

# **EXTERNAL RESETTLEMENT MONITORING REPORT**

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Forth Quarter Report  
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## **VIE: PHUOC HOA WATER RESOURCES PROJECT**

Prepared by Institute of Sociology - external monitoring agency for the ICMB9 and the Asian Development Bank.

## CURRENCY EQUIVALENTS

(as of Feb 2013)

Currency unit	–	VND
\$1.00	=	20,860VND

## ABBREVIATIONS

AH	Affected household
AP	Affected person
CPC	Commune People's Committee
CPO	Central project office
DRC	District resettlement committee
GoV	Government of Vietnam
HH	Household
ICMB9	Investment Construction and management Board No. 9
IOS	Institute of Sociology
MARD	Ministry of Agriculture and Rural Development
MO	Independent Monitoring Organization
NWL	Normal Water Level
PPC	Provincial People's Committee
PPMB	Provincial Project Management Unit
PRC	Provincial resettlement committee
RC	Resettlement Committee
RF	Resettlement Framework
RP	Resettlement plan
VND	Vietnam Dong (Vietnamese currency)

## **NOTE**

In this report, "\$" refers to US dollars.

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## Table of Contents

I. Project Introduction .....	5
1.1 Project background.....	4
1.2 Duc Hoa Main Canal-Trang Bang section, Duc Hoa Irrigation Area, and Tan Bien Irrigation Area.....	4
II. Methodology of monitoring and implementation arrangement .....	5
2.1 Methodology .....	5
2.2 Monitoring methods .....	6
2.3 Tổ chức thực hiện.....	6
2.4 Selection of Survey Samples .....	9
III. Monitoring Results.....	10
3.1 Internal Work .....	10
3.2 Information Disclosure and Community Consultation .....	10
3.3 Detailed Measurement Survey of Affected Assets .....	12
3.4 Compensation and Resettlement Plans.....	13
3.4.1 Legal Basis for Development of Compensation Plans .....	13
3.4.2 Preparation of Compensation Plans.....	16
3.4.3 Compensation Prices for Affected Assets .....	17
3.4.4 Allowances.....	17
3.5 Compensation payment.....	18
3.6 Resettlement issue.....	24
IV. Outstanding Issues and the AHs' Comments.....	24
4.1. The AHs' General Comments .....	24
4.2. The AHs' Detailed Comments .....	25
V. Agreement between Resettlement Progress and Construction Progress.....	29
VI. Conclusions and Recommendations .....	30
6.1. Conclusions .....	30
6.2. Recommendations.....	31

### List of Tables

Table 1: Summary of the impacts caused by construction of Duc Hoa Main Canal, the section passing Duc Hoa district, Long An province .....	7
Table 2: Summary of impacts on HHs in Tân Biên Irrigation Area of Châu Thành district ...	11
Table 3: Forms of Information Disclosure.....	11
Table 4: The surveyed AHs' assessment on DMS in Duc Hoa.....	13
Table 5: Comments of the APs in Duc Hoa district on compensation prices .....	17
Table 6: Allowances for severely APs.....	18
Table 7: Progress of compensation payment and allowance in Tay Ninh province.....	20
Table 8: Progress of compensation payment and allowance in Long An province .....	21
Table 9: Outstanding issues.....	<b>Error! Bookmark not defined.</b>

## I. Project Introduction

### 1.1 Project background

1. Phuoc Hoa Water Resources Project is to provide additional water in the Sai Gon and Vam Co Dong river basins for developing irrigated agriculture and to supplement existing supplies for salinity control and domestic, municipal, and industrial (DMI) use in Ho Chi Minh city (HCMC) and the surrounding provinces. The project will adopt an integrated development approach to increasing agricultural production by promoting efficient and sustainable management of the water resources.

2. Water resources infrastructure to be developed will include the Phuoc Hoa headworks which will inundate 685 ha with the average water level at + 42.90m and a 40.5km long transfer canal to divert and convey water from the Be river to Dau Tieng reservoir on the Saigon river in the neighboring basin. From there, it will be diverted through Dau Tieng irrigation system for multiple uses such as for irrigated agriculture, supplementary water for DMI use, and salinity control in the Saigon and Vam Co Dong river basin.

3. Two new irrigation areas will be invested under the project: (i) Tan Bien Irrigation System in Tay Ninh province with the total command area of 13,390 ha, and (ii) Duc Hoa Irrigation System in Long An province with the total command area of 21,015 ha. The total irrigation command area upon completion of the project will be 33,405 ha. In addition, the scheme will provide about 10m<sup>3</sup> per second of water for DMI use in Binh Duong and HCMC.

4. The project will affect 5 provinces of Binh Duong, Binh Phuoc, Tay Ninh, Long An, and HCMC. Main components of the project are as follows:

- (i) *Phuoc Hoa Barrage:* Phuoc Hoa Barrage consists of one earth dam and a weir with reinforced concrete gate. The average water level of the barrage is 42.9 m. The headworks of the barrage include one administration house and 22KV electrical line locating in An Thai commune, Phu Giao district, Binh Duong province and Nha Bich and Minh Thanh communes, Chon Thanh district, Binh Phuoc province.
- (ii) *The reservoir:* The reservoir lies mainly in Binh Phuoc province and a small part is in Binh Duong province. The inundating area of the reservoir is 685 ha. This remains the same because the barrage is designed for 20 year-peak floods if the upstream water level does not change through opening all gates of the weir during floods. With 50 year-peak floods, the water level will raise up to 44.8 m, the respective flooding area will be 1,100 ha.
- (iii) *Construction Road:* Two roads have been constructed, including one road starting from the National Road No. 14 on the right bank of the Be river, passing Nha Bich and Minh Thanh communes with the total length of 8.5 km and the second road lies on the left bank of the Be river, passing An Thai commune with 3.0 km in length.
- (iv) *Diversion Canal.* The Diversion Canal is approximately 40.5 km in length, being able to load flows from 65 to 75 m<sup>3</sup>/s. The width of the canal is 120 m (including the safety corridor). The canal shall divert water from Phuoc Hoa Barrage to Dau Tieng Reservoir and provide water for several industrial zones in Binh Duong.

- (v) *Tan Bien Irrigation System.* This is a complexity of gravity and pumping irrigation system, located in Tay Ninh province, including the Tan Bien Main Canal of 23.03km in length with the flow of 13.5m<sup>3</sup>/s, starting from the West Main Canal of Dau Tieng reservoir to irrigate Tan Bien area with an area of 13,390 ha.
- (vi) *Duc Hoa Irrigation System.* This system locates in Long An province, including Duc Hoa Main Canal of 17.7km in length and the flow is 4.3m<sup>3</sup>/s, originating from the end of Tan Bien Main Canal, passing Cu Chi district, HCMC and Hau Nghia town, Duc Hoa district, Long An province. Duc Hoa main canal will provide water for 21,015ha, including 2,655 ha in Trang Bang – Tay Ninh, 800ha in Cu Chi and 17,560ha in Duc Hoa; also, it provides water for Trang Bang and Hau Nghia industrial zones.
- (vii) *Material Sites.* Most of materials sites for the headworks and the first session of the Diversion Canal locate in the planned reservoir. Filling materials for the Diversion Canal will be taken from excavated trenches, and vacant land is required in certain areas for disposal of redundant soil.

5. The project started its implementation phase by late 2005 with compensation and resettlement activities. Construction of various works has been commenced since 2006. According to ADB's safeguard policy, resettlement under ADB-funded projects must comply with the requirements of ADB's involuntary resettlement policy. Periodic resettlement independent monitoring – phase I – of Phuoc Hoa Water Resources Project ended with a report summarizing compliance of the required policy of the whole project (The Independent Monitoring Report No. 9 prepared by the Institute of Sociology, December 2011) to gain lessons learnt and necessary amendments for the next phase of the project.

6. Phase II of Phuoc Hoa Water Resources Project is being implemented and the resettlement independent monitoring for Phase II of the project has begun with quarterly monitoring of resettlement activities. Monitoring mission I was conducted in March 2012 in Binh Duong, Binh Phuoc, Tay Ninh, Long An provinces and HCM city. Finding report of mission I has been submitted to ICMB9 and endorsed by ADB. Mission II was conducted in August 2012 in Tay Ninh and Binh Phuoc provinces for Duc Hoa main canal-Trang Bang district and Tan Bien Irrigation Area-Chau Thanh and Tan Bien districts and for progress of resolving pending issues of resettlement in Binh Phuoc subproject for the head works and the Diversion Canal. The monitoring report mission II has been submitted to the ICMB 9 and ADB. Mission III was conducted in Nov 2012 in 2 districts Tan Bien and Chau Thanh, Tay Ninh province for packages 1,2,3&4 and Duc Hoa district, Long An province for packages 1,2 and 3 borrow pits. Finding report has been submitted to the ICMB9 and ADB.

7. Monitoring mission IV was conducted in Tan Bien, Chau Thanh and Trang Bang districts of Tay Ninh province to examine how grievance of APs were resolved and what results of grievance redress have been achieved so far in packages 1,2,3&4 of Tan Bien irrigation system and monitoring on progress of compensation payment for APs of Duc Hoa main canal – Trang Bang section. Progress of compensation payment for APs of package 4 of Duc Hoa irrigation system and resolving pending problems of packages 1&2 were also monitored at this mission. Findings of this mission is processed and analysed and reported in this report.

