

EXTERNAL RESETTLEMENT MONITORING REPORT

Fifth 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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I. Project Introduction

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 10m³ 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) *Phuoc Hoa 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 m³/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) *Duc Hoa main canal*. The canal is 17.7km in length, being able to load flows about 4.3 m³/s, beginning from end of Tan Bien main canal and passing Loc Hung and An Tinh communes of Trang Bang district, Tay Ninh province, Thai My commune of Cu Chi district, HCMC and Tan My commune of Duc Hoa district, Long An province. Duc Hoa main canal will irrigate for 21,015ha, including 2,655ha in Trang

Bang-Tay Ninh, 800ha in Cu Chi-HCMC and 17,560ha in Duc Hoa-Long An, and provide water for domestic use and industrial areas in Trang Bang and Hau Nghia. *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 13.5m³/s, starting from the West Main Canal of Dau Tieng reservoir and a system of primary canals, secondary canals and tertiary canals to irrigate Tan Bien area with an area of 13,390 ha in Chau Thanh and Tan Bien districts.

- (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 4.3m³/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 primary, secondary and tertiary canals system to be constructed and upgraded to irrigate 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 and accepted. Mission 4 was conducted in Jan 2013 in 3 districts Tan Bien, Chau Thanh and Trang Bang, Tay Ninh province. Finding report has been submitted to the ICMB9 and ADB and approved.

7. Monitoring mission V was conducted in Duc Hoa district of Long An province to examine how grievance of APs were resolved and what results of grievance redress have been achieved so far in packages 4 of Duc Hoa irrigation system and monitoring on progress of compensation payment for APs of packages 5&6 in Duc Hoa irrigation system Findings of this mission is processed and analysed and reported in this report.

II. Scope of subprojects/components impacts

2.1 Duc Hoa Main Canal

8. Duc Hoa main canal will be constructed with 17.7km long, passing Trang Bang district–Tay Ninh province (8km), Cu Chi district-HCMC (6km), and Duc Hoa district-Long An province (3.7km). Compensation and resettlement of the canal is implemented by Center of Land fund development of Trang Bang, Cu Chi, and Duc Hoa districts.

9. The total number of HHs affected by Duc Hoa Main Canal is 758 HHs and six organizations, of which 370 HHs are severely affected with 77 displaced HHs and 333 HHs losing more than 20% of productive land. Number of vulnerable APs is 123 HHs, including women headed households: 42, social policy families: 68, and poor APs: 13. There are no ethnic minority HHs affected by the project.

10. The canal requires mostly agricultural land of households. The total acquired area of various types of land is 147.7ha, of which the area of residential and non-agricultural land is 1.5ha, and the area of agricultural land is 146.2ha.

11. Other affected assets include: houses and attached auxiliary structures: 13,822 m²; wells: 253; tombs: 161; rice and crops: 73.5ha, and trees: 79,722. See more detailed in the Appendix 1.

2.2 Duc Hoa irrigation area

12. 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.

13. Resettlement implementation of the irrigation area was carried out by CLFD of Duc Hoa district. Total number of AHs is 5,085 HHs and organizations, of which 811 severely APs with 41 relocation HHs and 778 HHs losing more than 20% of productive land.

14. Construction of Duc Hoa canal system requires mainly agricultural land of households and project communes PCs. Total land are acquired is 257.9ha, of which residential land: 2.03ha; agricultural land: 224ha and the remaining land (public land) is other land without compensation.

15. Other affected assets include: houses, structures, shops, wells, rice and crops, and trees. See details in Appendix 1.

2.3 Tân Biên Irrigation Area

16. 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.

17. Resettlement implementation of Tan Bien 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 5 organizations, of which 48 severely APs with 19 relocating HHs and 31HHs losing more than 20%

of productive land. Number of vulnerable HHs is 105 HHs, including 23 women headed HHs, 52 social policy HHs, poor households: 4. and ethnic minority HHs are 26 HHs.

18. Construction of Tan Bien canal system mainly acquires agricultural land of HHs and communal PCs. Total land are acquired permanently is 133.9ha, of which residential land: 1.14ha; agricultural land: 127.7ha and other land (public land) without compensation: 5.14ha.

