisions of compensation policy, support and resettlement in Tay Ninh province".
- (xxviii) Decision 3184/QD/BNN-XD issued 21 Dec 2012 of MARD on approving project ammenment of Phuoc Hoa Warter Resource project of Binh Duong, Binh Phuoc (2nd time)
- (xxix) Letter of announcement No. 66 dated 23 Aug 2013 of Chau Thanh district PC on land acquisition of drainage canals No. 1,2,3 and Chot Quyen – Tan Bien Irrigation Area of Phuoc Hoa project (phase 2).
- (xxx) Decision 34/2013/QD-UBND dated August 13, 2012 "Issuing regulations on compensation and support rates for crops and trees in Tay Ninh province"
- (xxxi) Decision 61/2012/QD-UBND December 20, 2012 "Issuing regulations on land prices to be applied in 2013 in Tay Ninh province".
- (xxxii) Decision 51/2013/QD-UBND dated November 18, 2013 "Issuing regulations on prices of houses, buildings and structures in Tay Ninh province".

6.3. Gaps between ADB's and Government Policy on Involuntary Resettlement

60. 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 16 presents the main areas of possible discrepancy.

Table 16: Gaps Between National Policy and ADB Policy and solutions for filling the gaps

Key Issues	Viet Nam policy	ADB Policy	Project Policy
Definition of seriously affected households	Decree 69/2009 (Article 20(1)) states that households directly engaged in agriculture losing 30% or more of their agricultural land are entitled to life stabilization assistance.	Physical displacement from housing, and/or loss of 10% or more of APs' productive assets (income generating).	As agreed with ADB in Phase 1 (26/9/2003), this trigger will be 20% of productive land but special assistance will be provided for any AP HH losing 10% to 19% of productive land whose remaining land cannot sustain the HH.
Eligibility for compensation & assistance. Legalizable users	Decree 197/2004, Article 8, Compensation for the timely specific cases and no dispute	Affected person are entitled to compensation at replacement cost and other assistance similar to the title users	Affected people are entitled to compensation at replacement cost and other assistance similar to the title users
Eligibility for compensation & assistance. Non-titled users	Decree 69/2009 Article 14(1) If persons who have land recovered by the State meet conditions related to land ownership set out in Article 8 Item 1, 2, 3, 4, 5, 7, 9, 10, 11 of Decree 197/2004/ND-CP, they shall receive compensation; if they fail to meet all conditions for compensation, the Peoples' Committees of the provinces or centrally run cities shall consider providing such support. Decree 69/2009/ND-CP Article 24(4): Property attached to land which falls into one of the cases prescribed in Clauses 4, 6, 7 and 10 of Article 38 of the Land Law shall not be compensated.	Those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. Improve the standards of living of the displaced poor and other vulnerable groups, including women.	Those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. Improve the standards of living of the displaced poor and other vulnerable groups, including women.
Compensation of land at replacement cost	Decree 69/2009, Article 11, regarding the land price, if the PPC sets the land price at the land acquisition time does not match with the actual price of land in the market, the PPC will adjust the specific price suitably	All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of functions markets, a compensation structure is required	All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of functions markets, a compensation structure is required that

		that enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.	enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.
Unregistered businesses	Decree 69/2009, Article 20(2) states only registered businesses are eligible for assistance. When the land used by a registered economic organization, production household, business household and the business and production must be suspended, the user shall be compensated with 30% (the highest) of the after tax income in one year subject to average income in the last 3 continuous years as certified by the tax department.	In the case of economically displaced persons, regardless of whether or not they are physically displaced, the borrower/client will promptly compensate for the loss of income or livelihood sources at full replacement cost. The borrower/client will also provide assistance such as credit facilities, training, and employment opportunities so that they can improve, or at least restore, their income-earning capacity, production levels, and standards of living to pre-displacement levels.	Those who are economically displaced, but who are not formally registered (e.g. unregistered businesses, employees without labour contracts) will be assisted as appropriate to ensure that their income sources are restored to at least pre-project levels. Improve the standards of living of the displaced poor and other vulnerable groups, including women.
Entity that conducts the valuation of acquired assets	Provincial and cities people's committee under central authority will establish specific land prices based on the principles stated in clause 1, Article 56, Land Law Qualified organizations may provide consultancy on land prices (Article 57, Land Law)	Qualified and experienced experts will undertake the valuation of acquired assets	A qualified appraiser will be engaged to conduct replacement cost surveys for the project which will be used as input by the District Compensation Boards for determining compensation amounts for PPC approval.
Provision of rehabilitation assistance	Decree 69/2009/ND-CP, Article 20 - 21 and Decision 3788/2009/QĐ-UBND, Article 2[3]: APs losing more than 30% of productive land will be entitled to living stabilization and training/job creation assistance.	Rehabilitation assistance is required for those who lose 10% or more of their productive income generating assets and/or being physically displaced. Focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people.	Rehabilitation assistance will be provided to those who lose 20% or more of their productive income generating assets, being physically displaced, and households who belong to poor and vulnerable groups.

VII. Entitlements, assistances and benefits

61. 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 cut-off date of Tan Bien Irrigation Area – Five drainage canal in Chau Thanh District is on 30 Nov 2013. Any people who settle in the sub-project area after this cut-off date are not entitled to compensation and assistance. In addition, the extent of eligibility for compensation in regards to land is determined by legal rights to the land concerned. In the area, there are two types of Affected Persons: i) APs with Land Use Rights Certificates (LURCs), ii) APs do not currently possess a LURC but have a claim that and is recognizable under national laws; There is no APs without LURC or unlegalizable for their land.

7.1. Compensation and Assistance for Loss of Land

62. This is provided to ensure that the socio-economic 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 compensation for land at replacement cost or a combination of the two.
63. 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 depreciations or deductions made for salvageable building materials. This ensures that the APs are able to reconstruct new houses and other structures. Compensation for affected land has been offered either in the form of land-for-land of equal productive capacity at a location acceptable to the APs if available or in cash compensation at replacement cost if no land available and at the specific request of the APs. During preparation of this RP the DRC and OSDP have conducted replacement cost surveys and also tracked recent land transactions in affected communes to ensure that compensation prices being applied are the current market price. These will be checked again at the time compensation is to be paid and prices updated.
64. Replacement cost survey was conducted by the DRCs in parallel with the Detailed Measurement Surveys as part of the updating process of this RP. The following prices have been used in calculating compensation for agricultural and residential land, and these prices vary according to location is shown at Annex 3.

Table 17: Tay Ninh province –Expected land compensation unit cost for drainage canal system of TBIA in Chau Thanh District

Commune	Types of land	Land price – Decision 61 /2012/QĐ-UBND (VND/m2)	Market price in 2013 (VND/m2)	Expected land compensation price in Dec 2013 (VND/m2)
Phuoc Vinh (Commune type III)	Agricultural land for annual plantations, location II	22,000	50,000	50,000
An Co (Commune type II)	Residential land of Type II, Location I	320,000	320,000	320,000
	Agricultural land for annual plantations, Location I	38,000	100,000	100,000
	Agricultural land for annual plantations, Location II	32,000	76,000	76,000
	Agricultural land for annual plantations, Location III	27,000	52,000	52,000
	Agricultural land for perennial plantations, Location I	48,000	100,000	100,000
	Agricultural land for perennial plantations, Location II	41,000	76,000	76,000
	Agricultural land for perennial plantations, Location III	35,000	52,000	52,000

65. Some land can be acquired on a temporary basis for short term access tracks and where needed, storage areas and camp sites, 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 at original condition and compensation is paid for any temporary loss of income from standing crops at replacement costs. 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 to implement due to lack of vacant land. It is therefore important that APs will be compensated for the loss of land at the full market value, plus assistances (in cash or in kinds) in order to ensure that APs are not disadvantaged in any way.
66. 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 land, all APs will be entitled as follows:
- (i) **Marginally affected APs.** APs with losses less than 20% of their total agricultural landholdings, are entitled to cash compensation for crops and trees at market prices, AND cash compensation for acquired land at 100% of replacement cost.

- (ii) **Severely affected APs.** APs with losses of 20% or more of their total agricultural landholdings, are entitled to cash compensation for crops and trees at market prices AND first priority of compensation 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).
67. During the project preparation and DMS process, it was found that there are numbers of households do not have LURC due to their hand-paper transactions of land between each other but these land can be legalizable therefore will be compensated according to the above mentioned.
68. *Land Users without LURC or legalizable rights to use of land:* 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 assistance to access existing credit programs and priority for project-related job opportunities.
69. *Loss of Residential Land (if any):* If there are no structures on the residential land, legal or legalizable APs will be entitled to compensation in cash at 100% of the replacement cost of the affected land. For unlegalizable APs or APs without LURC, they are not entitled for compensation but for support for their affected land.

7.2. Compensation for Structures (if any)

70. *House and structure valuation:* Department of Construction is responsible for valuation of houses and structures. The valuation process will be based on Vietnamese construction standard and market prices of construction labors and materials at the locality of the province. The price of houses and structures was issued every year and would be adjusted if there is a change in the market price. Annex 3 shows the compensation price for houses and structures has been used in this Updated RP.
71. APs losing structures will be entitled to the following:
- (i) Compensation at replacement cost of assets, no deduction will be made for depreciation or salvageable materials regardless of whether or not they have title to the affected land or permission to build the affected structure. The amount will be sufficient to rebuild a new structure with the same as the former one at current market prices. The calculation of replacement cost will be based upon i) fair market value of materials and labors, ii) transaction costs, iii) interest accrued, iv) transition and restoration costs, and v) any other applicable payments.
 - (ii) The calculation of compensation price will be based on the actual affected area and not the useable area.

7.3. Compensation for Loss of Standing Crops and Trees

72. Prices of trees and crops are valued and issued annually, and the Tay Ninh Department of Finance has a responsibility for valuation and consultation with the 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 on 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. Annex 3 below indicates the compensation rates adopted for this RP.