## 1.2. Duc Hoa Main Canal-Trang Bang section, Duc Hoa Irrigation Area, and Tan Bien Irrigation Area

### 1.2.1 Duc Hoa Main Canal – Tay Ninh

8. Duc Hoa main canal – Tay Ninh the section passing Trang Bang district, Tay Ninh province begins at km 33+567 of the Dau Tieng eastern canal and go along direction of canal N26 through Loc Hung and An Tinh communes. The section is 8 km long.

9. Compensation and resettlement of the canal section is implemented by Center of Land fund development of Trang Bang district. The total number of HHs affected by Duc Hoa Main Canal – Trang Bang section is 337 HHs (1,471 persons) and six organizations, of which 136 HHs are severely affected with 37 displaced HHs and 120 HHs lossing more than 20% of productive land. Number of vulnerable APs is 32 HHs, including women headed households: 12, social policy families: 19, and poor APs: 1. There are no ethnic minority HHs affected by the project.

10. Since the canal section passes 2 communes of Trang Bang district, most of land subject to acquisition is agricultural land of households and 2 communes. The total acquired area of various types of land is 451,064m<sup>2</sup>, of which the area of residential and non-agricultural land is 6,919m<sup>2</sup> and the area of agricultural land is 444,145m<sup>2</sup> (Table 1).

11. Other affected assets include: houses and attached auxiliary structures: 5,975 m<sup>2</sup>; shops: 1,384m<sup>2</sup>, wells: 90; tombs: 7; rice and crops: 63,496m<sup>2</sup>, and trees: 47,836.

**Table 1: Summary of the impacts caused by construction of Duc Hoa Main Canal, the section passing Trang Bang district, Tay Ninh province**

Đức Hoà main canal- Tay Ninh	I. Number of AHs							
	Severe AHs				Marginal AHs		Total AHs and APs	
	Total	HHs relocating	HHs losing shop	HHs losing > 20% of productive land	Number of HHs	Number of Persons	AHs	APs
Loc Hung	36	8	0	24	81	353	117	510
An Tinh	103	29	7	96	117	512	220	961
<b>Total</b>	<b>139</b>	<b>37</b>	<b>7</b>	<b>120</b>	<b>198</b>	<b>865</b>	<b>337</b>	<b>1,471</b>
	II. Acquired land area							
	Residential and commercial land (m2)	Agri. land of AHs (m2)	Pond land (m2)	Foirst land (m2)	Agri. land of communal PCs (m2)	Total (m2)		
Loc Hung	1,674.1	104,347.2	0	0	83,089.6	192,402.0		
An Tinh	5,245.2	172,691.3	0	0	84,017.4	258,662.8		
<b>Total</b>	<b>6,919.3</b>	<b>277,038.5</b>	<b>0</b>	<b>0</b>	<b>167,107.0</b>	<b>451,064.8</b>		
	III. Other affected assets							
	Houses and auxiliary structures (m2)	Shops (m2)	Rice and crops (m2)	Trees	Tombs (unit)	Wells (unit)		
<b>Total</b>	<b>5,975.02</b>	<b>1,384.22</b>	<b>63,496.25</b>	<b>47,836</b>	<b>7</b>	<b>90</b>		

Source: DMS data provided by CLFD

### 1.2.2 Tân Biên Irrigation Area

12. Tân Biên irrigation Area covers 7 communes of two districts, including Châu Thành and Tân Biên districts, Tây Ninh province. This irrigation system will provide water to irrigate

for 7,863 ha, of which Tân Biên district - about 5,000 ha and Châu Thành – 2,863ha. Construction of the irrigation system includes primary canals, secondary canals and tertiary canals.

13. Resettlement implementation of the irrigation area in Chau Thanh and Tan Bien districts was carried out by CLFD of 2 districts. Total number of AHs is 833 HHs and 9 organizations, of which 48 severely APs with 19 relocating HHs. Number of vulnerable HHs is 38 HHs, including 10 women headed HHs, 27 social policy HHs, poor households: 4. No ethnic minority HHs are affected by the subproject.

14. Construction of Tan Bien canal system affects 7 communes of Châu Thanh and Tan Bien districts and mainly acquires agricultural land of HHs and communal PCs. Total land are acquired is 1,339,495.4m<sup>2</sup>, of which residential land: 11,374.1m<sup>2</sup>; agricultural land: 1,276,705.8m<sup>2</sup> and other land (public land) without compensation: 51,415.5 m<sup>2</sup>.

15. Affected assets include: Houses and auxiliary structures: 2,619.2 m<sup>2</sup>; shops: 1,384m<sup>2</sup>; wells: 43 units; rice and other crops: 388,085.7m<sup>2</sup>; trees: 71,493.

### **1.2.3 Đức Hòa irrigation area**

16. Đức Hòa irrigation area covers 10 communes and 01 town of Đức Hòa district, Long An province. The irrigation system will provide water for 13,821ha of Đức Hòa district. Construction of the irrigation system includes primary canals, secondary canals and tertiary canals.

17. Resettlement implementation of the irrigation area was carried out by CLFD of Duc Hoa district. Total number of AHs is 5,091 HHs and organizations, of which 816 severely APs with 41 relocation HHs and 775 HHs losing more than 20% of productive land.

18. Construction of Duc Hoa canal system requires mainly agricultural land of households and project communes PCs. Total land are acquired is 2,578.602m<sup>2</sup>, of which residential land: 28.629m<sup>2</sup>; agricultural land: 2,240.780m<sup>2</sup> and the remaining land (public land) is other land without compensation.

19. Other affected assets include: houses, structures, shops, wells, rice and crops, and trees.

## **II. Methodology of monitoring and implementation arrangement**

### **2.1 Methodology**

20. Quantitative method (sample survey and interview by questionnaire) in combination with qualitative method (in-depth interview and group discussion) with participation of different stakeholders were used to monitor. Besides, methods of document review and field observation were also applied for monitoring.

### **2.2 Monitoring methods**

21. *Document review and analysis:* review and analysis of relevant project documents will provide basic information of the project and help understand reasons of on-going changes or no changes. On the other hand, this method can help to determine information gaps and main issues that need to be dealt with during further analysis and evaluation. Sources of documents include the PPMUs, PPCs, DRCs, and the People's Committees of affected communes.

22. *Sample survey method* (sample survey by questionnaire): aims to collect information from a number of APs by questionnaire with specific questions. Results of the survey are used for statistic analysis because they contain important information on implementation issues or specific indicators from a sample. This method requires a strategy of sample selection (presented below) to monitor and evaluation.

23. *The qualitative method*: quick interview, in-depth interview, and group discussion is applied to identify problems of affected people and collect general information and viewpoints on some specific issue or to clarify some issue from a small group of people selected to represent various viewpoints and APs (the poor, the ethnic minorities, severely APs, the complainers). Group discussion is a good method to evaluate comments on changes, assess quality of the project services, and determine improved areas.

24. *Direct observation method*: this method enables timely collection of useful information that supplements collected data; also, it allows a clearer understanding of the contexts in which data and information are collected and explains survey results.

### **2.3 Implementation Arrangement**

25. As requested in the letter from the Hydraulic Project Investment and Construction Management Board 9 (ICMB 9) for mobilization of the Independent Monitoring Consultant, the Institute of Sociology mobilized a team of specialists for resettlement monitoring – mission 4. Objectives of this monitoring mission are: (i) periodic monitoring of compensation and resettlement implementation in Tay Ninh and Long An provinces; (ii) verification of completion of compensation and allowance payment and resettlement for “Duc Hoa main Canal–Tay Ninh and package 4 of Duc Hoa irrigation area; (iii) review resolution of pending issues reported in the third monitoring report for packages 1&2 of Duc Hoa irrigation area in Long An province and packages 1,2,3,4 of Tan Bien irrigation area, Tay Ninh province.

26. Specialists of the monitoring team prepared various survey tools such as questionnaires, and guidelines on in-depth interview and group discussion. Forms for collection of compensation and resettlement information and data were also developed to collect supplementary resettlement data for the project resettlement monitoring data for following monitoring sessions and reports.

27. To implement tasks of this monitoring mission, the Monitoring team was divided into two following groups: Group 1 supervised compensation payment in Tan Binh commune, Tan Bien district and An Tinh and Loc Hung communes in Trang Bang district, Tay Ninh province. Group 2 supervised compensation payment in package 4 of Duc Hoa irrigation area and monitoring resolution of pending issues in packages 1&2 of Duc Hoa irrigation area – Long An province. Site monitoring was carried out from 20/1/2013.