19. Affected assets include: Houses and auxiliary structures: 2,619.2 m²; shops: 1,384m²; wells: 43 units; rice and other crops: 38.8ha; trees: 71,493. See details in Appendix 1 and 2.

III. Methodology of monitoring and implementation arrangement

3.1 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.

3.2 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.

3.3 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 5. Objectives of this monitoring mission are: (i) periodic monitoring of compensation and resettlement implementation for the project; (ii) verification of completion of compensation and allowance payment and resettlement for packages 5&6 of Duc Hoa irrigation area; (iii) review resolution of pending issues reported in the fourth monitoring report in Jan 2013.

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 specialist team monitored 3 issues mentioned in paragraph 24. Among selected methods of the survey, questionnaire was used to interview AHs of packages 5&6; indepth interview was used for interviewing chief of villages, leader of commune PCs, key staff of CLFD and relocation HHs; group discussion was held for AHs who did not receive compensation in package 4 and complainants of packages 5&6.

3.4 Selection of Survey Samples

28. As required in the TOR, the Consultant selected 100% of severely AHs and 10% of non-severely AHs of that had received compensation in packages 5&6 - Đức Hòa irrigation area in Đức Lập Hạ, Đức Lập Thượng and Tân Mỹ communes - for survey by quétionnair. Group discussions were held in Tân Mỹ, Hòa Khánh Đông and Hòa Khánh Tây communes –Đức Hòa district. Besides, AHs who have complaints and grievances or have not received compensation in package 4 were also selected for survey. The total number of affected HHs selected for survey was 218 HHs, 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. The monitoring team also conducted in-depth interviews with 30 staff of the Phuoc Hoa Water Resources Project Management Unit – Long An province (Long An PMU), CLFD of Duc Hoa district, 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.

IV. Monitoring Results

4.1. Internal Work

29. Compensation and resettlement for Packages 5 and 6 – Duc Hoa Irrigation Area, Duc Hoa district was implemented by the Center of Land Fund Development (CLFD) of Duc Hoa district and the Center of Housing Services of Long An province. The monitoring team worked with the CLFD of Duc Hoa district and Long An Management Board of Agricultural Projects about relevant issues. In addition, the monitoring team reviewed documents relating to compensation and resettlement, including the compensation options approved by the Provincial People’s Committee (PPC) and minutes of compensation payment made to the AHs.

30. Monitoring results show that the Resettlement Committee (RC) of Long An province and the CLFD of Duc Hoa district have kept sufficient documents of AHs in both hard copies and electronic files for convenient monitoring and usage. Compensation options have been approved by 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 been prepared quarterly and submitted to the ICMB 9 with support from BVI’s Resettlement Specialists and OSDP Consultant.

4.2. Information Disclosure and Community Consultation

31. According to the survey results, most of the AHs confirmed that at least they were involved in 3-5 community meetings and received documents on project implementation delivered by the district RC in coordination with the commune people's committees. 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,

32. According to the survey results, 100% of interviewed HHs informed that they participated in community meetings to get project information, and all people agreed with construction of Duc Hoa Main Canal for the sake of community benefits. In addition to community meetings, 29.7% of interviewed HHs said that they were delivered with the project *Information Brochure*. However, in Tan Mi commune, the surveyed HHs said that they were only involved in community meetings for information disclosure (See Table 1).

Table 1: Forms of Information Disclosure

Surveyed communes	Interviewed APs	Community meetings	Delivery of <i>Project Brochure</i>	Radio, louder speakers	All forms	Others
Tan Mi	41	41	0	0	0	0
Duc Lap Ha	83	83	25	0	0	0
Duc Lap Thuong	57	57	19	0	0	0
Total	182	182	54	0	0	0

Source: Results of surveys on AHs

33. 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 the Resettlement Committee of Duc Hoa district, Long An province. 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 RC for review, modification, and supplementation.

34. 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 the RC to understand the APs' expectations 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.

35. 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 the communes affected by Packages 5 and 6 – Duc Hoa Irrigation Area – Duc Hoa district – Long An province has been conducted seriously by the district RCs together with the CPCs, information subject to be disclosed have been delivered quite adequately.

36. 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 PMU and the RC 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 brochures 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.