7.4. Compensation and Assistance for Temporary Impacts

73. Temporary loss of land or assets being used for short term access, camping, storage areas or damaged properties during construction (if any) should be entitled to compensation for assets or crops on the affected land and loss of income during temporary use period. As the land is being returned to the APs there is no compensation paid for the land temporarily acquired. The land must be handed back to the APs 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.
74. An entitlement matrix is established to ensure all affected households and assets to be compensated and assisted to restore livelihoods, income and assets affected by the project. See details in Annex 1.

VIII. Relocation of Housing and Settlements: no households have to relocate in the sub-project.

IX. Income restoration and rehabilitation

9.1. Allowances during the Transition Period

75. APs are entitled to provision of a range of special allowances, in accordance with Decree 69/2009, so that they can restore their livelihoods and incomes as soon as. The details on the allowances during the transition period is provided in the Entitlement Matrix at Annex 1 of this RP:
- **Relocation assistance:** According to Clause 1 of Article 13 of Decision 44/2010/QĐ-UBND, on 19 Aug 2010, issued by Tay Ninh PPC, an allowance of 5 million VND or 10 million VND will be provided for relocated households if relocation within the province or other provinces respectively.
 - **Assistance for livelihood stabilization** – i) if the APs lose 20% to 70% of productive land they shall receive assistance for 6 months if no relocation required and 12 months if relocated. If relocated to difficult socio-economic area the assistance is extended to 24 months. ii) if APs lose more than 70% of productive land, assistance will be for 12 months if no relocation required and for 24 months if relocated. If relocated to difficult socio-economic area the assistance is extended to 36 months. Assistance in cash is equivalent to 30 kg rice per person per month at current market price. In all cases the rice price is based upon average price at the time of compensation as announced by Department of Finance of the province.
 - **Assistance for job creation and new vocation**– Severely affected AHs due to losing 20% of productive land or more will be assisted with a cash payment of up to 1.5 times the value of the agricultural land acquired (but not exceeding quota of land allocation in locality) to assist with vocational training/ job creation. Beside of the allowance, any APs of working age who wish to receive training course in a new vocation will be provided a vocational training course without payment.

- **Special assistance to social policy households** – Special assistance is available to certified policy households (Heroic Mothers, Heroes Armed Forces, Invalid, Martyrs, Revolution families). For invalid households, martyrs' families, the support level is 4,000,000 VND/household. For other households, (revolutionary family, retired people who receive social assistance) the support is 2,000,000 VND per family.
- **Special assistance to affected poor households** – Poor households according to MOLISA standard (applied for period of 2011-2015) affected by the project shall be supported to overcome poverty. Level of support is 500,000 VND /household/month for a period of 05 years from the date of land acquisition completion.
- **Incentive bonus:** Relocated households hand over their affected land timely according to schedule of the project, besides compensation, are also provided an additional support according to the province regulation.
- **Social development program** - All APs losing 20% or more of their productive land/assets as well as vulnerable households are entitled to participation in the OSDP program to facilitate the restoration of their livelihoods and income generation.

9.2. Income Restoration and the Social Support Program

76. Compensation alone is not sufficient to meet the objective of this 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.
77. **Marginally Affected APs.** APs with losses less than 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 replacement cost. Beside of compensation, they are entitled to free participation in agricultural extension programs annually organized at the commune.
78. **Significantly Affected APs.** APs who must relocate and/or with loss of 20% or more of their total agricultural landholdings will be entitled to cash compensation for crops and trees at market prices and first priority compensation for land-for-land with equivalent productive capacity at a location acceptable to the APs or, if requested, cash compensation for the lost land at replacement cost and provision of 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.

9.3. Social Support for Vulnerable Groups

79. 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 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. Social support program are being continued to carry out by OSDP consultants. Community consultation will be held with severely and vulnerably affected households of the sub-project to develop related social support programs, includes:
- (i) **Agricultural extension.** Affected farmers who are compensated with agricultural land, or receive cash compensation for partial loss of productive land and still has some economic viable remaining agricultural land will be entitled to agricultural extension assistance to

increase productivity on their remaining or new land. Such assistance would include cultivation techniques for new high-yielding varieties or conversion of plants and animals have higher productivity. This measure could help restore income lost so that the AP will be in a position to produce the same or higher level of income from the next season's harvest. The implementing agency will coordinate with the extension department of Tay Ninh DARD 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 20% or more 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 (Households will need to register for the members of his household occupations they wish to be trained. Then, local services have been selected to implement social programs will support with household registration procedures are completed for members enrolled in vocational trainings).
- (iii) **Literacy training.** Those APs being physically displaced or losing 20% or more 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 (Households affected or vulnerable households with children at school age, the scholarship will be supported to minimize the risk of dropout children through a micro-credit scheme to be established by the Project.)
- (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 deal with difficulties in creating new enterprises. For the poor and other vulnerable groups including severely affected farmers, they will be assisted under the Social Support Program to obtain credit assistance such as credit program for job creation and income generation of Poverty Reduction Fund, of the Vietnam bank for social policies or through a micro-credit scheme of the Project.
- (v) **Health Care.** This program aims to improve better the existing living quality of households by long-term support of Health Insurance Cards to the project severely and vulnerable affected groups.

X. Resettlement Budget and Financing Plan

80. Budget of compensation, support and assistance for APs are fully funded by the Vietnam's Government (MARD) and ODA loans. All funds will be transferred to the provincial treasuries. After obtaining approval of compensation plan from the PPC, the CLFD will withdraw cash from the Treasury to pay for APs. If any AP does not receive compensation because of some reasons, their compensation amount will be deposited in the bank. Total amount of compensation for TBIA of Chau Thanh District is 26,216,476,519 VND with the detailed cost estimate is based on the replacement cost done by Chau Thanh DRC as follows:

Table 18: Total Cost Estimation of APs of the Five Drainage Canals in TBIA of Chau Thanh District, Tay Ninh Province

No	Type of cost	Amount (VND)
I	Compensation costs for land and assets	23,347,843,600
	In which:	
1	Compensation for land	12,208,829,000
2	Compensation for houses, structures	394,117,100
2.1	Compensation for houses	301,703,000
2.2	Compensation for structures	92,387,000
3	Compensation for trees, crops, animals	1,747,817,500
3.1	Compensation for trees, crops	1,747,817,500

3.2	Compensation for animals	0
4	Allowances:	9,015,080,000
4.1	Movement assistance	0
4.2	Support for Renters	0
4.3	Support to stabilize life and production stabilization	146,880,000
4.4	Support to stop production	0
4.5	Support for social policy object	24.000.000
4.6	Support for the partially dismantled	0
4.7	Self-resettlement support	0
4.8	Support for career change, job creation	8,600,208,000
4.9	Support land	243.992000
II	Cost Estimate for management and implementation of resettlement is 1.5% of total compensation costs	467,316,872
III	Contingency (10% of the total compensation cost)	2,383,316,047
IV	Total	26,216,476,519

XI. Institutional Arrangements

81. As permitted under Decree 197/2004/ND-CP, MARD and ICMB9 assign the Tay Ninh Provincial Peoples' Committee (PPC) to be the project owner responsible for the implementation of resettlement activities in Tay Ninh. The main project implementation agency is ICMB9 under MARD.

11.1. Management Agencies and Responsibilities

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

82. 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 supervising the implementation of resettlement.

83. 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;
- Providing resettlement training to implementing agencies, all PPMB staff and Resettlement Committee at all levels to implement resettlement activities in accordance with policy of the approved RP; and if any mistakes or shortcomings identified through internal and/or external monitoring of RP implementation ICMB9 will advise local authorities to resolve timely to ensure that the objectives of the RPs are met;
- Finalizing RPs and obtaining PPCs and ADB's approval before implementing approved RPs;
- Coordinating with other implementation agencies and relevant institutions during periods of preparation, planning and implementation of the RP;
- Establishing a database of APs for each component, as well as for the Project as a whole;
- Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies;
- Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation for impacts occurring during construction;

- Recruiting, supervising, and acting upon the recommendations of the external monitoring organization;
- Reporting periodically on resettlement implementation progress to the ADB.

Provincial People's Committee (PPC)

84. The Tay Ninh 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:

- Leading, checking and approving updated RPs;
- Issuing decisions approving land valuations applied for compensation rates, allowances and other supports to APs, especially vulnerable groups, based on principles of RP;
- Approving budget allocation for compensation, support and resettlement;
- Directing and supervising provincial relevant departments to implement effectively the RP.
- Resolving complaints and grievances of APs.

District People's Committee (DPC)

85. The Chau Thanh District People's Committee has responsibility for:

- Directing the DRC and relevant agencies to implement the updated RP effectively;
- Checking compensation plans, then submitting to PPC for approval or approval if authorized;
- Clarifying legitimacy, legality of affected land and properties;
- Taking acquired land and providing land-for-land;
- Issuing decisions on DRC establishment and land acquisition of households;
- Resolving complaints and grievances of APs.

11.2. Implementation Agencies and Responsibilities

Tay Ninh PPMB

86. The PPMB is responsible for:

- Preparing, updating, and supervising RP implementation;
- Guiding DRC and Commune-level Inventory Working Groups to implement all resettlement activities in compliance with the approved RP; and resolving any mistakes or shortcomings identified by internal and/or external monitoring to ensure that 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 entitlements as stipulated in the approved RP, preparing and submitting estimated costs of compensation, allowances and other supports to responsible agencies;
- Implementing information campaigns and stakeholder consultation in accordance with established project guidelines, supervising the compensation payment process and the implementation of the RP, and redressing grievances concerning resettlement activities in collaboration with DRC;
- Coordinating with other line agencies to ensure delivery of restoration and rehabilitation measures;
- Providing income restoration and other social support under the Social Support Program (as described in this RP);
- Implementing internal resettlement monitoring, establishing and maintaining AP databases for each component in accordance with established project procedures and providing regular reports to ICMB9 and IMO;
- Implementing prompt corrective actions in response to internal and external monitoring, and resolution of grievances;

The District Resettlement Committee (DRC)

87. DRC is responsible for:

- Implementing all resettlement activities within the district territory under the DPC's management, including public meeting and consultation, DMS, preparing compensation plan, payment of compensation, delivery of livelihood restoration measures, and resettlement.
- Establishing and strengthening capacity of commune-level Inventory Working Group;
- Accepting and handing over the sites to the implementing agencies;
- Assisting DPC to redress APs' complaints and grievances.