### **2.4 Selection of Survey Samples**

28. As required in the TOR, the Consultant selected 100% of severely AHs and 10% of non-severely AHs that had received compensation at the aforesaid localities for survey. In Tay Ninh, compensation payment was basically completed in the last mission, so the Monitoring team organized group discussions to collect information from AHs at 3 communes: Tan Binh of Tan Bien district, An Tinh and Loc Hung of Trang Bang district. The total number of affected HHs selected for group discussions was 250 HHs, but in practice, only 190 affected HHs participated in the survey, including a group of HHs losing more than 20% of productive land, a group of displaced HHs, a group of vulnerable HHs, and a group of HHs losing less than 20%

of productive land. AHs did not participate in the survey because they do not concern about the survey or absence in the communes. The monitoring team also conducted in-depth interviews with 15 staff of the Phuoc Hoa Water Resources Project Management Unit – Tay Ninh province (Tay Ninh PMU), the Chau Thanh and Tan Bien CLFDs, leaders of various People's Committees, cadastral officials of affected communes, officials of affected villages, and representatives of some social organizations such as the Farmers' Unions, the Women's Unions, and the Vietnamese Fatherland Front of the project affected communes.

29. In Long An, the Monitoring team used a questionnaire to gain information from AHs affected by package 4 at Hoa Khanh Tay and Hoa Khanh Dong communes, in Duc Hoa district, because these communes have many severely affected HHs and this is the first monitoring mission for the communes. Total survey samples was 90 AHs, including 100% of severe AHs and 10% of marginal AHs who have received or not received compensation. Monitoring team also organized group discussions with 23 AHs of Tan My commune and Hau Nghia town to collect information of resolving pending problems of packages 1&2 which have been raised in report of the last mission.

### **III. Monitoring Results**

#### **3.1 Internal Work**

30. In Tay Ninh, compensation and resettlement for Tan Bien Irrigation Area in Chau Thanh and Tan Bien districts was implemented by CLFD of Chau Thanh and Tan Bien districts. In this monitoring mission, the monitoring team worked with CLFD of Tan Bien district and Tay Ninh PMU about relevant issues and reviewed documents relating to compensation and resettlement, including the compensation plans approved by the Provincial People's Committee (PPC) and minutes of compensation payment made to AHs.

31. Similarly, in Long An, compensation and resettlement for package 4 of Duc Hoa Irrigation Area in Duc Hoa district was carried out by Duc Hoa district Center of Land Fund Development. The monitoring team also had various working sessions with this Center and Long An PMU about relevant issues. In addition, the monitoring team reviewed documents relating to compensation and resettlement, including the compensation plans approved by the Provincial People's Committee (PPC) and minutes of compensation payment made to AHs.

32. Monitoring results show that Resettlement Committees in Tay Ninh and Long An provinces have kept documents relating to AHs in both hard copies and electronic files for convenient monitoring and usage. Compensation plans have been approved by Tay Ninh PPC and Long An PPC (with attached decisions); minutes of compensation payment signed by the receivers and related parties have also been stored adequately. Internal monitoring reports have also been prepared quarterly with support from OSDP consultants and submitted to the ICMB 9 and the ADB quarterly.

#### **3.2 Information Disclosure and Community Consultation**

33. According to the survey results, most of the HHs affected by Tan Bien Irrigation Area in Tan Binh commune of Tan Bien district, and An Tinh and Loc Hung communes of Trang Bang district, Tay Ninh province confirmed that they have participated in about 4 meetings (2 meetings held in commune office and 2 others in villages) held by their district Resettlement Committees in conjunction with the Commune People's Committees (CPCs) to disclose information on project implementation. These meetings were about:

- Project objectives and implementation plans,
- Rights and entitlements to compensation and resettlement of affected persons,
- Necessary assistance to severely affected HHs, relocated HHs, and vulnerable HHs,
- Income and livelihood restoration measures for affected persons,
- Grievance and grievance redress mechanisms,

34. Generally, affected people in particular and non-affected people in general agreed with construction of Duc Hoa Main Canal for the sake of community benefits. Apart from community meetings, the APs were provided with the project *Information Handbook*. However, the surveyed HHs do not entirely satisfy with information disclosure because the meeting was short, lasting for only about 2-3 hours of a half day, most of which was for presentation by the officials, time for discussion, queries and response was very limited. Therefore, the APs could not apprehend compensation, resettlement, and assistance policies of the project fully and deeply. Their queries were not addressed satisfactorily. Results of assessment on modes of information disclosure in Trang Bang and Tan Bien districts, Tay Ninh province have been shown in the last monitoring report. Table 2 presents results of APs' evaluation surveyed in package 4 of Duc Hoa irrigation system.

**Table 2: Forms of Information Disclosure**

Surveyed communes	Community meetings	Leaflets	Radio, louder speakers	All forms	Others
<b>Duc Hoa district</b>					
Hoa Khanh Tay	41	11	0	0	0
Hoa Khanh Dong	49	11	0	0	0
<b>Total</b>	<b>90</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>0</b>

*Source:* Results of surveys on AHs

35. Nevertheless, it should be acknowledged that the mechanism of information disclosure and community consultation specified in the Resettlement Plan (RP) has been substantially complied with by two district resettlement committees (RCs) in Tay Ninh and Long An provinces. Particularly, consultation meetings with the APs were held prior to detailed measure surveys of affected assets, prior to submission of compensation plans to PPCs for approval, and after approval of the compensation plans. Each AHs was provided with a draft compensation plan for their affected assets which stated clearly quantities of affected assets, compensation prices for each type of assets, and compensation amounts and allowances for their HHs so that they could verify and cross-check with their actual affected assets. On that basis, the HHs would give their comments on agreement with such draft compensation plans or queries and concerns to the RCs for review, modification, and supplementation.

36. According to the IMO, such meetings are really necessities because they provide the APs with opportunities of discussing issues relating to their entitlements and lives. Also, the meetings help RCs to understand the APs' expectation and concerns adequately and timely. If queries and concerns raised at community meetings are considered and addressed properly and timely, the process of compensation and site clearance will be surely easier and smoother.

37. On the basis of the HHs' comments in combination with discussion with commune officials, district RCs' officials, and study of the documents provided by the PMUs, the monitoring team notices that disclosure of project information to the people at Tan Bien and Chau Thanh district in Tay Ninh province and Duc Hoa district – Long An has been conducted

seriously by the district RCs together with the CPCs, information subject to be disclosed have been delivered quite adequately.

38. Besides the aforesaid achievement, the district RCs should take some lessons-learnt and rectify following points:

- (i) Due to short time of information disclosure, people did not have much time for discussion and explanation of their concerned issues relating to compensation and resettlement policies. Hence, comprehension of information, especially those on compensation and assistance policies, grievance procedures and grievance redress procedures, was limited. This adversely affected the APs' agreement with the project executing agencies. To resolve this, favorable conditions should be created for the APs to discuss their concerns with the Employers and authorities at various levels.
- (ii) Information dissemination should be carried out through the project cycle. The PMUs and the RCs should co-operate with the CPCs to provide information frequently in combination of various forms such as meetings, broadcasting through commune broadcasting and louder speaker systems, and delivery of handbooks on project information to the AHs to provide them with easy access to and comprehension of information.
- (iii) The most concerned issue of the AHs is compensation plans for their damaged assets, particularly compensation prices for affected assets. Although the district RCs, together with the commune authorities, conducted consultations with the AHs on compensation before submitting to competent authorities for appraisal and approval, the AHs are not satisfied because their comments on the compensation plans were not addressed properly.
- (iv) It is necessary to consult people in the project area in general and the AHs in particular about issues concerning project implementation, but this process must be carried out in principles of Grassroots democracy, i.e. in the precept of "People know, people discuss, people implement, and people check" to ensure true democracy and effectiveness of community consultation. Thanks to that strong agreement of the people can be achieved to extricate difficulties during the project implementation process.

### **3.3 Detailed Measurement Survey of Affected Assets**

39. As of the monitoring time, the RCs of Tan Bien and Chau Thanh districts – Tay Ninh province – and the RCs of Duc Hoa district – Long An had completed detailed measurement surveys (DMS) of affected assets. Generally, most of the AHs at surveyed communes agreed with the DMS results, cases of missing measurement were verified and supplementary measurement was conducted. In Tay Ninh, the involved AHs considered that their land, structures, trees and crops, etc. had been inventoried adequately. This is presented clearly in "Plans of compensation and assistance" delivered to the AHs by the Centers of Land Fund Development.

40. In Long An, the surveyed AHs reported that their families got representatives participated in the DMS process, measuring residential land, garden land, and inventorying on-land assets such as trees, crops, and structures. Since measurement of affected agricultural land was implemented mechanically by the Mapping Company hired by the RC, most of the AHs were not involved in this process. After completion of DMS, inventory minutes of affected

assets were delivered to all AHs for checking. Then, all HHs signed for their confirmation of the DMS results and handed such minutes to the RC. Verification and supplementary measurement either have been or are being carried out by the RCs for cases of missing measurement reported by the HHs.

41. Upon their check and signing as agreement with DMS survey minutes, almost all of the AHs at the project communes in Duc Hoa district – Long An and Chau Thanh and Tan Bien districts – Tay Ninh kept copies of such minutes. They knew that the DMS results were posted publically at the CPCs' offices but most of them did not view this because they did not care. Assessment of the DMS of affected assets in Chau Thanh and Tan Bien districts – Tay Ninh province have been discussed in the previous monitoring report. The following Table 3 only present assessment results of the surveyed AHs in package 4 of Duc Hoa irrigation area, Long An province.