4.3. Detailed Measurement Survey of Affected Assets

37. At the monitoring time, the RC of Duc Hoa district had completed detailed measurement surveys of affected assets, verification and supplement of missing assets that several HHs queried about (see details in Table 10). The survey results show that the percentage of AHs involving in the DMS process was limited with 50%, 72%, and 34.1% in Duc Lap Ha, Duc Lap Thuong, and Tan Mi communes respectively. However, most of the surveyed AHs (97.6% in Duc Lap Ha commune, 94.7% in Duc Lap Thuong commune, and 100% in Tan Mi commune) agreed with the DMS results provided by the RC, missing cases had been verified and supplemented.

38. About 67% of the surveyed AHs under Packages 5 and 6 – Duc Hoa Irrigation Area – reported that they signed in the DMS minutes after checking their information and they were provided with DMS minutes for record; 83% considered that the DMS results were posted publicly at the CPCs' offices; only 4.4% said that the DMS results were not posted publicly and 12.6% answered that they did not know whether the DMS results were posted publicly or not (see Table 2).

Table 2. Assessment of the surveyed AHs on DMS in Duc Hoa

Surveyed commune	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
Duc Lap Ha	40	42	82	2	66	18	72	6	6
Duc Lap Thuong	41	17	54	3	32	25	55	2	0
Tan Mi	14	28	41	0	24	17	24	0	17
Total	95 (52.2%)	87 (47.8%)	177 (97.2%)	5 (2.8%)	122 (67%)	60 (33%)	151 (83%)	8 (4.4%)	23 (12.6%)

Source: Results of surveys on AHs

39. Generally, DMS of the assets affected by Packages 5 and 6 – Duc Hoa Irrigation Area, Duc Hoa district, Long An province were carried out in a public and propitious way with good results. As presented above, most of the interviewed HHs informed that they were involved in the DMS process of their affected assets, except measurement of agricultural land, some HHs considered that the DMS results as inadequate in terms of their affected assets or imprecise in terms of origins of their land (see Table 9). The RCs have acknowledged these comments and verification is being sought for further compensation if these complains are true, subject to verification results by the RCs.

40. To ensure DMSs 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.

4.4. Compensation and Resettlement Plans

4.4.1 Legal Basis for Development of Compensation Plans

41. 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 10th National Assembly in the tenth meeting session on 25 December 2001;
- (ii) Law on Land No. 13/2003/QH11 approved by the 11th 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.
- (xiii) 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;
- (xiv) 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;
- (xv) 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;
- (xvi) 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;
- (xvii) Decision 31/2012/QD-UBND dated 13/7/2012 on issuance of unit rates applicable in construction of new houses and civil works in Long An province;
- (xviii) 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;
- (xix) 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;
- (xx) 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;
- (xxi) Decision No. 1150/QD-UBND dated 10/4/2012 approving allowance norms for the APs at Duc Hoa Irrigation Area, Duc Hoa district;
- (xxii) 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.

4.4.2 Preparation of Compensation Plans

42. At the monitoring time, the compensation, allowance, and resettlement plans for the HHs affected by Packages 5 and 6 – Duc Hoa Irrigation Area, Duc Hoa district, Long An province had been approved by Long An PPC. Compensation amounts had also been paid by the RC, the compensation progress will be presented in item 4.5 of section 4.

43. During preparation of the compensation plans, the RC of Duc Hoa district, Long An province complied with procedures of preparation and public announcement of compensation plans as stipulated in the RP. Details are as below:

- *Consulting the AHs about the draft compensation, assistance, and resettlement plans:* the RC 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 RC 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 RC 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.

4.4.3. Compensation Prices for Affected Assets

44. Compensation prices for various types of affected assets when the State acquired land were approved by Long An PPC.

(i) *Land compensation prices:* Like other packages of Duc Hoa Irrigation Area, land compensation prices for land affected by Packages 5 and 6 were determined in accordance with following criteria: types of land (by purposes of usage), by areas (rural or urban areas), by land locations, and by land productivity. Land replacement prices were updated during the DMS process and submitted to Long An PPC for review and approval. Although there were no differences between the market prices and the land prices for 2012 issued by the PPC, to ensure rights and benefits of the AHs, the RC applied the land prices for 2013 issued by the PPC.