XII. Implementation Schedule

88. **Approval of updated RP.** ADB and the Government of Viet Nam shall both approve the updated Resettlement Plan of the sub-project. Approval is expected in Dec 2013.
89. **Information Dissemination.** PPMBs coordinate with DRCs and CPCs to implement an information campaign throughout the project process. Public meetings have been held in the affected communes of TBIA since 2010 and recently 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. from Aug to Nov 2013 community consultation was made to APs of five drainage canals. The PIB were also prepared and distributed to all participants during the meetings.
90. **Detailed Design.** The drainage canal system of TBIA in Chau Thanh District has been included in the drainage canal list of the Decision 3184/QD-BNN issued by MARD in 21 Dec 2012. The detail design of the additional drainage canals of TBIA prepared by the PST design consultant was received PPMB's acceptance document on 5 Jul 2013.
91. **Establishment of Resettlement Committee.** At district level, a resettlement committee of TBIA project was established in Jul 2011 to implement the all resettlement activities related to the project.
92. **Training for Resettlement Staff.** All local resettlement staff at PPMBs, PRC, DRC, and CRC levels were trained on the 12 and 13 July 2011 by the ICMB9 with assistance by the implementation main consultants and the OSDP consultants. Training subjects 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) RP implementation steps, procedures, reports and schedule;
 - (vi) grievance redress mechanism; and
 - (vii) powers and obligations of individuals/agencies involved in the process of resettlement programs.
93. **Updating and Issuance of Replacement Cost Unit Rates.** During the preliminary detailed design process, the PPC assigned to the Land Fund Development Center of Chau Thanh district to update and issue unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation (Replacement cost survey was made in Sep 2013). 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 PRC will consult the unit rates with APs and local governments.
94. **Detailed Measurement Survey (DMS) and Census Survey.** A DMS has been conducted from Aug – Nov 2013 after completion of the detailed design in order to finalize this draft RP. The DMS data and the Entitlement Matrix serve as the basis for calculating the compensation package. All data is computerized by CLFD of Chau Thanh district.
95. **Information Dissemination and Consultation.** This is an ongoing activity that will be implemented as described already in this RP.

96. **Approval of the updated RP.** The updated RP is reviewed and approved by ADB before commencement of any compensation payment activities of the project.
97. **Pricing Application.** The CLFD of Chau Thanh district is responsible for pricing application and preparing compensation plan for each affected household. The plan was verified in Oct 2013 by the provincial People's Committee, PPMB and District Compensation Committee before posting them at each commune for the people to review and comment. All compensation forms were checked and signed by the APs to indicate their agreement.
98. **Payment of compensation and allowances.** This will be conducted by the CLFD at communes under the supervision of representatives of DRC, PPMB, and IMO. Payment schedule is planned in Jan-Mar 2014. DRC will inform APs about time and place of payment 5 days prior to the payment.
99. **Award of Civil Works Contract.** Although contracts may be awarded in Jan 2014, but no physical or economic displacement can occur until all APs have been compensated and relocated in accordance with the approved RP for the specific subproject.
100. **Income Restoration and Social Support Assistance.** In order to provide adequate economic rehabilitation measures, APs entitled to assistance shall be consulted on rehabilitation options provided under the Social Support Program and shall be assisted to participate in the relevant activities of the social support programs from Mar 2014.
101. **Monitoring and Reporting.** Internal monitoring has been implementing by Tay Ninh PPMB. External monitoring is conducted by IMO every quarter, starting from Jan to Jul 2014. Monitoring will continue throughout the construction period. The implementation agencies (PPMBs and ICMB9) assigned staff responsible for internal monitoring of Project RP implementation, with the supports of the implementation consultants and OSDP staff at provincial level, as well as IMO.

Table 19: Implementation schedule of the project

Activities	Proposed/ or Completed time
Detailed Design Modification	Dec 2013
Information Dissemination	Aug to Nov 2013 and after approving updated RP
Establishment of Resettlement Committees	Jul 2011
Training for Resettlement Staff	Jul 2011
Detailed Measurement Survey	From Aug to Nov 2013
Replacement cost survey	Sep 2013
Pricing Application	Oct 2013
Approval of updated RP	Dec 2013.
Payment of compensation and allowances	Jan to March 2014
Income Restoration and Social Support Assistance	From March 2014
Monitoring and Reporting	From Jan to Jul 2014

XIII. Monitoring and Reporting

13.1. Internal Monitoring

102. Implementation of the RP will be regularly supervised and monitored by the PPMU with the support of OSDP consultants and implementation consultants. The findings and recommendations will be recorded by the PPMU in quarterly reports on implementation progress of compensation and resettlement to submit to the ICMB9 and the ADB for review. Internal monitoring aims to:
- ensure payment of compensation to project affected people are provided based on DMS

results and replacement costs of affected assets at the market prices at the compensation time.

- b. ensure resettlement activities are conducted according to the compensation policies as per agreed RF and RP for the project.
- c. determine if the required transition and income restoration measures are provided on time.
- d. assess if income and livelihood restoration measures have been provided properly for income restoration of APs and propose remedial measures if objectives of restoring income of households have not been met.
- e. Implementation of information disclosure and community consultation
- f. determine if complaint procedures are followed and propose solutions if there are pending issues.
- g. give priority to displaced persons' concerns and needs, specially the poor and vulnerable households.
- h. conformity between relocation and land clearance and construction commencement to ensures that APs have been provided with compensation, allowance, and relocation satisfactorily before construction commencement.

Table 20: Specific monitoring indicators

Type of monitoring	Basis indicators
Budget and time	<ul style="list-style-type: none"> • Have the personnel for compensation and resettlement implementation been arranged sufficiently as per plans? • Have resettlement activities been carried out as per agreed plans? • Have budgets for resettlement been allocated for resettlement executing agencies timely and adequately? • Has compensation been paid as per AP? • Has land been acquired and handed over timely for construction?
Delivery of APs' entitlements	<ul style="list-style-type: none"> • Have all APs received their entitlements fully for quantities and types of damages as stipulated in the matrix of entitlements? • Have the APs received their payments on time? • Have the APs with temporary lose of land been compensated for? • Have all APs been provided with transportation, transfer, and livelihood and income restoration allowances as per plans? • Have resettlement houses/ land been assigned? Has the legal land use right been granted to APs? • How many APs having been granted with land use right? • Do resettlement sites/ houses meet the agreed standards? • Have supporting measures been implemented as per plans for the receiving communities? • Can relocated APs access to schools, medical care services, socio-cultural places and activities? • Have livelihood and income restoration activities been implemented as per agreed the RF and RP? For example, numbers of APs that have been provided with vocational training and jobs, small-scale credits, income-supporting activities? • Have affected business been granted with their entitlements, regardless of being registered or not?

Consultation, Grievance, and Special Issues	<ul style="list-style-type: none"> • Has community consultation been carried out as plans? Have brochures of project information and entitlements of compensation and resettlement been delivered? • How many APs know about their entitlements? How many APs receive such entitlements? • Do APs know about and use grievance mechanism as set up in the RF? What are the outcomes? • Numbers of grievances and types of grievances (by genders, vulnerable groups)? • Numbers of settled grievances (by genders, vulnerable groups)? • Levels of awareness of resettlement procedures • Levels of satisfaction on resettlement procedures • Levels of awareness on entitlements • Levels of satisfaction on entitlements • Levels of awareness on grievance mechanism • Levels of satisfaction on grievance mechanism
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13.2. External Monitoring

103. Compensation and resettlement implementation for project must be subject to external monitoring by an independent qualified consultant selected by ICMB9. The independent monitoring consultant should be recruited under regulations of recruiting the Consultant by the ADB with a terms of reference that specify frequency of monitoring, methods of monitoring, monitoring indicators, and reporting requirements. Monitoring reports will be submitted to the ICMB9 and the ADB after finishing site monitoring.

104. Independent monitoring of RP implementation will be based on desk review and field visits, meetings with relevant agencies, local officials, and APs. Separate meetings with women and vulnerable households will be held. The main objective of external monitoring is to provide an independent periodic review and assessment of (i) achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures. Monitoring and evaluation indicators are presented in Table below.

105. The external monitoring will address specific issues as follows:

- a. Public consultation and awareness of resettlement policy and entitlements of APs;
- b. DMS of affected assets and compensation payment as per policies in approved RP;
- c. Coordination of resettlement activities with construction schedules;
- d. Land acquisition and transfer procedures;
- e. Construction/rebuilding of replacement houses and structures on residual land or to new relocation sites;
- f. Level of satisfaction of APs with the provisions and implementation of the RP;
- g. Grievance redress mechanism (documentation, process, resolution);
- h. Effectiveness and sustainability of entitlements and income rehabilitation measures for APs;
- i. Gender impacts and strategy;
- j. Capacity of APs to restore/re-establish livelihoods and living standards. Special attention provided or to be provided to severely affected and vulnerable households;
- k. Resettlement impacts caused during construction activities;
- l. Participation of APs in RP planning, updating and implementation;

- m. Institutional capacity, internal monitoring and reporting; and
- n. Channeling of government funds for compensation payment and allowances for severely APs or displaced APs.