**Table 3: The surveyed AHs' assessment on DMS in Duc Hoa**

Surveyed communes	Involvement in DMS		Agreement with DMS results		Record of DMS minutes		Post of DMS results		
	Yes	No	Yes	No	Yes	No	Yes	No	Don't know
Tan My commune	69	27	96	0	46	50	65	0	31
Hoa Khanh Tay commune	17	2	19	0	11	8	19	0	0
Hau Nghia town	13	8	21	1	17	4	15	3	3
Duc Lap Thuong commune	8	11	17	2	10	9	11	1	7
<b>Total</b>	<b>107</b>	<b>48</b>	<b>153</b>	<b>3</b>	<b>84</b>	<b>71</b>	<b>109</b>	<b>4</b>	<b>41</b>

*Source:* Results of surveys on AHs

42. Generally, DMSs of affected assets in Tan Bien and Chau Thanh districts of Tay Ninh province and in Duc Hoa district of Long An province were carried out in a public and propitious way with good results. According to the survey results, most of interviewed AHs said that they have been involved in DMS process, except DMS of agricultural land, and they were satisfactory with DMS results. Some HHs said inadequate in terms of their affected assets or imprecise in terms of origins of their land. The RCs have acknowledged these comments and verification is being sought for a supplementary list of affected assets.

43. Beside of miscounting affected assets of some households and identifying incorrect location of affected land,... as said in last monitoring reports, an issue raised by many HHs in Tay Ninh and Long An provinces was that their affected crops are going to be harvested, let them harvest before land acquisition.

44. To ensure DMS in compliance with the RPs approved by the PPCs and ADB, the RCs should learn from experiences to avoid such non-compliant activities as the AHs' representatives were not joined in measurement of agricultural land.

### **3.4 Compensation Plan**

#### **3.4.1 Legal Basis for Development of Compensation Plans**

45. Preparation of compensation and resettlement plans of the project was based on following legal documents:

- (i) Constitution of the Socialist Republic of Vietnam dated 15 April 1992, issued on 14 April 1992, supplemented and revised under Resolution No. 51/2001/QH10 approved by the 10<sup>th</sup> National Assembly in the tenth meeting session on 25 December 2001;
- (ii) Law on Land No. 13/2003/QH11 approved by the 11<sup>th</sup> National Assembly in the fourth meeting session on 26 November 2003;
- (iii) Decree No. 188/2004/ND-CP dated 16 November 2004 by the Government on methods of determining land prices and price framework for various types of land;
- (iv) Decree No. 197/2004/ND-CP dated 3/12/2004 by the Government on compensation, allowances, and resettlement when the State acquires land.
- (v) Decree No. 181 /2004/ND-CP dated 29/10/2004 by the Government that guides implementation of Law of Land 2003;
- (vi) Decree No. 17/2006/ND-CP revising and supplementing several articles of Decree No. 197.
- (vii) Decree No. 84/2007/ND-CP dated 25 May 2007 that stipulates issuance of land use right certificates, land acquisition, implementation of land use right, procedures of compensation, allowance, and resettlement when the State acquires land, and settlement of grievance about land.
- (viii) Decree No. 69/2009/ND-CP dated 13/08/2009 regulating further about Land use planning, land prices, land acquisition, compensation, assistance, and resettlement;
- (ix) Decision No. 4425/QD/BNN-XD dated 7/10/2003, approved by the Minister of the Ministry of Agriculture and Rural Development about approval of the Resettlement Plans and the Resettlement Framework for Phuoc Hoa Water Resources Project – Binh Duong, Binh Phuoc, Tay Ninh, and Long An provinces and Ho Chi Minh city;
- (x) Decision No. 1082/QD/BNN-XD dated 16 May 2005 by the Minister of the Ministry of Agriculture and Rural Development about assignment of tasks of compensation, site clearance, and resettlement under Phuoc Hoa Water Resources Project to four provinces of Binh Duong, Binh Phuoc, Tay Ninh, and Long An, and Ho Chi Minh city;
- (xi) Decision No. 3338/QD-BNN - TCCB dated 6 November 2006 by the Ministry of Agriculture and Rural Development on assignment of tasks of Phuoc Hoa Water Resources Project management and implementation arrangement;
- (xii) Updated Resettlement Plan for Duc Hoa Main Canal and Tan Bien Irrigation Area 2012 approved by ADB.

### **Tay Ninh province**

- (xiii) Decision No. 48/2011/QD-UBND dated 21/12/2011 on “Issuance of prices of various types of lands applicable in Tay Ninh province, 2012”;
- (xiv) Decision No. 44/2010/QD-UBND dated 19/8/2010 about “Issuance of several compensation, assistance, and resettlement policies when the State acquires land in Tay Ninh province”;
- (xv) Decision No. 02/2012/QD-UBND dated 5/1/2012 on Price units of houses, construction works, and architectural structures in Tay Ninh province;
- (xvi) Decision No. 25/2012/ QD-UBND dated 04/5/2012 by Tay Ninh PPC on issuance of price units of trees and domestic animals in Tay Ninh province;
- (xvii) Decision No. 2702/QD – UBND dated 23/12/2011 by Tay Ninh PPC on approval of compensation, assistance, and resettlement plans for Phuoc Hoa Water Resources Project, works: Duc Hoa Main Canal, section passing Trang Bang district, Tay Ninh province.
- (xviii) Decision No. 1085/QD – UBND dated 01/6/2012 by Tay Ninh PPC on approval of compensation, assistance, and resettlement plans for Phuoc Hoa Water Resources Project, supplementary loan, phase 2, in An Co and Phuoc Vinh communes, Chau Thanh district.
- (xix) Decision No. 1259/QD – UBND dated 29/6/2012 by Tay Ninh PPC on approval of compensation, assistance, and resettlement plans and cost estimates for Phuoc Hoa Water Resources Project, the loan for phase 2 (Tan Bien Irrigation Area) in Tan Bien district, Tay Ninh province.
- (xx) Decision No. 1195/QD – UBND dated 20/6/2012 by Tay Ninh PPC on approval of revised and supplementary compensation and assistance plans and cost estimates for Phuoc Hoa Water Resources Project, works: Duc Hoa Main Canal, section passing Trang Bang district, Tay Ninh province.
- (xxi) Decision No. 2284/QD – UBND dated 12/11/2012 by Tay Ninh PPC on approval of (supplementary) compensation, assistance, and resettlement plans and cost estimates for Phuoc Hoa Water Resources Project, the loan for phase 2 (Tan Bien Irrigation Area) in Tan Bien district, Tay Ninh province.

### **Long An province**

- (xxii) Decision No. 07/2010/QD-UBND dated 1/3/2010 by Long An PPC on implementation of Decree 69/2009/ND-CP on compensation, assistance, and resettlement in Long An province;
- (xxiii) Decision No. 41/2010/QD-UBND dated 15/10/2010 by Long An PPC on revising and supplementing several items of Decision 07/2010/QD-UBND;

- (xxiv) Decision No. 17/2011/QD-UBND dated 24/6/2011 by Long An PPC on revising and supplementing several items of Decision 07/2010/QD-UBND;
- (xxv) Decision No. 22/2011/QD-UBND dated 20/7/2011 by Long An PPC on issuance of compensation prices for trees, crops, domestic animals, costs for re-access to remaining land, graves, etc. in Long An province;
- (xxvi) Decision No. 24/2011/QD-UBND dated 28/7/2011 on issuance of construction prices for houses and facilities in Long An province;
- (xxvii) Decision No. 45/2011/QD-UBND dated 11/11/2011 by Long An PPC on issuance of regulations on and procedures of grievance against administrative decisions relating to compensation in Long An province;
- (xxviii) Decision No. 55/2012/QD-UBND dated 20/12/2011 by Long An PPC on issuance of land price framework applicable for 2012 in Long An province;
- (xxix) Decision No. 1148/QD-UBND dated 10/4/2012 approving compensation and assistance plans for Duc Hoa Main Canal, material sites Nos. 1 and 2 at Tan My commune, Duc Hoa district.;
- (xxx) Decision No. 1150/QD-UBND dated 10/4/2012 approving allowance norms for the APs at Duc Hoa Irrigation Area, Duc Hoa district;
- (xxxi) Decision No. 1616/QD-UBND dated 25/5/2012 on provision of supplementary compensation and allowances for the material site No. 3 and temporary land acquisition for the first ending section of the Canal at Tan My commune, Duc Hoa district.

### **3.4.2 Preparation of Compensation Plans**

46. At the monitoring time, the compensation plans for the HHs affected by Duc Hoa main canal – Trang Bang and Duc Hoa districts, Tan Bien Irrigation Area, and packages 1,2,3,4 of Duc Hoa irrigation area had been approved by Tay Ninh PPC and Long An PPC.