(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 2013 of the province. According to results of the surveys conducted at affected communes in Duc Hoa district – Long An, 94% of the surveyed AHs said that they had been involved in discussion about compensation prices, meanwhile only 6% informed that they were not participated in the survey on compensation prices.

45. Application of the compensation prices for 2013 by Long An PPC for the project affected assets has met expectations of most of the AHs. The survey results show that 93.4% of the HHs affected by Packages 5 and 6 agreed with the compensation prices. Several HHs seemed to be happy when receiving compensation, agreed with the compensation prices, and had no complaints. However, about 6.6% of the surveyed HHs considered the compensation prices of land, houses, and architectural structures as low, particularly the HHs whose entire residential land and houses were acquired. According to them, the compensation amounts for their land and houses were not enough to purchase same land areas and re-build houses. 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.

Table 3: 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
Duc Lap Ha	74	10	78	6
Duc Lap Thuong	56	1	51	6
Tan Mi	41	0	41	0
Total	171 (94%)	11 (6%)	170 (93.4%)	12 (6.6%)

Source: Results of surveys on the APs

4.4.4 Allowances and Assistance

46. In addition to compensation for 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.

47. In 2013, allowances and assistance are still provided in accordance with Decision 1148/2012/QĐ –UBND dated 10 April 2012 by Long An PPC but in reference to 2013 price framework. As informed by Mr. Nguyễn Minh Em Tự Triều – Deputy Director of Phuoc Hoa Water Resources Project – Long An Project Management Unit, basically, there were almost no changes in allowances compared to those in 2012 because there were no significant price changes. Details are as below (Table 4):

Table 4: Allowances for severely APs

No.	Allowance	Amount
1	Subsistence allowance	30kg of rice per person* 6/12/24 months
2	Allowance for transportation within and outside the province	VND 10,000,000 per HH
3	Relocation allowance	
4	Allowance for partly dismantled houses	
5	Rent allowance	VND 900,000 per HH*at least 6 months
6	Allowance for social welfare beneficiaries - Families with wounded soldiers / martyrs - Families being accredited with the Party’s revolution - Poor HHs	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	Allowance for land	

	<ul style="list-style-type: none"> - Garden/ pond land in the same plots of land with houses; - Agricultural land by roadsides 	70% 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 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	VND 5,000,000 per HH

4.5. Compensation Payment

48. After the compensation, allowance, and resettlement plans of Packages 5 and 6 were approved by Long An PPC, the CLFD of Duc Hoa district, Long An province and the Center of Housing and Land Services of Long An province paid compensation to the AHs. As of 01/4/2013, the progress of compensation payment was as follows: Package 4 - 92.6%; Package 5 - 91.3% and Package 6 - 88% (see Table 5).

49. Prior to compensation payment for Packages 5 and 6, Long An PMU, the district CLFD, the Center of Housing and Land Services of Long An province, and the concerning CPCs held meetings with the APs to disseminate the compensation payment schedule, 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.

Table 5: Progress of compensation and allowance payment in Packages 4,5,6

No.	Package	No. of AHs	No. of HHs receiving compensation	No. of HHs not receiving compensation	Completion percentage (%)
1	Package 4	536	441	95	92.7
2	Package 5	344	296	48	91.3
3	Package 6	561	454	107	88.0
	Total	1441	1191	250	

Source: The RC of Duc Hoa district

Table 6: Reasons and solutions for not receiving payment by HHs – Packages 4, 5 and 6

No.	Remaining issue	No. of HHs not receiving payment			Solution	Deadline of resolution
		Package 4	Package 5	Package 6		
1	Compensation plans are being revised	19	13	17	Submitting the revised plans so that payment can be made	30/6/2013
2	DMS was carried out without attendance of the owners	8	3	4	Determining the owners to pay compensation	30/6/2013
3	Complaints and grievances	3	1	17	Coordinating with relevant agencies to settle these soon.	30/6/2013