Table 21: External monitoring indicators

Type of monitoring	Basis indicators
Some basic information of APs	<ul style="list-style-type: none"> • Locations • The average size of households, the average age range, the average education attainment • Genders of the APs' heads • Ethnicity • Levels of access to health and education services, utilities, and other social services. • Types of houses • Types of land and legal status of land use • Types of occupations and jobs • Sources and levels of incomes
Restoration of living standards	<ul style="list-style-type: none"> • Have depreciation, fees or transaction fees been included in compensation amounts for houses for APs? • Have APs accepted options of resettlement sites/ houses? • Have main environmental, cultural, and social conditions of APs been restored? • Have lives of APs, particularly of the displaced people and the vulnerable group, been stable?
Livelihood restoration	<ul style="list-style-type: none"> • Have compensation amounts been sufficient for replacement of lost assets? • Has compensation land been enough according to suitable standards? • Have transportation and subsistence allowances been enough? • Have business allowances been enough to re-establish enterprises and production? • Have vulnerable groups are provided with chances of incomes? Are such chances been effective and sustainable? • Do new jobs restore pre-project income levels and living standards?
Levels of APs' Satisfaction	<ul style="list-style-type: none"> • Have APs agreed with compensation prices? • To what extent do APs know about resettlement procedures, their rights and entitlements? • Do they know whether their entitlements are provided or not? • To what extent do APs self-evaluate their restored living standards and livelihoods? • To what extent do APs know about grievance and grievance redress procedures? • Have their grievances been received, settled timely and satisfactorily as per the mechanism in the RF?
Additional impacts	<ul style="list-style-type: none"> • Are there any unexpected environmental impacts? • Are there any unexpected impacts on jobs or incomes? • If any, how have such issues been resolved?

XIV. Annexes

Annex 1: Entitlement Matrix

Annex 2: RP Implementation Schedule

Annex 3: The compensation and support estimation of the five drainage canals sub-project

Annex 4: Project Information Booklet (PIB)

Annex 5: Provincial land Pricing

Annex 6: List of Severely and Vulnerable Affected Households (SAPs and VAPs)

Annex 7: List of APs and Estimated Compensation Entitlements

Annex 8: Summary of public consultation meetings

Annex 1: Entitlement Matrix

ITEM	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	COMPENSATION POLICY	IMPLEMENTATION ISSUES
1	2	3	4	5	6
1	Temporary loss of arable land	Loss of use of the land for period of construction for borrow pits, storage and/or camping areas.	User regardless of tenure status.	(i) No compensation for land as land must be returned to original user. (ii) Cash compensation for loss of crops and trees at market prices, and (iii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of the acquisition period.	There should be measures to improve land quality in cases of land being adversely affected or acidified. Contractors using land temporarily must return land in same condition and remove rubbish and debris. Restoration of land to its previous or better quality and contractor must pay for any damages.
	Permanent loss of arable land	Less than 20% ^a of total arable landholding and marginal impact on household income and living standards.	i) persons with LURC or legalizable	APs will be entitled to: (i) Cash compensation for acquired land at replacement cost, and (ii) Cash compensation for crops and trees at market price.	HH without LURC but has recognizable claim, or their name listed in the land book of the commune and still now using that land and land not under any dispute, are considered as fully legal users. If the viability of the remaining land is less than the minimum viable economic unit, then the entire piece of land would be acquired and the AP would fall under the next category.
		Losing 20% or more of total arable landholding. The approach taken is restoration of income loss. Severe impact on household income and living standards.	Legal user with LURC or legalizable.	APs will be entitled to: (i) cash compensation for crops and trees at market price, (ii) Cash compensation for lost land at replacement cost, at the informed request of APs, <u>And</u> , iii) A rehabilitation package of allowances and income restoration and support under the Social Support Program in the OSDP.	Cash in lieu of land will be offered at the informed request of the AP, or when alternative suitable land is not available.

ITEM	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	COMPENSATION POLICY	IMPLEMENTATION ISSUES
1	2	3	4	5	6
			User without LURC or non-legalizable.	<ul style="list-style-type: none"> (i) No compensation for land but the remaining investment in land , and, (ii) Cash compensation for crops and trees at market price. (iii) In addition, poor and vulnerable households will be allocated use rights to replacement land and rehabilitation assistance under the OSDP Social Support Program to ensure they are able to improve their income levels and living standards. Rehabilitation assistance will consist of skills training for working age family members in a current or new occupation and a training allowance, provision of agricultural extension services to increase the productivity of any remaining land, literacy training, and assistance to access existing credit programs, priority for project-related job opportunities. 	
2	Insignificant loss of residential land without non-land assets on	The remaining land is sufficient for rebuild house	User with LURC or legalizable	APs will be entitled to cash compensation for affected land at replacement cost.	.
	Significant loss of residential land	The remaining land is insufficient for rebuild house and AP has to relocate.	User with LURC or legalizable.	APs will be entitled to the following: <ul style="list-style-type: none"> (i) Cash compensation for land acquired at replacement cost, if self-relocation, and support for leveling floor, equal to cost of infrastructure investment of a standard plot in resettlement site, OR (ii) Provision of a plot in resettlement site with full infrastructure and LURC, AND (iii) Relocation allowances, including transportation, subsistence, rental, and incentive bonus if handing over land as scheduled. 	If amount of compensation and allowances is lower than value of a standard plot in resettlement site, relocating households has not to pay for the difference, conversely, if value of affected land is higher than value of plot allocated, AP will receive cash for the difference.

ITEM	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	COMPENSATION POLICY	IMPLEMENTATION ISSUES
1	2	3	4	5	6
			User without LURC or non-legalizable	(i) No compensation for affected land but compensation for non-land assets and : (ii) Receive relocation allowances, If AP has no other shelter to stay, PPC considers allocating residential land for them.	Entitled to assistance for livelihood restoration in OSDP
3	Dwellings and other Structures	House and/or structures partially demolished but remaining area still usable – no need to relocate.	Legal owner of the affected structure regardless of land tenure status	AP will be entitled to: i) compensation at replacement cost for the demolished portion, plus costs for repairing the remaining part to its pre-demolition technical specifications. No deduction will be made for salvageable materials. iv) Rental assistance if needed whilst dwelling is repaired if AP has no other accommodation.	No compensation for structures are built after cut-off date.
		House and/or structures entirely or partially demolished but remaining area is NOT usable – AP must relocate	Legal owner of the affected structure regardless of land tenure status	AP is entitled to: i) Compensation for the AP's house/structures based upon new construction cost of a house/structures having same technical standards. ii) Relocation assistance and allowances iii) Rental allowance of 300,000 VND per month/person if new accommodation not ready, or at least VND 900,000 per household per month until new house is handed over , or until notice of new land is given plus 6 months of the above allowance to build new house.	

ITEM	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	COMPENSATION POLICY	IMPLEMENTATION ISSUES
1	2	3	4	5	6
4	Loss of business income	Loss of business income for relocated shopkeepers.	Relocating owner with registered or non-registered business.	Relocating APs will be entitled to: (i) Compensation for affected structure at full replacement cost in material or cash or a combination of the two. No deduction shall be made for depreciation or salvageable materials. (ii) Transport and re-establishment allowance includes allowance for re-installation of plant, equipment, machinery. (iii) Priority to relocate to a place with equal or better commercial conditions. (iv) Compensation for net income lost during transition period.	At the time of compensation, allowances will be adjusted to account for inflation. Entitled to replacement property of equal or greater value or cash compensation at full replacement cost.
5	Loss of standing crops	Agricultural land either permanently or temporarily acquired	Household who cultivates on the affected land.	The level of compensation for annual crops shall be equal to the value of the output of affected crops. The value of the output of a crop shall be calculated on the basis of the productivity of the highest crop yield in the last three years of in the locality and the average market price at the time of land recovery.	APs will be given notice several months in advance regarding evacuation and cut-off date. Crops grown after issuance of the deadline will not be compensated.
6	Loss of trees	Agricultural land either permanently or temporarily acquired	Household who occupies the land where trees are located irrespective of land tenure status.	Compensation for perennial trees shall be equal to the existing value of the trees growing, calculated at the local market price at the time of land recovery. For trees and perennial crops which may be moved to elsewhere, compensation for expenses for moving and for actual damage from relocation and re-planting shall be paid.	
7	Removal of graves	Graves on acquired land	Household who own the graves,	APs are entitled to cash compensation for all costs of land, excavation, movement, reconstruction materials and labor for reburial.	

ITEM	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	COMPENSATION POLICY	IMPLEMENTATION ISSUES
1	2	3	4	5	6
8	Loss of community assets	Community buildings, structures, community forest/grazing/or other land/ irrigation systems affected by temporary or permanent land acquisition or spoil disposal.	Village, Ward, Government Unit.	Reconstruction of infrastructure, or cash compensation for affected structure at replacement costs. Where the recovered land belongs to public land fund of communes, wards or townships, support provided shall be prescribed by the PPC.	Monetary supports shall be remitted into the State budget and incorporated into the annual budget estimates of communes, wards or townships; monetary supports shall only be used for investment in building infrastructural works, for public interests of communes, wards or townships.
9	Loss of income of employees or hired laborers	Employees of enterprises affected or farm laborers affected.	Temporarily affected (while business is reorganizing) within remaining land.	Laborers shall receive compensation in cash for net wage lost according to the job stoppage allowance in Clause 3, Article 62 of the Labor Code. The period for compensation shall be the period of stoppage but not exceed 6 months.	If more than 6 months can apply for training assistance.
10	Temporary impact during construction	Damages by contractors to private or public structures or land	Owner or person with use rights	(i) The contractor will be required to pay compensation immediately to affected families, groups, communities or government agencies based on the approved RP policy. (ii) Damaged property will be restored to its former condition before returning to the APs.	
11	Income restoration/ Social Support Program for severely affected and vulnerable groups	APs lose 20% or more of their productive assets (agricultural or forestry land or business) and vulnerable APs.	(i) APs losing 20% or more of agricultural land, or (ii) Other vulnerable APs (poor, landless, and/or female-headed households etc.).	APs entitled to income restoration assistance from the Social Support Program: agricultural/aquaculture extension assistance to intensify use of existing land, skills training for a new skill (and subsistence allowance for the trainee during the duration of the training program), access to existing credit programs and credit management, literacy training.	A participatory approach will be used to design the Social Support Program (SSP) and target beneficiaries during project implementation.