47. During preparation of the compensation plans, the RCs of Trang Bang, Tan Bien and Chau Thanh districts – Tay Ninh province, and Duc Hoa district – Long An province complied with procedures of preparation and public announcement of compensation plans as stipulated in the RPs. Details are as below:

- *Consulting the AHs about* the draft compensation, assistance, and resettlement plans: the RCs sent each AH a copy of the compensation plan for their family together with a comment card so that they could check and comment.
- The aforesaid district RCs posted the draft compensation plans at CPCs' offices or villages for people's information and comments.
- Receiving comments, queries, and grievances from people and the AHs. Reviewing and redressing grievances.
- Organizing RCs meetings to finalize the compensation plans upon acknowledgement and supplementation of people's comments, completing necessary procedures to submit these plans to competent authorities for appraisal and approval.

### 3.4.3 Compensation Prices for Affected Assets

48. Compensation prices for various types of affected assets based on results of replacement cost survey were approved by Tay Ninh and Long An PPCs.

- (i) *Land compensation prices*: Land compensation prices were determined in accordance with following criteria: types of land (by purposes of usage), areas, land locations, and land productivity. Land replacement prices were updated during the DMS process and submitted to Tay Ninh and Long An PPCs for review and approval. Because there were no differences between market prices and the land prices issued by the PPCs for 2012, the RCs applied 2012 land prices of their provinces.
- (ii) *Compensation prices for houses and other structures*: Compensation prices for houses, construction works, and structure were applied in pursuance to the updated land prices for 2012 of the provinces. According to results of the surveys conducted at affected communes in Duc Hoa district – Long An, 93.3% of the surveyed AHs informed that they had been involved in discussion about compensation prices. However, compensation price for house is not enough for rebuild a new house with similar technical standard due to increasing inflation. IMO proposed that PPCs of Tay Ninh and Long An provinces provide additional support for relocated households.

49. Application of the compensation prices for 2012 by the PPCs for the project affected assets has met expectation of most of the AHs. Interview and discussions with the AHs indicate that in Long An, 86.7% of the surveyed HHs agreed with compensation prices (Table 4) of which some HHs felt comfortable in receiving compensation amounts and totally agreed with the PPC's prices and had no complaints. However, some HHs (counting for 13.3% of the surveyed HHs), especially the relocated HHs considered the compensation prices for land, houses, and structures as low. According to them, the compensation amounts for their land and houses were not enough to purchase same land areas and re-build houses with similar technical standard. As a result, these HHs required the PPCs to consider further support. Several HHs did not agree with land compensation prices, hence, they proposed "land-for-land" compensation. IMO proposes that PPC of Tay Ninh and Long An provinces should consider and provide additional support for relocated households.

**Table 4: Comments of the APs in Duc Hoa district on compensation prices**

Surveyed communes	Discussion on compensation prices		Agreement with compensation prices	
	Yes	No	Yes	No
Hòa Khánh Đông	41	0	37	4
Hòa Khánh Tây	43	6	41	8
<b>Total</b>	<b>84</b> <b>(93.3%)</b>	<b>6</b> <b>(6.7%)</b>	<b>78</b> <b>(86.7%)</b>	<b>12</b> <b>(13.3%)</b>

Source: Results of surveys on the APs

### 3.4.4 Allowances

50. Apart from affected assets, the severely AHs (losing 20% of productive land or more or have to be relocated) were also subject to assistance and allowances as specified in the RP.

However, when being asked about allowances that the APs were entitled to, almost all of the interviewees said that they did not receive such amounts or they did not know; yet, review of the compensation plans revealed that all the HHs losing land were supported with occupation transition, the severely AHs were provided with subsistence allowance, and the displaced HHs were provided with transportation allowance, etc. Therefore, it can be said that the AHs did not read thoroughly the compensation plans delivered to them by the RCs for their comments prior to submission to the PPCs for approval or they had read but they did not remember.

51. Allowances and assistance were provided in accordance with Decision No. 44/2010/QĐ-UBND dated 19 August 2010 by Tay Ninh PPC and Decision No. 1148/2012/QĐ-UBND dated 10 April 2012 by Long An PPC as follows (Table 5):

**Table 5: Allowances for severely APs**

No.	Allowances	Amounts	
		TAY NINH	LONG AN
1	<b>Subsistence allowance</b>	30kg of rice per person * VND 12,000 per kilogram (Chau Thanh)/ VND 11,500 per kilogram (Tan Bien) * 6 months = VND 2,160,000 per person	30kg of rice per person* *6/12/24 months
2	Allowance for transportation within and outside the province	VND 5,000,000 per HH and VND 10,000,000 per HH	VND 10,000,000 per HH
3	Relocation allowance	VND 2,500,000 per HH	
4	Allowance for partly dismantled houses	50% value of the dismantled area	
5	<b>Rent allowance</b>		VND 900,000 per HH*at least 6 months
6	<b>Allowance for social welfare beneficiaries</b> - Families with wounded soldiers / martyrs - Families being accredited with the Party's revolution - Poor HHs	VND 4,000,000/HHs VND 2,000,000/HHs VND 500,000 * 60 months	VND 5,000,000 per HH in cases of relocation on the remaining land and VND 10,000,000 per HH in cases of relocation to other places; Displaced poor HHs: 30kg of rice per HH * 36 months in cases of partial loss of land, and 30kg of rice per HH * 72 months in cases of full loss of land
7	<b>Allowance for land</b> - Garden/ pond land in the same plots of land with houses; - Agricultural land by roadsides	70% of residential land prices*acquired land areas.	70% of residential land prices*acquired land areas.

		50% of residential land prices*acquired land areas.	50% of residential land prices*acquired land areas.
8	Allowance for occupation transition and job creation	Support in cash with amounts equivalent to 1.5 times of value of the acquired agricultural land. A vocational training course will be provided for free if labourers of the AHs have training demands	Support in cash with amounts equivalent to 2 times of value of the acquired agricultural land. A vocational training course will be provided for free if labourers of the AHs have training demands
9	Bonus for timely relocation	10% of affected land value	VND 5,000,000 per HH

*Source:* Resettlement committee of districts

### 3.5 Compensation Payment

52. After the compensation, allowance, and resettlement plans were approved by Tay Ninh and Long An PPCs, the CLFDs of Trang Bang, Tan Bien and Chau Thanh districts – Tay Ninh province and of Duc Hoa district – Long An province have paid compensation for the AHs.

53. Prior to compensation payment, Tay Ninh PMU, Long An PMU, and the district CLFDs, and the concerning CPCs held meetings with the Aps to disseminate the compensation payment scheme, including time and venues at the project communes, documents that the AHs should take with them when receiving compensation payment, procedures of receiving payment, and receipt of compensation. The CLFDs of the aforesaid districts in Tay Ninh and Long An provinces were the executing agencies for implementation of compensation payment for the AHs in their districts. At the monitoring time, the status of compensation payment in the sub-projects was as follows:

#### 3.5.1 Compensation payment progress in Tay Ninh province

54. As of 30 Jan 2013, 1097/1204 AHs of packages of Tan Bien irrigation area have received compensation with total amount of 116,017,294,945VND. The remaining of 107 AHs have not received compensation with amount of 9,547,176,008VND. Similarly, 319/343 AHs of Duc Hoa main canal – Trang Bang have received compensation with amount of 71,066,388,884VND. About 18 AHs and 6 organizations have not been paid compensation with amount of 20,446,323,695VND. Main reason is that some marginally affected HHs with small cash of compensation are afraid to come to receive compensation, some AHs have complaints under resolving, and some others put their LURC in the bank for borrowing so they cannot submit LURC to DRC for payment. Among 6 unpaid organizations in Trang Bang district, Fuel company of Tay Ninh has not been paid amount of VND8billion (see Table 7 for reason). District PCs, CLFDs and relevant agencies work together to resolve these problems for AHs at soonest. Although, there are some pending issues but package of Duc Hoa main canal in Trang Bang could commence to construct in sections where completing compensation payment.

**Table 6: Progress of compensation payment and allowance in Tay Ninh province**

No.	Package	No. of AHs	No. of HHs receiving compensation	No. of HHs not receiving compensation
1	Main canal	343	319	24
2	Package 1	108	94	14
3	Package 2	282	246	36
4	Package 3	410	389	21
	Package 4	404	368	36
	<b>Total</b>	<b>1547</b>	<b>1416</b>	<b>131</b>

Source: Tay Ninh PPMU

### 3.5.2 Compensation Payment Progress in Long An Province

55. Similarly, as of 30/01/2013, compensation payment under packages Nos. 4, 1, and 2 of Duc Hoa Irrigation Area almost completed (Table 7). Under package No. 4, 423 out of 536 affected households (AHs) have received compensation; under package No. 1, 374 out of 431 AHs have received compensation; and under package No. 2, 465 out of 547 AHs have received compensation. Among the AHs that have not received compensation payment under these three packages, 60 HHs (package 2: 12 HHs, package 3: 25 HHs, and package 4: 23 HHs) are subject to amendment of decisions on land acquisition and these HHs will be paid upon final decisions on land acquisition; 63 HHs (package 1: 20 HHs; package 2: 14 HHs; and package 3: 29 HHs) are inventoried at the absence of the HH's heads (the Center of Land Fund Development (CLFD) of Duc Hoa district will transfer compensation amounts of these HHs to the banks at savings interest); 7 HHs (package 1: 2 HHs; package 2: 1 HH; and package 3: 4 HHs) have pending complaints; and 119 HHs (package 1: 22 HHs; package 2: 40 HHs; and package 4: 57 HHs) were invited for compensation payment but they were absent without any known reasons.