4	Disputes	0	0	1	Payment will be made upon final agreement	30/6/2013
6	Not receiving payment without any reasons	64	31	63	Payment should be made to persons whose issues are dealt with	30/6/2013
7	Land sold yet the land use right has not been transferred	0	0	1	Coordinating with relevant agencies to settle these soon	30/6/2013
8	Dividing land for the offspring for additional land use right certificates	0	0	1	Revising the LURC so that payment can be made soon	30/6/2013
9	Sold land to another person, cannot define the purchaser's address	0	0	1	The purchaser's address is being determined	30/6/2013
10	The LURC is mortgaged at the banks	0	0	1	Working with the banks to borrow the LURC	30/6/2013
11	Requesting for acquisition of the whole land since the remaining areas are not sufficient for cultivation	0	0	1	Reviewing and verifying for solutions	30/6/2013
12	The status of affected land and assets need to be verified	1	0	0	The issue is being dealt with	30/6/2013
	TOTAL	95	48	107		

Source: The RC of Duc Hoa district

50. Generally, Long An PMU, and the district CLFD have co-operated closely with the CPCs of the affected communes and the district State Treasury in implementing compensation payment for the AHs promptly, completely, conveniently, safely, and effectively. Approximately 62% of the surveyed AHs in Duc Lap Ha commune, 86% of the surveyed AHs in Duc Lap Thuong commune, and 78% of the surveyed AHs in Tan My commune are satisfied with arrangement for payment of the project compensation. The numbers of HHs who are dissatisfied or have no comments normally are the HHs that have not received compensation, hence, they cannot evaluate the satisfaction levels regarding to compensation payment.

51. However, an outstanding problem for which solutions are required that several AHs have not fully completed the procedures to receive compensation payment because their LURCs (red paper) are deposited at Banks as loan security, hence, they cannot withdraw the LURCs to complete the procedures for receiving compensation or their land plots are determined with wrong owners' names or wrong plots, etc. The district CLFD have proposed solutions for this issue and created favourable conditions for the AHs to receive payment. Specifically, in Duc Hoa district – Long An, the proposed solution is that during compensation payment for the AHs, the RC will co-operate

with banks, the banks will assign staff to work with the RC to complete procedures so that the AHs whose LURCs are deposited at the banks can liquidate their loans.

4.6. Redress of Grievances

52. In Phuoc Hoa Water Resources Project – the project section passing Long An province, despite the fact that there were not common grievances yet complaints and grievances about low compensation prices, imprecise determination of land locations, etc. were all received, reviewed, and dealt with by the RC. Duc Hoa district people’s committee issued a decision ref. 07/UBND-TCD dated 09/01/2013 about “Settlement of complaints and grievances by the households under Phuoc Hoa water resources project in Duc Hoa district”. Accordingly, a Committee of Grievance Settlement was established to deal with the APs’ grievances. The DPC directed relevant agencies to consider and address the grievances, by their functions and responsibilities. Table 7 shows results of grievance redress of AHs in package 4 which were identified and raised in the last monitoring report.

Table 7: Results of grievance redress of AHs in package 4

The AHs’ Comments	Address	Comments of the PMUs and the RCs	Results of resolving grievances as of 10/4/2013
LONG AN PROVINCE			
Hau Nghia Town – Duc Hoa			
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.	Measured the additionally affected part and submitted additional compensation plan for approval. Payment will be given to the HH soon.
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	Verified and added as requirements of these HHs

		cases, if being within the regulated price framework, will be compensated in accordance with stipulated prices. The RC will verify and resolve these cases.	
Tan Mi commune – Duc Hoa			
<p>- 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.</p> <p>- Mr. Hà Văn Lạng's HH has not received compensation because of so-low price (a complaint has been lodged yet no responses have been received).</p> <p>- Mr. Trần Văn Phước's HH has not received compensation because the compensation price is too low.</p>	Rung Dau village – Tan Mi commune	<p>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.</p> <p>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.</p>	Verified, discussed and added as requirements of these HHs
- 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.	CLFD of Duc Hoa district is verifying.
Hoa Khanh Tay commune – Duc Hoa			
The HH of Dương Hồng Luân says that he lost 562m ² of land permanently and 685m ² 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	Lap Thanh village	<p>The inventory and compensation unit will promptly work on this case if the HH lodges a complaint.</p> <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>	Dương Hồng Luân' household requested to cease payment because he has to take court order.