ITEM	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	COMPENSATION POLICY	IMPLEMENTATION ISSUES
1	2	3	4	5	6
12	Loss of House	12.1 Relocation assistance	Relocating APs.	1. Relocating AP will receive a transportation and relocation allowance of 5 million VND or 10 million VND will be provided for relocated households if relocation is within the province or other provinces, respectively.	At the time of compensation, allowances will be adjusted to account for inflation.
		12.2 Rental assistance	Person whose residential land acquired but having no other accommodation	Whilst waiting for new accommodation to be arranged, AP will be provided with temporary house or rental assistance. Support is VND 300,000/month/person and should not be less than VND 900,000/HH/month.	If moving in to Government built house, support until house handed over. If buying house, until house handed over. If building on replacement land, from time new land is handed over plus 6 months to rebuild.
13	Loss of agri-land and AP's income is mainly based on the land	13.1 Assistance for Livelihood and Production stability	Relocating APs and severely affected APs.	a) losing 20 to 70% of productive land: i) If relocation not required, AP entitled to assistance for 6 months. ii) If relocation required, assistance for 12 months, and 24 months if move to hard condition area. b) losing more than 70% of productive land, entitled to; i) If relocation not required, assistance for 12 months, ii) If relocation required, assistance for 24 months, and 36 months if move to hard condition area. In all cases assistance is by cash, equivalent to 30 kg of rice per person per month based on average market price of rice.	Rice price based on average market price
		13.2 Agricultural land located next to residential parcel with house thereon or within residential area.	AP derives income from agricultural land but land is located in residential zone	a) In addition to compensation for affected agri-land, AP entitled to assistance equal to 70% of residential land price. b) If the acquired agri-land is within boundary of resident area or ward/town, AP will receive 50% of the average residential land price, addition to the compensation for agri-land. PPC to decide average price.	But area for assistance is not exceeded 5 times of quota of residential land allocation in locality.

ITEM	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	COMPENSATION POLICY	IMPLEMENTATION ISSUES
1	2	3	4	5	6
		13.3 Assistance to career change and job generation	All severely APs deriving income from agriculture land and not receiving allowances provided in item 13.2	a) Vocational training: All severely affected households are entitled to monetary support for vocational training/creation equivalent to 1.5 times the value of recovered agriculture land. b) People of working age, if requesting assistance for new vocational training are entitled to provision of a training card of value up to VND 5 million (not a cash payment)	All APs are entitled regardless degree of loss of agricultural land or residential land.
14	Other assistance	14.1 Allowance for persons who receive social allowance from the state.	Beneficiary of social allowance who lose house.	Special assistance is provided for policy households (Heroic Mothers, Heroes Armed Forces, Invalid, Martyrs, Revolution families). If they must relocate but not losing productive land, an additional allowance of between 2 to 10 million VND per household is paid, depending upon whether or not all residential land is lost.	
		14.2 Poor Households as classified according to the State poverty line	Poor HHs having to relocate	If certified poor households must relocate because they have lost their residential land, they will receive an additional support to overcome poverty. Level of support is 500,000 VND /household/month for a period of 05 years from the date of land acquisition completion.	
		14.3 Incentive bonus for HH who moves on time.	Relocating AP.	If relocated households hand over their affected land timely according to schedule of the project, in addition to compensation they are also provided an additional 10% of the total land compensation value.	Not applicable for AP who does not move by prescribed time.

^a ADB has agreed to the criteria to classify the level of impact as serious when the APs losing land is 20% or more instead of 10% (ref ADB memo dated 26/9/2003)

Annex 2: RP Implementation Schedule

Activities	2013												2014											
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
Public Meeting																								
Inventory																								
Pricing																								
Updating RP																								
Compensation																								
Social Support																								
Monitoring																								

Annex 3: The compensation and support estimation of the five drainage canals sub-project

No	Items	Unit	Quantity	Unit price(VND)	Amount (VND)
TOTAL CASH COMPENSATION AND SUPPORT (I + II + III + IV)					23,347,843,600
I. Compensation for land					12,208,829,000
1	Residential land of Region II, Position 1, Communal type II	m ²	1,133.15	320,000	362,608,000
2	Agricultural annual plantation land Position 2, Communal type II	m ²	13228,80	76.000	1,005,388,800
3	Agricultural annual plantation land Position 3, Communal type 2	m ²	16.898,5	52.000	878,722,000
4	Agricultural annual plantation land Position 1, Communal type 2	m ²	13.448,05	100.000	1,344,805,000
5	Agricultural perennial plantation land Position 2, Communal type II	m ²	30.401,30	76,000	2,310,498,800
6	Agricultural perennial plantation land Position 3, Communal type II	m ²	21,463.20	52,000	1,116,086,400
7	Agricultural annual plantation land Position 1, Communal type 3	m ²	103.814,4	50.000	5,190,720,000
II. COMPENSATION FOR HOUSES AND STRUCTURES					
1	Main house - 4A				m2
	Structure compensation and supports				
1.	Reinforced concrete sewer pipes (1x60cm)				Unit
2.	Reinforced concrete sewer pipes (1x100cm)	Unit	5	175,000	5,505,500.00
3.	Reinforced concrete sewer pipes (1x40cm)	Unit	32	60,500	1,936,000.00

4.	Reinforced concrete sewer pipes (1x50cm)	Unit	91	60,500	875,000.00
5.	B40 fence 0.5m high brick foundation; concrete pillars (1,8m x 60cm)	m2	108	250,000	27,000,000
6.	Barbed wire fence reinforced concrete pillars	m2	638	60,000	38,280,000
7.	Drilled well	Unit	3	1,200,000	3,600,000
8.	Rope lighting	m	200	10,000	2,000,000
9.	Electricity pole (6m)	Unit	1.00	310,000	310,000
10.	Bath room (cement floor, canvas wall, milestones, no roof, no truss, purlins)	m2	2,25	250,000	337,500
III. COMPENSATION FOR CROPS AND TREES					
			1.	Tram (5 years)	
2.	Tram (7 years)	Tree	3.00	80,000	240,000
3.	Tram (10 years)	Tree	1.00	100,000	100,000
4.	Cashew (5- 10 years)	Tree	20.00	200,000	4,000,000
5.	Cashew (4 years)	Tree	3.00	150,000	450,000
6.	Jackfruit (6-8 years)	Tree	12.00	350,000	4,200,000
7.	Jackfruit (3 years)	Tree	1.00	120,000	120,000
8.	Jackfruit (4 years)	Tree	1.00	240,000	240,000
9.	Jackfruit (1 years)	Tree	3.00	120,000	360,000
10.	Jackfruit (10 years)	Tree	1.00	600,000	600,000
11.	Mango (10 years)	Tree	8.00	600,000	4,800,000
12.	Mango (5 years)	Tree	3.00	240,000	720,000
13.	Mango (3 years)	Tree	1.00	120,000	120,000
14.	Binh Bat	Tree	148	240,000	35,520,000
15.	Eucalyptus (Diameter<5cm)	Tree	15.00	15,000	225,000
16.	Eucalyptus (Diameter<10cm)	Tree	30.00	25,000	750,000
17.	Eucalyptus (Diameter < 20cm)	Tree	216.00	50,000	10,800,000
18.	Eucalyptus (Diameter > 30cm)	Tree	37	100,000	3,700,000
19.	Rubber (1-3 years)	Tree	3,609.00	120,000	433,080,000

20.	Rubber (4 years)	Tree	414.00	200,000	82,800,000
21.	Rubber (5-9 years)	Tree	415.00	300,000	124,500,000
22.	Rubber (>10 years)	Tree	1,362.00	400,000	544,800,000
23.	Khaya senegalensis (Diameter<5cm)	Tree	20.00	15,000	300,000
24.	Khaya senegalensis (Diameter<20cm)	Tree	16.00	50,000	800,000
25.	Khaya senegalensis (Diameter > 30cm)	Tree	3	100,000	300,000
26.	Malaleuca (Diameter<5cm)	Tree	105.00	15,000	1,575,000
27.	Malaleuca (Diameter<10cm)	Tree	8.00	25,000	200,000
28.	Malaleuca (Diameter<20cm)	Tree	181	50,000	9,050,000
29.	Malaleuca (Diameter>30cm)	Tree	35	100,000	3,500,000
30.	Tre gai	Tree	3,503	15,000	52,545,000
31.	Trúng cá	Tree	1.00	15,000	15,000
32.	Iron wood (Diameter 50cm)	Tree	1.00	1,000,000	1,000,000
33.	Iron wood (Diameter 3cm)	Tree	2.00	100,000	200,000
34.	Tam Vong	Tree	1,996.00	5,000	9,980,000
35.	Gach tree (Diameter20cm)	Tree	1.00	50,000	50,000
36.	Banana (3-5 Tree/brush)	Bụi	22	50,000	1,100,000
37.	Sapodila (Diameter<20cm)	Tree	62.00	50,000	3,100,000
38.	Lồng mức (Diameter30cm)	Tree	2.00	100,000	200,000
39.	Gourd	m ²	1,464.30	4,000	5,857,200
40.	Co ke	Tree	6	50,000	30,000
41.	Cám (Diameter20cm)	Tree	1.00	50,000	50,000
42.	Frankincense (Diameter 40cm)	Tree	1.00	1,000,000	1,000,000
43.	Acacia (Diameter5cm)	Tree	60.00	25,000	1,500,000
44.	Coc (3 years)	Tree	1.00	40,000	40,000
45.	Sake (1 years)	Tree	1.00	200,000	200,000
46.	Lemongrass	m ²	12.00	4,500	54,000
47.	Lagerstroemia (Diameter30cm)	Tree	1.00	100,000	100,000
48.	Sao tree	Tree	1.00	1,000,000	1,000,000
49.	White palm (<50cm)	Tree	4.00	200,000	800,000
50.	Plum (7 years)	Tree	3.00	240,000	720,000