**Table 7: Progress of Compensation Payment in Long An Province, as of 30/1/2013**

No.	Package	No. of AHs	No. of AHs receiving compensation	No. of AHs not receiving compensation yet
	Duc Hoa – Long An Main Canal and three material sites	286	262	24
1	Package No. 1	431	374	57
2	Package No. 2	547	465	82
3	Packages Nos. 3,5&6	1,355	0	1,355
4	Package No. 4	536	423	113
5	Packages Nos. 8,9,10	1,574	0	1,574
6	Packages Nos. 7,9&4 (apart)	1,175	0	1,175
	<b>Total</b>	<b>5,652</b>	<b>1324</b>	<b>4,380</b>

Source: Resettlement Committee – Duc Hoa district, Long An province

56. According to Phuoc Hoa Water Resources Project Management Unit of Long An province, the popular reasons were that the AHs had limited compensation amounts, they worked far away from home, or they were busy and could not come at the invited date. The Compensation and Resettlement Committee (RC) will re-send an invitation to these HHs. As such, as of the end of January 2013, regarding to package No. 1 and package No. 2, the outstanding issues as described in the Monitoring Report – 3<sup>rd</sup> session, have not been resolved;

however, construction contracts can be awarded for locations where compensation payment has been completed. Regarding to package No. 4, 113 AHs have not received compensation payment (Table 8), hence, the contract cannot be awarded. Phuoc Hoa Water Resources Project Management Unit of Long An province and the Center of Land Fund Development of Duc Hoa district are requested to continue dealing with the aforesaid problems and outstanding issues so that early contract award and construction can be implemented.

**Table 8: Reasons of not receiving compensation yet by the AHs**

Locality	Reason	No. of HHs not receiving compensation	Remark
<b>TAY NINH</b>			
	<b>Duc Hoa Main Canal (24 HHs and organizations)</b>		
	Complaining about low land prices	11	
	Requesting for transfer allowances	01	
	Requesting for compensation for the houses though only the corridors are affected	03	
	Requesting for compensation for residential land	01	
	Requesting for transfer allowances	01	
	Requesting for compensation for land area within the old corridor	01	
	Waiting for compensation	01	Ha Noi Transportation Services JSC.
	Submitting to the Department of Natural Resources and Environment for acquisition of organization land	03	Linh Trung Processing Zone, Thanh Dat Ltd. Company, Tay Ninh Petrol Company
	Waiting for the PPC's instructions	02	CPCs of An Tinh and Loc Hung communes
	<b>Tan Bien Irrigation Area</b>		
	<b>Package 1 (14 HHs)</b>		
	Land use right is being confirmed	01	
	Complaints	03	
	Payment is being provided	10	
	<b>Package 2 (36 HHs)</b>		
	Complaints	08	
	Payment is being provided	28	
	<b>Package 3 (21 HHs)</b>		
	Being engaged in bank loans, wrong land plots	04	Waiting for adjustment
	Wrong names in the compensation plan	01	
	Agricultural land as per land paper, requesting for compensation in land in rural areas	01	
	Land in Chau Thanh but the survey was conducted and the compensation plan was prepared for land in Tan Bien	01	
	Procedures of land use right transfer are	01	

	being proceeded		
	Payment is being provided	13	
	<b>Package 4 (36 HHs)</b>		
	Documents belong to Forestry land of the commune	03	
	Being engaged in bank loans, wrong land plots	03	Waiting for adjustment
	Requesting for compensation for the whole land	02	Waiting for approval of additional compensation plans
	Requesting for compensation for the whole land and house	02	Waiting for approval of the Compensation and Resettlement Committee
	Wrong land plots	02	Proceeding with procedures of land use right transfer
	Agricultural land as per land use right certificate, requesting for compensation in land in rural areas	02	
	Requesting for re-examination of the current status	01	
	Procedures of land use right transfer are being proceeded	01	
	Do not agree with compensation price and allowances	01	
	Waiting for addition of rubber trees	01	
	Payment is being provided	18	
LONG AN			
	<b>Package 1 (57 HHs)</b>		
	Decisions on land acquisition are being adjusted	12	Payment will be made upon revised decisions
	Inventory was conducted without the owners' participation	20	
	Complaints	02	Payment will be made upon settlement of complaints
	No clear reasons	22	
	Not paying land use right tax yet	01	
	<b>Package 2 (82 HHs)</b>		
	Decisions on land acquisition are being adjusted	25	Payment will be made upon revised decisions
	Inventory was conducted without the owners' participation	14	
	Complaints	01	Payment will be made upon settlement of complaints
	No clear reasons	40	
	Disputes	02	Payment will be made upon final negotiation

	<b>Package 4 (113 HHs)</b>		
	Decisions on land acquisition are being adjusted	23	Payment will be made upon revised decisions
	Inventory was conducted without the owners' participation	29	
	Complaints	04	Payment will be made upon settlement of complaints
	No clear reasons	57	

*Source: Phuoc Hoa Water Resources Project – Tay Ninh and Long An PMUs*

57. Generally, Long An and Tay Ninh PMUs, the Center of Land Fund Development of the project districts have cooperated closely with CPCs of affected communes and the district State Treasuries to provide compensation payment quickly, conveniently, safely, and effectively. The HHs are satisfied with the project organization of compensation payment.

58. However, a newly incurred issue that needs to be resolved is that some AHs have not fully met the required procedures to receive compensation because their land use right certificates (LURCs) are mortgaged at the banks for loans and they cannot withdraw these LURCs to complete the procedures for compensation payment or they have their names or land plots wrong, etc. The CLFDs of the districts have proposed various solutions to deal with this issue and facilitate early receipt of compensation payment by these HHs. Details are as below:

(i) In Tan Bien and Trang Bang districts – Tay Ninh: the RCs have co-operated with relevant agencies to proceed necessary procedures so that the AHs can receive payment soon and refund their loans to the banks.

(ii) In Duc Hoa district – Long An: the agreed solution is that during compensation payment for AHs, the RC will co-ordinate with the Bank's officers to complete procedures for the AHs that have their LURCs mortgaged at the banks to receive payment.

59. In addition, several HHs have not received compensation because they have pending complaints and are waiting for complaint settlement by competent agencies. The monitoring team interviewed these HHs to gain an understanding of the reasons of their complaints. Through working with such agencies such as Long An PMU, Tay Ninh PMU, the CLFDs of the project districts, and leaders of the project communes, it was confirmed that all complaints have been received and considered by the competent agencies.

60. In Tay Ninh, the competent agency has held dialogues with the AHs for solutions. For example, in Tan Binh commune – Tan Bien district, 37 HHs lodged a collective complaint, focusing on low prices of land, trees, crops, etc. The competent agencies organized three meetings and dialogues with these HHs for explanations and as of 31 January 2013, 21 HHs received payment and further explanations and persuasion is being provided for the remaining 16 HHs so that they will accept compensation.

61. In Long An, although there were no collective complaints but all complaints about low compensation prices, imprecise determination of land location, etc. were received, considered, and resolved by the RCs. The People's Committee of Duc Hoa district has issued a document ref. 07/UBND-TCĐ dated 09/01/2013 on "Settlement of complaints under Phuoc Hoa Water Resources Project – Duc Hoa district", in which "the district People's Committee requests relevant agencies, by their functions, promptly implement, consider, and resolve". Nevertheless,

all of five AHs with complaints that were surveyed in Hoa Khanh Dong and Hoa Khanh Tay communes said that their complaints had not been dealt with (details are in Table 9).

**Table 9: Status of Complaint Settlement for Surveyed HHs**

Surveyed communes	Results of complaint settlement		Satisfaction with complaint settlement		
	Settled	Un-settled	Satisfied	Unsatisfied	To lodge further complaints
Hoa Khanh Dong	0	4	na	na	na
Hoa Khanh Tay	0	1	na	na	na
<b>Total</b>	<b>0</b>	<b>5</b>	<b>na</b>	<b>na</b>	<b>na</b>

Source: Survey results

### 3.6 Resettlement Issues

62. According to the resettlement policy of Tay Ninh PPC, the HHs whose whole land is acquired will be relocated to resettlement sites. However, the number of HHs that lose land and houses in Tan Bien district is few and most of these HHs prefer self-resettlement, therefore, Tay Ninh province has not provided resettlement sites. In Trang Bang district particularly, the HHs whose land is acquired fully will be relocated to the resettlement site of 6.5 ha that is a stand-by site of Trang Bang Industrial Zone. Self-resettled HHs will be provided an allowance of VND 80,000,000 per HH for infrastructure investment at their new settlement sites. Yet, most of relocated HHs in Trang Bang district chose self-resettlement. However, some HHs consider compensation amounts for residential land and houses are not enough to purchase land and build houses similarly to their previous houses, hence, they request to be relocated at the resettlement site.

63. In Long An, the HHs that have their houses dismantled or relocated HHs can register for resettlement at Hiep Hoa resettlement site developed by the province. According to Long An PMU, this resettlement site locates right at Hiep Hoa town with relatively completed infrastructure and this ensures prompt settlement for the AHs.