<p>square meters, not by trees. The HH requests for compensation prices of trees.</p> <p>In addition, this HH request for a review of the unit price of canal excavation because the unit price of VND 99,000/m³ was much lower than the market price.</p> <p>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/m² was shown yet in the “Calculation” dated 19/10/2012, the applicable unit price was VND 130,000/m²?</p>			
Hoa Khanh Dong commune – Duc Hoa			
<p>The HH of Phan Văn Giua 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.</p>	Giong Ngang village	<p>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.</p>	<p>CLFD verified and asked Center for natural resources and environment to make landmark to adjust compensation price for the household.</p>
<p>The HHs of Lê Thị Lệ, Nguyễn Tấn 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.</p>	Giong Ngang village	<p>Heads of the HHs should send requests to the inventory unit for review in case of missed assets. Normally, it is due to inadequate list by the HHs’ heads in such cases.</p>	<p>CLFD is re-surveying.</p>
<p>The HH of Phạm Văn Côn complains that the</p>	Giong Ngang	<p>The head of the HH should send a request to the inventory unit for</p>	<p>CLFD is re-surveying.</p>

compensation for them did not include B40 fence. The RC was requested to review this case.	village	review in case of missed assets.	
The HH of Nguyễn Ngọc Tiền (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.	CLFD is re-surveying.
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 ² yet the applicable unit price of the project is VND 55,000/m ² only.	Giong Ngang village	The applicable prices are suitable with reality and most of local people feel satisfied and agree with these prices, according to a survey. 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.	CLFD verified and asked Center for natural resources and environment to make landmark to adjust compensation price for the household.
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.	CLFD is re-surveying

Source: Center for Land Fund Development of Duc Hoa district

53. Nevertheless, some households participating in Group discussion in Hoa Khanh Dong, Hoa Khanh Tay, and Tan Mi communes informed that their grievances have not been dealt with or have not addressed satisfactorily. For example, the households of Dương Hồng Luân (Lap Thanh village – Hoa Khanh Tay) and Đinh Nghĩa Hòa in Bau Cong village - Tan Mi.

54. Most of the surveyed HHs that were affected by Packages 5 and 6 also said that their complaints had not been redressed by the authorities. Specifically, 13 HHs in Duc Lap Ha commune and 12 HHs out of 13 AHs in Duc Lap Thuong commune informed that their complaints had not been dealt with. This has made them felt unsatisfied about grievance settlement by the local

authorities. Almost all of them confirmed that they would continue to lodge their complaints (see details in the following Table 8).

Table 8: Assessment on grievance settlement in packages 5,6

Surveyed commune	Settlement of grievances		Satisfaction with the settlement results		
	Done	Not yet	Satisfied	Unsatisfied	Will continue lodging complaints
Duc Lap Ha	0	13	0	3	10
Duc Lap Thuong	1	12		4	7
Tan Mi	0	0	0	0	0
Total	1	25	0	7	17

Source: The survey results

4.7. Resettlement issues

55. In Long An, the HHs whose houses were dismantled and relocation was required could register to move to Hiep Hoa resettlement site provided by the PPC. As reported by Long An PMU, this resettlement site located at Hiep Hoa town with relatively adequate infrastructure and the AHs could settle down their lives promptly. Yet, most of the AHs would prefer compensation in cash and self-relocation.

V. Outstanding Issues and the AHs' Comments

5.1. The AHs' General Comments

56. The monitoring results show that the AHs' comments focus mainly on following issues:

(i) At the monitoring communes, the people said that they would like the project to acquire the whole land area in cases that the remaining areas were not enough for cultivation. Mr. Trịnh Công Thành – Director of the CLFD of Duc Hoa district, Long An province reported that this case involved 101 HHs and at that time, the CLFD had mobilized a team to verify the land status before working with the PPC for guidance.

(ii) Several HHs, though they had received full compensation amounts, requested the RC to supplement the missing affected assets (water wells, land, trees, crops, electrical posts, etc.) and paid further compensation to them.

(iii) Some HHs were not able to receive compensation because when they divided land for their relatives, they made mistakes with land plots. Such land plots were being verified. Regarding to these cases, several people have sent requests to the authorities for verification of their land plots. The people who have not sent requests to the authorities did report their cases to the commune authorities and relevant agencies for solutions.

(iv) Some HHs complained that their affected land located right next to inter-village roads but the width of the roads was less than the required standard of 3m; as a result, their affected land was paid at the compensation price of rice land. This made them felt that they were at a disadvantage position and they made requests to the project for a solution.