51.	Rambutan (3 years)	Tree	2.00	120,000	240,000
52.	Small bamboo	Tree	708.00	1,000	708,000
53.	Xanh Bonsai (diameter10cm)	Tree	3.00	20,000	60,000
54.	Xanh Bonsai (Diameter<20cm)	Tree	29.00	40,000	1,160,000
55.	Xanh Bonsai (Diameter40cm)	Tree	2.00	200,000	400,000
56.	Bamboo	Tree	31.00	15,000	465,000
57.	Coconut	Tree	18.00	150,000	2,700,000
58.	Avocado (2 years)	Tree	1.00	200,000	200,000
59.	Custard (03 years)	Tree	2.00	100,000	200,000
60.	Soursop	Tree	3.00	120,000	360,000
61.	Apricot (Diameter 20cm)	Tree	2.00	40,000	80,000
62.	Apricot (Diameter 5cm)	Tree	6.00	20,000	120,000
IV. ALLOWANCES AND SUPPORTS					
1.	Movement support				0
2.	Renters Assistance				0
3.	Support for stable life and stable production				146,880,000
4.	Support to stop production				0
5.	Support for policy objects				24,000,000
6.	Support for the partially dismantled				0
7.	Self-resettlement support				0
8.	Support for career change or job				8,600,208,000
Support for land					
9.	Agricultural land along the road	m ²	1,524.95	320,000	243,992,000

Annex 4: Public Information Booklet (PIB)

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. Third irrigation area of Thai My Commune will be added to the project made the total net command area at full development of about 36 thousand ha.

2. 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 21,44m³/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 71.626 km 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 300 ha. There are a total of 15 communes in the Duc Hoa Irrigation system area. It will affect 15 communes and towns such as:

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

Thai My Irrigation System: located in Thai My commune, Cu Chi district, HCMC, a system will irrigate gravitatively to an area of 900 ha and water supply for DMS of Cu Chi Distric. The improvement of irrigation infrastructure will benefit 700 households. Construction work are expected to be completed by end of 2007.

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.

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.

3. Legal framework of compensation, resettlement and supports for affected persons

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

i) to avoid involuntary resettlement wherever possible by exploring project and design alternatives; ii) to enhance , or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; iii) 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.

4. 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.

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.

Stage 1 – Within 30 days of the date of the Chairman 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 **30 days** of receiving the decision of the DPC, and if the AP is still dissatisfied, the AP may take the matter 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, and 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 DRC has to provide a valid copy of the Minute to the household for checking if necessary.
- (iii) After the inventory, the DRC 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, DRC and local authorities announce specific date, time, and 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, PPMB 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, PPMB 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 DRC will be awarded a bonus.

For more information, please contact:

The People's Committee ofCommune.

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

The District Resettlement Committee (DRC)

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

7. Information Disclosure

According to the ADB 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 69/2009 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 69/2009, Article 30(2c)). In accordance with Decree 69/2009 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.** A brief introduction of the project and more detail of the TBIS. As the TBIS 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.
- **Project impacts.** Impacts on the people living and working in the project affected areas including explanations about the scope of land acquisition of the TBIA in Chau Thanh District and of 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 of land-for-land and cash compensation; options of reorganizing and individual resettlement; measures of 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 were 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 also received an explanation about how to access grievance redress procedures, according to the Project's mechanism and the GoV's Grievance and Denouncement Law.

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.

- **Right to participate and be consulted.** All APs were informed about their right to participate in the planning and implementation of the resettlement process. The APs representatives are to be represented on the DRC members, and the representatives 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 were given an explanation regarding compensation calculations, compensation payments, monitoring procedures, reorganization and relocation to an individual location/self-relocation, and preliminary information about physical works procedures.
- **Organizational responsibilities.** All APs were informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of Government officials in charge with phone numbers, office locations and office hours;
- **Implementation schedule.** All APs were informed the proposed schedule for the main resettlement activities and 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 were provided to resettlement committees at all levels.

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

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

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

Item	Target	Period/Stage	Year/ Month											
			2013						2014					
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Ma y	Jun
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

4. 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 5: Provincial land pricing

Land Prices Tay Ninh Province

These are based upon Decision 61/2012/QĐ-UBND Tay Ninh province, dated on 20th, December 2012 and market prices in 2013 in the province of Tay Ninh. Each commune is divided into three areas of communal administrative boundaries

(i) Area I: land adjacent to national highways, provincial roads, inter-village roads or inter-district roads, inter-communal roads, surrounding the market roads, or commercial and services area (in this regulation referred to as the main road)

(ii) Area II: Land adjacent inter - hamlet roads (routes not specified in the area I)

(iii) Area III: land in remaining areas

1. Agricultural land location

Agricultural land: in each is divided into five locations

(i) Location 1: Agricultural land in the front side of the road which has the width greater than 10 m and within 2 km from the urban boundary or within 02 km radius from the commune center or residential area

(ii) Location 2: Agricultural land located in one of the following positions:

a. Agricultural land in front of the road which has the width greater than 10 meters and far 02 km to 05 km from to urban boundaries, or the commune center, residential area;

b. The land in front side of road which has the width from 05 m to 10m and within 2 km from the urban boundary or the commune center, residential area

c. Agricultural land not adjacent to the road, but contiguous or adjacent land location 01.

(iii) Location 3: Agricultural land located in one of the following positions:

a. Agricultural land in front of the road which has the width greater than 10 meters and far over 05 km from urban boundaries, or the commune center, residential area;

b. Agricultural land in front of the road which has the width greater than 10 meters and within 02 km to 05 km from urban boundaries, or the commune center, residential area;

c. Agricultural land in front of the road which has the width less than 5 meters and within 02 km from urban boundaries, or the commune center, residential area;

d. Agricultural land not adjacent to the road, but contiguous or adjacent land location 02.

(iv) Location 4: Agricultural land located in one of the following positions:

a. Agricultural land in front of the road which has width from 5 meters to 10 meters and within 5 km from urban boundaries, or the commune center, residential area;

b. Agricultural land in front of the road which has width less than 5 meters and within more 2 km to 5 km from urban boundaries, or the commune center, residential area;

c. Agricultural land not adjacent to the road, but contiguous or adjacent land location 03.

(v) Location 5: Agricultural land in the remaining locations

2. Non-agricultural land

Non-agricultural land of each area in each commune is divided into 3 positions. Specifically:

a. Distribution location in area I:

Location 1: Land adjacent to the national highway, provincial roads, or inter-district roads, inter-communal roads, surrounding the market roads or the commercial and service area (called the main road) when has one of the following 4 criteria:

- i. Land within 0.5 km radius from the center of the CPC, schools, markets, health centers under the main road
- ii. Land within 0.5 km on each side of the main road from the boundaries of land and commercial services, tourism, industrial parks, export processing zones, economic zones (including the land opposite of these areas);
- iii. Land within the commercial and services area, tourism, industrial parks and export processing zones, markets, gate economic zones;
- iv. Land within 0.5 km each side of the main roads from the center clue of transport, clue markets

Location 2: Land adjacent to the front of the main roads within the land borders from position 01 to 01 km under the main roads;

Location 3: Land in the remaining locations of the area I.

b. Distribution location in area II:

Land adjacent to the front of the inter-village roads (except the roads specified in area I) is divided into 3 positions as follows:

Location 1: Land within residential area, that residential attached to one of the agencies or organizations: the commune People's Committee, markets, higher secondary schools, health stations economic, trade - service, tourism, industrial parks, export processing zones;

Location 2: Land within the residential area, but not the residential area specified in location 1 of area I;

Location 3: Land in the remaining locations of the area II.

c. Distribution location in area III:

Land adjacent to the front of the inter-village roads (but not the roads specified in area I, area II) is divided into 3 positions as follows:

Location 1: Land within residential area, that residential attached to one of the agencies or organizations: the commune People's Committee, markets, higher secondary schools, health stations economic, trade - service, tourism, industrial parks, export processing zones;

Location 2: Land within the residential area, but not the residential area specified in location 01 of area III;

Location 3: Land in the remaining locations of the area III.

3. Regulations on adjacent land areas

Land adjacent land areas are determined from the administrative boundary lines between districts, towns, in the region of each district, town:

- For agricultural land within 300 m.

- For non-agricultural land in rural area within 200 m.
- For non-agricultural land in urban area within 100 m.