## IV. Outstanding Issues and the AHs' Comments

### 4.1 The AHs' General Comments

64. The monitoring results show that the AHs' comments focus mostly on following issues:

(i) The HHs that have not agreed with compensation prices wish that the PMU and the district RCs will recommend the competent agencies to increase compensation prices of land, houses, and architectural structures as close to market prices as possible or price escalation allowances can be provided so that AHs can purchase land with the same area as their acquired land and build new houses of equivalent technical standards.

(ii) The HHs that have not received compensation request the PMU and the district RCs to allocate sufficient budget so that payment can be made to these HHs as soon as possible in order to avoid damages to the AHs due to price escalation.

(iii) After their land is acquired, all the AHs whose remaining land is limited, in bad shape, and difficult to be cultivated request the project to acquire the remaining land and provide compensation accordingly.

(iv) The HHs whose assets are missed during inventory request the RCs to verify the missing assets and provide additional compensation.

#### 4.2 The AHs' Detailed Comments

65. The following table lists detailed comments that the AHs raised with the monitoring team and should be resolved by various agencies:

**Table 10: Outstanding Issues to be Resolved**

The AHs' Comments	Address	Comments of the PMUs and the RCs
<b>LONG AN PROVINCE</b>		
<b>Hau Nghia Town – Duc Hoa</b>		
Ms. Nguyễn Thị Sáng's HH inform that originally, the project planned to acquire 1.5m of land in length but later, the project measured longer and acquired more (encroaching to almost ½ of her house), if the project acquires more land of the HH, additional compensation must be provided.	So Do village	The inventory and compensation unit based on cadastral maps to inventory affected land in reality. Compensation has been made for actual acquired land areas. Compensation has never been provided less than the acquired land areas.
The HHs of Phạm Minh Dân, Nguyễn Văn Miếng, Trần Văn Tươi, Nguyễn Văn Giàu, and Trần Thị Trón say that their land locates near the main road but compensation is provided as for land by smaller roads, hence, the compensation prices are lower than those for the main road.	So Do village	According to Long An PPC's decision on compensation prices, only prices for 3m-wide or wider roads are available. The measurement team set up the road boundary >3m and the inventory unit applied compensation prices as per the stipulated price framework of the PPC.  In addition, it is the PPC's policy of setting up road boundaries >=2m and <3m and compensation prices are approved already. These cases, if being within the regulated price framework, will be compensated in accordance with stipulated prices. The RC will verify and resolve these cases.
<b>Tan Mi commune – Duc Hoa</b>		
- Mr. Lương Văn Vàng's HH has not received compensation because the compensation price for front land is too low, and it is difficult for cultivation in the remaining land. - Mr. Hà Văn Lạng's HH has not received compensation because of so-low price (a complaint has been lodged yet	Rung Dau village – Tan Mi commune	In this case, if a complaint is lodged, the inventory and compensation team will resolve soon. Regarding to the remaining land area, if such area is within the framework allowed by the PPC, full acquisition will be made, if not, full acquisition is impossible.

no responses have been received). - Mr. Trần Văn Phước's HH has not received compensation because the compensation price is too low.		Compensation prices are approved by the PPC. The inventory and compensation unit has applied compensation prices in accordance with regulations. The applicable prices are suitable with reality and most of local people feel satisfied and agree with these prices, according to a survey.
- Ms. Đặng Kim Chi's HH has supplemented their family record book yet have not received payment adequately (a deficiency of VND 4 million).	Bau Cong village – Tan Mi commune	The inventory and compensation unit is urgently dealing with this case and will have settled this issue in February 2013.
<b>Hoa Khanh Tay commune – Duc Hoa</b>		
The HH of <b>Đương Hồng Luân</b> says that he lost 562m <sup>2</sup> of land permanently and 685m <sup>2</sup> of land temporarily. Both of these two land plots are cultivated with about 4000 eucalyptus trees (7 years old – approx. 10m in height), however, during preparation of a compensation plan, the project applied compensation prices by square meters, not by trees. The HH requests for compensation prices of trees. In addition, this HH request for a review of the unit price of canal excavation because the unit price of VND 99,000/m <sup>3</sup> was much lower than the market price. Also, this HH requests the project for an explanation why in the “Estimated Calculation” dated 22/6/2012, an unit price of VND 140,000/m <sup>2</sup> was shown yet in the “Calculation” dated 19/10/2012, the applicable unit price was VND 130,000/m <sup>2</sup> ?	Lap Thanh village	The inventory and compensation unit will promptly work on this case if the HH lodges a complaint.  The applicable prices are suitable with reality and most of local people feel satisfied and agree with these prices, according to a survey.
<b>Hoa Khanh Dong commune – Duc Hoa</b>		
The HH of Phan Văn Giữa says that their land located by the road of 3m wide but the compensation price is lower than that for such land in reality. The HH request the project to re-survey and provide payment satisfactorily according to the actual location of the land.	Giong Ngang village	According to Long An PPC's decision on compensation prices, only prices for 3m-wide or wider roads are available. The measurement team set up the road boundary >3m and the inventory unit applied compensation prices as per the stipulated price framework of the PPC. The HH's head is requested to lodge a complaint so that the inventory and compensation unit can re-survey and settle the complaint as per regulations.
The HHs of Lê Thị Lệ, Nguyễn Tấn	Giong	Heads of the HHs should send requests to

Hùng, and Trần Thị Giữa say that the compensation for them did not include one water-well. The RC was requested to review these cases.	Ngang village	the inventory unit for review in case of missed assets. Normally, it is due to inadequate list by the HHs' heads in such cases.
The HH of Phạm Văn Côn complains that the compensation for them did not include B40 fence. The RC was requested to review this case.	Giong Ngang village	The head of the HH should send a request to the inventory unit for review in case of missed assets.
The HH of Nguyễn Ngọc Tiên (and 6 neighbouring HHs) have their self-excavated ditch affected (about 600 - 700m that located in line with the canal N3-871C) but this is not subject to compensation because the CLFD of Duc Hoa district consider this ditch as a public asset. They request the CLFD of Duc Hoa district to consider this case again.	Binh Thuy village	The HH's head is requested to send a written request to the CLFD of Duc Hoa district so that they can report the case to the district People's Committee to establish a survey team. The survey results will provide a basis for settlement of this case.
The HHs of Lê Văn Sinh and Nguyễn Thành Thái propose a review of land prices by the project because their land should be subject to an applicable unit price of VND 322,000/m <sup>2</sup> yet the applicable unit price of the project is VND 55,000/m <sup>2</sup> only.	Giong Ngang village	<p>The applicable prices are suitable with reality and most of local people feel satisfied and agree with these prices, according to a survey.</p> <p>The HH should review carefully the project calculation tables. If there are anything wrong, the HH should report the errors for review by the relevant party.</p>
The HHs of Lê Thành Hôn and Lê Văn Mười say that they rent land for cultivation but they did not receive payment for their crops.	Giong Ngang village	The inventory and compensation unit has done this right. They could not determine land values and crop values separately for each household. These are deals between the land owners and the tenants and these parties should resolve this issue themselves.
<b>TAY NINH PROVINCE</b>		
<b>Tan Binh commune – Tan Bien</b>		
The HH of Trần Văn Đồng says that they ARE NOT compensated and supported for forest land (the wood was planted by the HH, benchmarks of land acquisition have been set up already but compensation has not been paid).	Tan Nam village	After completion of compensation payment, cases similar to this will be reported to the RC for solutions.
The HH of Hà Văn Chung says that his land was near the road but the compensation price was low, not close to the market price.	Tan Thanh village	The CLFD has explained the case and the HH has accepted and taken compensation.

<ul style="list-style-type: none"> <li>- The HH of Hà Thị Thành has not received compensation money because this HH complained about low compensation prices of land and trees (this HH is one of the HHs engaged in a collective complaint in Tan Binh commune).</li> <li>- The HHs of Nguyễn Văn Nhứt, Hà Thị Thành, Nguyễn Văn Tiến...say that the compensation price of rubber trees was low and this dissatisfied them.</li> </ul>	Tan Thanh village	<p>There are no names in the compensation plan (in the compensation plan, the name of Ha Văn Hùng is listed and this HH has taken compensation amount)</p> <p>Pursuant to Decision 25/2012/QĐ-UBND dated 4/5/2012, prices different from the current unit price cannot be applied. The CLFD has explained this.</p>
<ul style="list-style-type: none"> <li>- The HH of Trần Thị Mai says that her land was crop land, yet the project only made payment for wild land.</li> <li>- The HH of Trần Thị Ngân says that only a portion of her acquired land was compensated for.</li> <li>- The HH of Nguyễn Thị Thủy does not agree with the compensation price of VND 18,000/m<sup>2</sup>.</li> <li>- The HH of Nguyễn Văn Thế does not agree with application of compensation price of annual crops for rubber trees.</li> </ul>	Tan Thanh village	The RC will verify and resolve these cases.
<b>An Tĩnh – Trang Bang</b>		
<ul style="list-style-type: none"> <li>- Nguyễn Thị Minh Tâm: compensation for B40 fence and the WC is not satisfactory.</li> <li>- Lê Văn Hy: compensation for the house is too low compared to the market price.</li> <li>- Nguyễn Minh Tuyền: the compensation price of decorative plants is too low.</li> </ul>	Suoi Sau village	Pursuant to Decision 02/2012/QĐ-UBND and Decision 25/2012/QĐ-UBND of the PPC.
The HH of Nguyễn Thị Nguyệt: 15m <sup>2</sup> of land of her mother (who has passed away) has not been compensated for. The project is requested to have instructions on this so that the HH can receive compensation for this land area.	Suoi Sau village	In this case, this land area is determined by the CPC as land of Ms. Nguyệt's mother (Ms. Yen who has passed away). Trang Bang CLFD has guided Ms. Nguyen inheritance procedures but her household has not implemented these procedures.
The HHs of Trần Lộc Nhung, Nguyễn Thị Dật, Nguyễn Văn Kiêm, and Phan Quốc Thái have their houses affected (and they chose self-resettlement in the remaining land) but they do not receive VND 80 million for self-resettlement. These HHs request the project to provide this allowance for them.	Bau May village	The HHs of Trần Lộc Nhung, Trần Thị Dật, and Phan Quốc Thái built houses in agricultural land, hence, they are not eligible for entitlements under the resettlement policy. The HH of Mr. Nguyễn Văn Kiêm only has his agricultural land acquired (not residential land), hence, no allowances for resettlement.
The HH of Trần Lộc Nhung proposes the	Bau May	Mr. Trần Lộc Nhung has lodged a