(v) Several HHs participating in Group discussion at Bau Cong village, Tan My commune, asked for temporary drains to avoid flooding to HHs that were cultivating crops during construction of the project canal.

5.2. The AHs' Specific Recommendations

57. The following table list the AHs' recommendations made to the monitoring team and for which the authorities' attention is required:

Table 9: Outstanding issues

The AHs' comments	Address	The PMU's comments
DUC LAP THUONG COMMUNE		
The HH of Cao Thị Rẽ said that 94m ² of her residential land was affected but the project paid compensation at the compensation price of agricultural land. The PMU was requested to review this case.	Tan Hoi village	The land status was corrected as residential land as specified in the LURC. The HH of Ms. Rẽ received compensation on 12/4/2013
The HH of Phan Thị Yên Nhi said that their on-land structures were affected (the land was granted by their parents but the LURC was not yet transferred) yet they did not receive relocation allowance. The PMU was requested to review this case.	Tan Hoi village	The HH of Phan Thị Yên Nhi was not entitled to relocation allowance.
The HHs of Nguyễn Văn Dơi and Phạm Thị Thanh said that their affected portions of land were those at the front of 3m-wide roads (of which the compensation price was VND 334,000/m ²) but the compensation price of rice land was applied for their affected land. The PMU was requested to review this case.	Duc Nghia 2 village	The PMU worked with relevant agencies of the district to conduct a site visit. After that, a written request was sent to the Center of Environmental and Natural Resources to determine the land areas within 50m in the front of the roads to apply appropriate compensation prices and pay additional compensation amounts for these HHs.
The HH of Bùi Tỷ said that their affected land was the land at the front of red-gravel roads, yet, the compensation price of VND 334,000/m ² was applied meanwhile other households living along the same road were compensated at the price of VND 460,000/m ² . The PMU was requested to review this case. (This HH lodged a complaint to the CLFD of Duc Hoa district yet so far they have not received any responses).	Tan Hoi village	The PMU worked with relevant agencies of the district to conduct a site visit. After that, a written request was sent to the Center of Environmental and Natural Resources to determine the land area within 50m in the front of the red-gravel road to apply appropriate compensation prices and pay additional compensation amount for the HH. Mr. Ty received full compensation on 12/4/2013.
The HH of Nguyễn Văn Đễ requested the project to provide subsistence allowance and allowance for	Duc Nghia 1	All allowances have been provided as per regulations.

social welfare beneficiaries (wounded soldiers) for the head of the HH. The HH also requested the project to acquire the remaining land which was currently of 80m ² and in poor shape because according to the head of the HH, this area could not be cultivated anymore. The PMU was requested to review this case.	village	The remaining land area of 80m ² cannot be acquired as per the PPC's decision. However, special cases can be reviewed and specific proposals will be made for a proper solution.
The HH of Nguyễn Văn Xúc said that their affected land was at the front of a 3m-wide road (of which the compensation price was VND 334,000/m ²) but the compensation price of rice land was applied (VND 55,000/m ²). The PMU was requested to consider this case.	Tan Hoi village	The PMU worked with relevant agencies of the district to conduct a site visit. After that, a written request was sent to the Center of Environmental and Natural Resources to determine the land area within 50m in the front of the roads to apply appropriate compensation prices and pay additional compensation amount for the HH
The HH of Võ Văn Ước said that compensation had been made to them but the allowance for road-front land had not been provided.	Tan Hoi village	A site visit has been conducted, and a revised cadastral map has been submitted. Upon approval of this map, additional compensation plan will be made.
The HH of Phan Văn Sinh said that one closed well of the HH was missed during DMS.	Duc Nghia 2 village	This has been verified and supplemented.
Nguyễn Văn Mễ said that two remaining plots of land were too small and unviable. The PMU was requested to consider this case.	Duc Hanh 1 village	This case will be considered and solutions will be proposed.
DUC LAP HA COMMUNE – DUC HOA		
The HH of Nguyễn Hồng Vi requested the project to give them the decision on land acquisition because the HH's head had just received a detailed calculation without any decision on land acquisition. The PMU was requested to consider this.	Bau Sen village	This case is not reported clearly by the households. If the HH has received compensation and the decision yet lost the decision, the HH should contact the CLFD to get the decision re-issued.
The HH of Nguyễn Minh Trí said that about 840m ² of the affected was missed during DMS. Their actual land area was 4000m ² meanwhile the project measured it as a 3200m ² land. The HH had 450m ² (out of the total 3200m ²) of land acquired. The PMU was requested to consider this.	Bau Sen village	If Mr. Tri wishes to have his land re-measured for its total area affected by Phuoc Hoa Water Resources Project, he should send a written request for re-measurement.