4. Price of Agricultural Land

Table I.1: The Land price of annual crop land Unit: Thousand dong/m²

Commune Location Category	Type II: An Co commune – Chau Thanh District	Type III: Phuoc Vinh commune – Chau Thanh District
1	38	25
2	32	22
3	27	18

Table I.2: Land price of perennial tree land Unit: Thousand dong/m²

Commune Location Category	Type II: An Co commune – Chau Thanh District	Type III: Phuoc Vinh commune – Chau Thanh District
1	48	33
2	41	28
3	35	24

Table I.3: The land price of production forests, protections, and special use land Unit: Thousand dong/m²

Commune Location Category	Type II: An Co commune – Chau Thanh District	Type III: Phuoc Vinh commune – Chau Thanh District
1	17	12
2	14	10
3	12	9

Table I.4: The land price of aquaculture land Unit :Thousand dong/m²

Commune Location Category	Type II: An Co commune – Chau Thanh District	Type III: Phuoc Vinh commune – Chau Thanh District
1	26	18
2	22	15
3	19	13

5. Price of Non- Agricultural Land

Table II.1: The land price of non-agri land in rural area Unit : Thousand dong/m2

Region	Commune Location Category	Type II: An Co commune – Chau Thanh District	Type III: Phuoc Vinh commune – Chau Thanh District
I	1	810	460
	2	610	350
	3	450	260
II	1	320	170
	2	240	140
	3	180	100
III	1	100	63
	2	80	50
	3	70	40

ely and Vulnerable Affected Households (VAPs/SAPs)

oc Vinh and An Co communes

Hs	Commune	Total land area	Affected Area		Percentage of land loss	Remarks
			Chót Quyền	Chót Quyền branch		
ine						
	Phước Lập - Phước Vinh	5,000	-	1,367.20	27.34	
ộng	Phước Lập - Phước Vinh	6,300	2,447.80	86.70	40.23	02 records
ài	Phước Hoà - Phước Vinh	13,000	2,849.30	-	21.92	
n	Phước Lập - Phước Vinh	9,000	1,847.60	-	20.53	
èo	Phước Lập - Phước Vinh	20,000	7,166.00	-	35.83	
	Phước Lập - Phước Vinh	10,000	2,638.00	-	26.38	
ong	Phước Hoà - Phước Vinh	10,000	2,490.50	-	24.91	Female-headed
oa	Phước Lộc - Phước Vinh	7,500	2,629.70	-	35.06	Female-headed
	An Thọ - An Cơ	3,968.7	1,178.6		29,6	
ấn	An Thọ - An Cơ	12,789	3,060.7		23,9	
	An Thọ - An Cơ	3,613.6	801		22,1	
oa	An Thọ - An Cơ	6081,3	1452		23,8	Female-headed
	An Thọ - An Cơ	4156	1496.1		35,9	

15	Hồ Thị Bích Thủy	An Thọ - An Cơ	6262	2507.5		40,04	<i>Female-headed</i>
16	Trương Thị Quyên	An Thọ - An Cơ	3180.5	1,307.1		41	<i>Female-headed</i>
17	Văn Thành Sơn	An Thọ - An Cơ	1821	678.8		37,2	

b) List of VAPs in Phuoc Vinh and An Co communes

No	Name of HHs	Commune	Type of policy	Remarks (severely affected HH)
1	Phạm Thanh Quang	Phước Lập – Phước Vinh	Bệnh binh	No
2	Nguyễn Thị The	Phước Lập – Phước Vinh	Huy chương kháng chiến	No
3	Nguyễn Thị Láng	Phước Lập – Phước Vinh	Thương binh	No
4	Nguyễn Văn Thọ	Phước Lập – Phước Vinh	Bệnh binh	No
5	Lê Văn Năm (Lê Văn Đường)	Phước Lộc – Phước Vinh	Thương binh	No
6	Nguyễn Văn Tốt	An Thọ - An Cơ	Thương binh	No
7	Võ Tấn Thành	An Thọ - An Cơ	Cán bộ hưu trí	No

Annex 7: List of APs and Estimated Compensation Entitlements

No	Name of HHs	Value for land compensation	Value for assets compensation		Allowances	Total value for compensation	Remarks
			Structures	Crops and trees			
1	Le Van Cho	30,032,800	1,119,600			45,032,400	
2	Le Van Sai	5,914,800		3,175,000		9,089,800	
3	Nguyen Thanh Khuya	918,476,300		178,150,000		1,096,626,300	
4	Nguyen Van Chung	127,434,800		19,200,000		146,634,800	
5	Lai Thi Trà	115,828,400				115,828,400	
6	Nguyen Thi Ngoc Linh	93,651,250		14,600,000		108,251,250	
7	Vu Van Dui	166,792,450	8,023,800	77,085,000		251,901,250	
8	Tu Hien	73,003,700		21,000,000		94,003,700	
9	Vu Van Lui	25,724,250		4,815,000		30,539,250	
10	Vu Thi Lu	34,687,500		4,050,000		38,737,500	
11	Pham Van Quyen	161,143,900		17,465,000		178,608,900	
12	Luong Van Hon	197,870,750	28,119,600	201,250,000		427,240,350	
13	Truong Thi Bac						

		99,371,250		2,160,000		101,531,250	
14	Mang Van Bon	27,661,150		12,000,000		39,661,150	
15	Nguyen Van Cu	142,135,500		10,570,000		152,705,500	
16	Nguyen Van Hiep	112,253,900	242,000	16,875,000		129,370,900	
17	Nguyen Van Hoa	159,958,150	38,280,000	46,135,800		244,373,950	
18	Le Van Thoi	125,153,500		17,910,000		143,063,500	
19	Le Van Trong	29,082,000				29,082,000	
20	Le Van Sau	60,920,500		3,750,000		64,670,500	
21	Le Van Lam	20,618,250	466,500	1,448,700		22,533,450	
22	Le Van Canh	109,427,500	2,184,600	5,499,000		117,111,100	
23	Nguyen Thi Tam	176,980,250	466,500	6,289,900		183,736,650	
24	Le Van Hung	135,081,550		10,220,000		145,301,550	
25	Le Hong Than	118,691,100		16,390,000		135,081,100	
26	Le Van Chung	235,292,250		3,003,200		238,295,450	
27	Nguyen Van Vinh	61,105,500		1,981,800		63,087,300	
28	Nguyen Van Nguyen	90,298,450		14,900,000		105,198,450	

29	Nguyen Thanh Hung	109,020,500		3,535,800	4,320,000	116,876,300	
30	Nguyen Van Danh	41,088,500		4,900,000		45,988,500	
31	Huynh Van Tuan	26,889,750		922,100	8,640,000	36,451,850	
32	Huynh Thi Thu Trinh	53,451,750		4,550,000		58,001,750	
33	Huynh Van That	55,740,500		8,113,800		63,854,300	
34	Nguyen Van Phu	184,630,600		58,880,000		243,510,600	
35	Nguyen Thi Hoa	151,734,000		32,020,000	6,480,000	190,234,000	
36	Nguyen Van Tot	85,155,500		6,880,000	4,000,000	96,035,500	<i>Thương binh</i>
37	Nguyen Van Phuong	74,092,500	1,442,000	12,206,000	8,640,000	96,380,500	
38	Nguyen Van Han	138,410,250	1,502,500	11,890,000		151,802,750	
39	NguyenVan Thang	127,364,600	726,000	18,541,400		146,632,000	
40	Nguyen Thi ly	137,239,850		25,259,900		162,499,750	
41	Nguyen Van Hanh	30,754,350		3,522,900		34,277,250	
42	Nguyen Van Tanh	42,562,850		7,101,900		49,664,750	
43	Nguyen Van Tam	357,819,900	1,341,500	3,579,000		362,740,400	
44	Nguyen Van Phet						

		52,745,000	423,500	5,410,800		58,579,300	
45	Nguyen Van Ve	261,153,750		14,520,000		275,673,750	
46	Huynh Thi Cung	70,523,750		9,300,000		79,823,750	
47	Huynh Van Linh	140,545,900	3,510,000	26,600,000		170,655,900	
48	Nguyen Van No	202,331,250		15,840,000		218,171,250	
49	Den Quan lon tra vong	97,141,600		1,608,900		98,750,500	
50	Nguyen Van Nghia	189,722,500	302,500	35,760,000		225,785,000	
51	Nguyen Van Thuan	55,550,550		7,200,000		62,750,550	
52	Nguyen Van Lo	59,441,250		7,200,000		66,641,250	
53	Thai Van Keo	222,394,200		7,990,000		230,384,200	
54	Thai Van Ngon	37,920,000		2,930,000		40,850,000	118 m2 resi-land
55	Thai Van Thanh	101,788,000		5,625,000		107,413,000	165m2 resi-land
56	Thai Van Manh	181,987,450		22,014,000		204,001,450	165m2 resi-land
57	Huynh Thi Su	41,242,400		1,097,800		42,340,200	
58	Nguyen Van Ngoan	195,895,200		4,739,400		200,634,600	
59	Huynh Van That	229,561,200		5,553,900		235,115,100	

60	Nguyen Van Vinh	155,732,500		182,532,500		182,532,500	
61	Huynh Van Tuan	343,480,000		4,488,300	6,480,000	196,484,700	
62	Huynh Van Ty	185,516,400		4,488,300	6,480,000	196,484,700	
63	Nguyen Van Phu	155,732,500		18,000,000		173,732,500	
64	Nguyen Van Nguyen	80,891,250		18,600,000		99,491,250	
65	Lo Lom Son	470,140,000		60,000,000		530,140,000	
66	Nguyen Van Thuc	289,382,500		18,240,000	8,640,000	316,262,500	
67	Nguyen Thanh Hoa	344,781,250		24,000,000		368,781,250	
68	Ho Thi Bich Thuy	344,781,250		20,880,000	6,480,000	372,141,250	
69	Vu Tan Thành	514,951,250		36,000,000	2,000,000	552,951,250	<i>CB hưu trí</i>
70	Truong Thi Quyen	356,883,000	301,730,000	14,721,300	6,480,000	679,814,300	<i>283m2 resi-land</i>
71	Truong Dinh Tuong	102,877,500		18,400,000		121,277,500	
72	Van Thành Son	116,753,600	337,500	11,680,000	8,640,000	137,411,100	
73	Le Thi Luu	258,468,000		8,760,000		267,228,000	<i>400m2 resi-land</i>
74	Nguyen Thi Dung	132,468,000		4,788,000		137,256,000	
75	Nguyen Thi Xinh						

		107,194,500		21,099,600		128,294,100	
76	Ngu Thanh Phong	19,231,100		695,100		19,926,200	
77	Nguyen Van Dung	96,993,800		3,505,800		100,499,600	
78	Pham Thanh Quang	206,296,500		7,456,500	4,000,000	217,753,000	Thương binh
79	Huynh Van Dong	151,848,500		26,590,800		178,439,300	
80	Tran Van Dung	13,263,400		479,400		13,742,800	
81	Tran Van Si	113,477,600		4,101,600	6,480,000	124,059,200	
82	Nguyen Thi The	65,362,500		2,362,500	2,000,000	69,725,000	Gia đình có công CM
83	Doàn Van Than	23,040,800		832,800		23,873,600	
84	Nguyen Van Tom	142,021,300		5,133,300		147,154,600	
85	Huynh Van Nam	95,458,300		3,450,300		98,908,600	
86	Le Van Trong	76,127,600	1,200,000	2,751,600		80,079,200	
87	Pham Thanh Hai	42,305,100		1,529,100		43,834,200	
88	Nguyen Thi Hien	87,697,800		3,169,800		90,867,600	
89	Nguyen Thanh Dung	85,581,300		3,093,300		88,674,600	
90	Nguyen Thi Long	106,007,600		3,550,200	4,000,000	113,557,800	Thương binh