project to review and re-determine the location of his affected land because his land is only about 10m far from the road, yet, it is identified as land type 3 which is subject to very low compensation price.	village	complaint to Trang Bang CLFD and the CLFD has had a response to Mr. Nhung. The CLFD has applied land compensation price in accordance with the approved land location and prices.
<b>Loc Hung commune – Trang Bang</b>		
The HH of Phan Văn Lãng (has not received compensation) says that 500 Annona reticulata (Binh Bat) trees of his household has not been compensated for. In addition, Mr. Lãng considers the compensation prices for trees are very low, for example: palm trees - VND 40,000/tree; ficus indica (sanh) - VND 20,000/tree – much lower than the market prices.	Loc An village	Compensation is based on Decision 25/2012/QĐ-UBND by Tay Ninh PPC. Regarding to annona reticulata trees: these trees grow after the DMS of his Lãng's HH.
<b>Loc Hung – Trang Bang</b>		
The HHs of Phan Văn Lãng and Bùi Văn Vẽ request the project to allow them take back the soil they filled in their land previously.	Loc An village	The CLFD has no authority about this.
<ul style="list-style-type: none"> <li>- The HH of Bùi Văn Vẽ reports that the project has missed compensation for 5 pipes.</li> <li>- The HH of Phan Văn Tính informs that the project has missed compensation for 50m of pipes, 5 cajeput trees of 10 years old and 2m (in width) of agricultural land.</li> <li>- The HH of Phan Minh Triệu says that the project has missed compensation for 2 pipes.</li> <li>- The HH of Nguyễn Văn Thuận (Nguyễn Văn Phùng) says that they still have VND 14 million unpaid from the project.</li> </ul> <p>The RC is requested for review and solutions.</p>	Loc An village	At the moment, Trang Bang CLFD has not received any comments from these HHs. Regarding to the HH of Mr. Nguyễn Văn Phùng, the CLFD is verifying his land origin.
The HH of Trần Văn Long informs that the project has inventoried and confirmed that two roads lanes as his land property but no compensation has been provided for.	Loc Thanh village	This land area has been confirmed by Loc Hung CPC as Mr. Long's land. The CLFD will supplement this compensation amount in the revised compensation plan.
- The HH of Trần Văn Lân says that the project still retains VND 15 million because 15m <sup>2</sup> of land belongs to his father's LURC. The HH has asked the commune authority about this for 2 – 3	Loc Thanh village	The CLFD will co-operate with the Land Use Right Registration Office and the CPC to verify the land of Mr. Lan and finalize his land documents to release the

months yet no answer has been received. - The HH of Đoàn Văn Nước reports that the project retains their compensation because they are still in debt with the bank.		retained amount. - The HH of Mr. Đoàn Văn Nước: the CLFD has had guidance on this for Mr. Nuoc. Upon completion of necessary procedures, the retained amount will be released.
The HH of Đinh Thị Hận has not received compensation because she loses 70m <sup>2</sup> yet only be entitled to a compensation amount of VND 211,000. The project is requested to reconsider this.	Loc Thanh village	Ms. Hận's land is not compensated for because it is within the design scope of the old N26 canal managed by the State.
The HH of Lê Thị Nay: the project acquires the yard and veranda, hence, her house will be right next to the canal bank and become unviable. The project should consider this case.	Loc Thanh village	The house is not within the scope of site clearance. It is requested to state the reasons clearly, if not, there will be no basis to deal with this case.
Some HHs say that previously, the commune promised to provide an allowance of VND 5 million for early movers. Yet, so far, no one has received this amount.	Loc Thanh village	This is not the responsibility of the CLFD.
The HH of Lê Thành Phước informs that he has to relocate his house but transportation allowance has not been provided.	Loc Thanh village	Transportation allowance has been provided as per regulation.
The HH of Trương Thị Bở reports that her front land is affected but the compensation price is so low.	Loc Thanh village	Trang Bang CLFD has applied compensation prices as per approved prices.

## V. Agreement between Resettlement Progress and Construction Progress

66. In Tay Ninh and Long An provinces, the progress of site clearance and compensation payment will ensure timely contract award provided that compensation is financed timely and sufficiently. At the monitoring time, compensation payment has been substantially completed for several packages, meeting the required progress of site handing-over to construction contractors.

## VI. Conclusions and Recommendations

### 6.1. Conclusions

67. In general, the implementation of compensation and resettlement for Duc Hoa Main Canal – Long An, and Duc Hoa Main Canal – the section passing Trang Bang district – Tay Ninh and Duc Hoa Irrigation Area and Tan Bien Irrigation Area has basically complied with the resettlement plan approved by ADB. Information disclosure and community consultation were carried out adequately, in a open and democratic manner. However, due to short consultation durations, the APs did not have much time to discuss their concerns. The DMSs of affected assets, except measurement of agricultural land, was implemented with the AHs' participation. The compensation plans were prepared on the basis of the policies and the APs' entitlements stated in the RP. The compensation plans were sent to the APs for comments prior

to submission to the relevant authorities for approval. Compensation was paid publicly with witness of relating parties. Payment procedures were simple, time and venues of compensation payment were informed to each AH. Problems concerning payment procedures encountered by several HHs have been resolved properly under agreement of the APs.

68. Nevertheless, errors are unavoidable in the process of compensation and resettlement; for instance, missing affected assets during DMSs, imprecise determination of land origins and land categorisation, lower compensation prices compared to market prices. All requests and complaints of the AHs were noticed and considered by the RCs. However, because of complexity of land origins and deficiencies of land management, settlement of the AHs' grievances was prolonged, and this has resulted in dissatisfaction of the concerned AHs.

69. At the surveyed communes, the people are aware of the benefits provided by the project to their lives and productive activities. Therefore, they absolutely support the project and will facilitate the project implementation. Although compensation prices can be a little bit lower than the market prices at some places, most of the AHs accept and look forward to early construction so that they can enjoy the project benefits soon.

70. The monitoring results indicate that for package Duc Hoa Main Canal – Trang Bang, Tay Ninh, payment of compensation and allowances has been substantially completed. Almost all of the APs of these packages have received payment and handed over their land. Few HHs has their grievances being dealt with by relevant authorities. However, this does not affect much construction of this contract. For packages 1, 2, 3, and 4 of Tan Bien Irrigation Area, packages 1 and 2 of Duc Hoa Irrigation Area and the package of Duc Hoa Main Canal – Long An and three material sites, outstanding issues presented in the previous monitoring report (3<sup>rd</sup> monitoring session) have not been resolved. For package 4 of Duc Hoa Irrigation Area, the contract cannot be awarded now because many HHs have not received compensation.

## **6.2. Recommendations**

71. To ensure the APs' entitlements, it is requested that Tay Ninh PPC, Long An PPC, the PMUs, the district RCs, and the relating agencies to pay attention to and resolve the outstanding issues shown in this monitoring report as well as the previous monitoring report. Settlement of the APs' grievances must comply with the Grievance Settlement Mechanism stated in the RP and the Vietnam Law on Grievances. All the APs' entitlements presented in the Matrix of Entitlements must be complied with.

72. The RCs should consider and acquire the AHs' remaining land areas which are not proper for cultivation and production because those areas are small, in poor shapes, or are divided by various canals.

73. The MARD should provide counterpart fund sufficiently and timely to the project provinces so that they can complete compensation payment and land clearance as soon as possible because DMS has been completed for all packages and the compensation plans have been approved.

74. After this monitoring session, the IMO recommend ADB and AFD to allow the ICMB 9 to award contract Duc Hoa Main Canal – Trang Bang, Tay Ninh and get construction commenced. Regarding to package 4 – Duc Hoa Irrigation Area, Long An, many households have not received compensation, therefore, construction cannot be started now.