91	Nguyen Van Rum	129,065,000		4,665,000		133,730,000	
92	Nguyen Van Rong	7,196,100		219,600		7,415,700	
93	Nguyen Thi Loan	27,514,500		759,300		28,273,800	
94	Lu Thi Luong	246,095,000		8,461,500		254,556,500	
95	Huynh Thi Dang	159,592,400		5,768,400		165,360,800	
96	Huynh Thi Than	162,937,300		5,889,300		168,826,600	
97	Phan Hong Cam	53,543,300		1,935,300		55,478,600	
98	Ha Thi Quyen	2,066,700		74,700		2,141,400	
99	Huynh Van To	279,643,600		10,107,600		289,751,200	
100	Huynh Van Kha	386,896,200		13,984,200		400,880,400	
101	Huynh Van Ut	218,871,000		7,911,000		226,782,000	
102	Huynh Van Ny	151,466,700		5,474,700		156,941,400	
103	Le Van Tung	283,420,100		10,244,100		293,664,200	
104	Phan Van Phung	211,691,500		7,651,500		219,343,000	
105	Nguyen Thi Loan	9,387,300		339,300		9,726,600	
106	Nguyen Van Rum						

		285,046,900		10,302,900		295,349,800	
107	Nguyen Van Bua	76,816,500		2,776,500		79,593,000	
108	Nguyen Van Thanh	75,579,800		2,543,100		78,122,900	
109	Nguyen Van Rong	203,167,400		7,343,400	10,800,000	221,310,800	
110	Nguyen Van Tài	236,491,900		8,547,900	8,640,000	253,679,800	
111	Phan Ngoc Ánh	117,038,300		4,434,600		121,472,900	
112	Phan Ngoc Loi	89,490,600		3,129,600		92,620,200	
113	Phan Ngoc Luu	8,540,700		308,700		8,849,400	
114	Huynh Van Choy	157,824,500		5,704,500		163,529,000	
115	Nguyen Van Sang	111,958,700		3,801,600		115,760,300	
116	Tran Van Quang	141,257,700		5,105,700		146,363,400	
117	Phu Thi Loi	116,166,800		4,198,800		120,365,600	
118	Lo Thi Goi	18,807,800		679,800		19,487,600	
119	Nguyen Van Theo	134,103,100		4,664,100	4,000,000	142,767,200	Thương bình
120	Luu Van Thay	2,332,300		14,400		2,346,700	
121	Nguyen Van Út	32,577,500		1,177,500		33,755,000	

122	Pham Thoi Son	153,350,800		7,192,800	15,120,000	175,663,600	
123	Tran Thi Lai	389,668,400		14,084,400		403,752,800	
124	Nguyen Van Deo	594,778,000	1,065,000	21,498,000	12,960,000	630,301,000	
125	Truong Van Xua	84,344,600		3,048,600		87,393,200	
126	Luu Van Luc	218,954,000		7,914,000	10,800,000	237,668,000	
127	Nguyen Van Kiem	45,492,300		10,700,000		56,192,300	
128	Nguyen Thi Dinh	213,343,200		7,711,200		221,054,400	
129	Nguyen Van Bay	65,121,800		2,353,800		67,475,600	
130	Lo Thi Nhung	10,682,100		786,100		11,468,200	
131	Tran Van Minh	82,742,700		3,490,700		86,233,400	
132	Huynh Thi Út	45,874,100		1,658,100		47,532,200	
133	Huynh Van Bo	133,804,300		5,036,300		138,840,600	
134	Nguyen Van Chou	99,583,400		3,599,400		103,182,800	
135	Nguyen Thi Trong	206,711,500	1,200,000	7,247,100	8,640,000	223,798,600	
136	Huynh Thi Xo	44,521,200		1,609,200		46,130,400	
137	Nguyen Thi Hoa						

		218,265,100		7,760,400	8,640,000	234,665,500	
138	Tran Van Pham	131,297,700		4,482,000		135,779,700	
139	Le Thanh Ngoc	11,819,200		427,200		12,246,400	
140	Lam Van Ho	70,284,400		2,540,400		72,824,800	
141	Nguyen Thi Phuong	27,547,700		912,600		28,460,300	
142	Le Van Nam	67,429,200		2,437,200	4,000,000	73,866,400	GĐ liệt sỹ

Annex 8: Summary of public consultation meetings

1. Announcement of overall information of the Tan Bien Irrigation Area - Phuoc Hoa Water Resource Project in Phuoc Vinh and An Co communes of Chau Thanh district in 2010.

Contents of Consultation	Results of Consultation
<p><u>Main issues:</u></p> <ol style="list-style-type: none"> 1. Introduction of project and purpose 2. Legal framework of compensation, relocation and supports for APs: <ul style="list-style-type: none"> - Entitlement of APs and affected assets. - Compensation policy - Support policy - Grievance redress - Procedures announcement and guidelines to APs: <ol style="list-style-type: none"> i. HHs should prepare necessary documents (land and housing certificates) ii. APs participate in the project inventory process (DMS). iii. After DMS, list of affected assets of each households will be posted by the DRC at the CPC office and on local mass media. iv. PPMB, DRC and CPC will provide the compensation payment time, place and schedule to APs. <p>(3) PIB will be posted at CPC and affected hamlet office. Each HH will have one copy to take home for information.</p>	<p><u>During information disclosure meetings, APs have the followings opinions:</u></p> <ul style="list-style-type: none"> • The community supported and wished to see the irrigation project to be implemented. • Commune and village leaders expressed their active support to the project. <p><u>Opinions of PPMB:</u></p> <ul style="list-style-type: none"> • The project has been recently carrying out all necessary steps and procedures of its implementation.

2. Public consultation at An Tho hamlet – An Co Commune regarding the project five drainage canal system: canal number 1, 2, 3, Chot Quyen, and Chot Quyen Branch of Tan Bien Irrigation Area (Time: 8h30 AM, 26th August 2013)

Contents of Consultation	Results of Consultation
<p>○ <u>Main issues:</u> Published implementation policy of drainage canal construction of sluice number 1, 2, 3 and Chot Quyen - Phuoc Hoa Water Resource project in An Tho Hamlet, An Co commune.</p>	<p><u>Opinions of households:</u></p> <ul style="list-style-type: none"> - APs agreed and actively supported the project implementation as it will improve the drainage condition and flood control in the area; - The project should early inform APs of compensation prices of land and property on land; compensation prices of road frontage and non frontage land; - Compensation rate should be reasonable according to replacement cost so that APs can have livelihood and production restoration after land acquisition. <p><u>Responses of Representatives:</u></p> <ul style="list-style-type: none"> - Giving explanation to APs about the reason of the public announcement meeting and project objectives and technical procedures of drainage canal construction. - Informing on compensation procedures of the project and request households to cooperate with the project inspection team for early DMS completion. - Regarding compensation rates PPMB and CLFD will report to the DRC.

3. Public consultation at Phước Vinh Commune regarding the implementation of the project: five drainage canals No.1, 2, 3, and Chot Quyen, and Chot Quyen Branch in Tan Bien Irrigation Area (Time: 14h30 AM, 26th August 2013)

Contents of Consultation	Results of Consultation
<p><u>Main issues:</u></p> <ul style="list-style-type: none"> ○ Published implementation policy of drainage canal construction of sluice number 1, 2 , 3 and Chót Quên. Tan Bien irrigation – Phuoc Hoa Water Resource project in An Tho Hamlet, An Co commune. - Illustrate of advantage of construction of drainage canal to ensure for irrigation and drainage to prevent flooding and wish household support for the project and cooperate with PTQĐ centre to implement project in time. 	<p><u>Opinions of households :</u></p> <ul style="list-style-type: none"> - Agree with government policy on project implementation and propose that they will be early inform with project schedule. - Household's land devote for the public irrigation canal as tertiary canal, so that is there any compensation for land, if the remain land might not usable to crop, is also be compensated? - The land with canal cutting might not be used cropping, can canal-line to be adjusted?. <p><u>Responses of Representative</u></p> <ul style="list-style-type: none"> - Representative of PMU Tay Ninh responds about the procedure of constructing of drainage canal and its advantage. - With land is used to build canal if they are in land owner certification it will be compensated. - In case the remaining land cannot being used for cropping, the inspection team will report to DRC for a compensation.

4. Public announcement of Draft compensation and support policy to affected households in An Co commune, dated 6 Dec 2013.

Contents of Consultation	Results of Consultation
<p><u>Main issues:</u></p> <p>(1) Notice of Draft compensation, relocation and support policy to be posted at CPC office in 20 days.</p> <p>(2) It is announced in the meeting that if HHs need any further information or any other comments they can direct contact to the representatives of CPC or CLFD.</p> <p>(3) Announcement on compensation entitlement of drainage canals No. 1,2,3 of An Co commune to APs.</p>	<p><u>Comments of APs on Draft policy of the project:</u></p> <p>Majority of household has agreed on compensation prices of agricultural land and support the project implementation.</p> <ul style="list-style-type: none"> - Two households of Le Thi Luu and Truong Thi Quyen proposed the CLFD and DRC to review compensation price of their residential land. - Question on residential limit per households in rural area? <p><u>Responses of representatives:</u></p> <ul style="list-style-type: none"> - CPC explained about residential limit per household in the commune is of 400 m2 when transferring land use purpose from agricultural land to residential land. - CPC will report to DRC and CLFD to reconsider regarding comments of AHs on compensation prices of residential land. - PPMB explained on compensation procedures to affected households.