The HHs of Nguyễn Văn Tốt, Nguyễn Thị Khanh and some other HHs said that their affected land was at the front of roads (of which the compensation price was VND 334,000/m ²) but the compensation price of VND 55,000/m ² was applied. The PMU was requested to consider this case	Tan Hoa village	- The CLFD of Duc Hoa district has checked and concluded that such land areas are at the front of less than 3m-wide roads; hence, the applicable compensation price was acceptable.
The HH of Phan Văn Tư requested the project to re-determine its benchmark because the project would acquire their land of 11m in width but the current benchmark was for an area of 14m in width. The PMU was requested to consider this case.	Chanh village	- The CLFD will check to verify this complaint.
The HHs of Trần Văn Hổ and Phan Văn Rây said that certain areas of their affected land were adjacent to inter-village roads (of which the width was less than the standard width of 3m) but such areas were compensated for at the compensation price of rice land. They considered themselves as at a disadvantage position and lodged complaints already. They were waiting for satisfactory responses from the authorities. The PMU was requested to deal with this case.		Regarding to the earth roads with the width $\geq 2m < 3m$, the DPC has allowed to cut affected land at the first 50m and the PPC has issued a compensation price for such land. The PMU will check this case and if such land areas were adjacent to roads, further compensation amounts will be considered.
Ms. Võ Thị Sáu said that her DMS list of affected land included the affected area at the front of 3m-wide road but compensation was made as for other affected land areas at the price of VND 55,000/m ² . The HH did not agree and refuse compensation. A grievance had been lodged to the CPC yet no answers were provided. Meanwhile, four other HHs locating on the same land strip had their affected land compensated for at the compensation price of front-road land of VND 334,000 /m ²	Tan Hoa village	- The CLFD visited the site with the Center of Natural Resources and the CPC. It was determined that her land was between the road edge and the center of the road cut line. The compensation option for Ms. Sau will be revised.
The HH of Đoàn Văn Nhỏ said that two electrical posts of his HH were listed in the DMS result but no compensation was provided for these.	Bau Sen village	- The CLFD will check to verify this complaint.
Trần Văn Trừ: His affected land was at the 3m-wide road but compensation was made for agricultural land.	Bau Sen village	- The CLFD will check to verify this complaint
TAN MY COMMUNE – DUC HOA		
The HHs of Lê Thị Thịnh, Phan Văn Thản and some other HHs were not able to receive compensation because when they divided land for their relatives, they made mistakes with land plots. Such land plots were being verified. Regarding to these cases, several people have sent requests to the authorities for verification of their land plots. The people who have not sent requests to the authorities did report their cases to the commune authorities and relevant agencies for solutions.		The RC has verified these cases. The numbers of land plots are being revised for adequate compensation payment.

The HHs of Đào Văn Thông and Nguyễn Văn Toàn also said that certain areas of their affected land were adjacent to inter-village roads (of which the width was less than the standard width of 3m) but such areas were compensated for at the compensation price of rice land. They considered themselves as at a disadvantage position and lodged complaints already. They were waiting for satisfactory responses from the authorities.	Bau Cong village	- The CLFD will check to verify this complaint
The HH of Đinh Nghĩa Hòa said that his land had been reclaimed and cultivated for several years. It was not right when the project compensated this land as for reclaimed land, compensation should be paid for affected agricultural land.	Bau Cong village	This land was reclaimed long time ago but Mr. Nghia has not transferred the usage purpose of land, hence, the compensation price of reclaimed land is applied.
The HH of Phan Văn Thùng said that the project missed one closed well during DMS.	Lap Dien village	- The CLFD will check to verify this complaint
HOA KHANH TAY COMMUNE		
The HH of Trần Vũ Phương said that their land was purchased from land of the HH of Trương Văn Tuấn and the LURC had been transferred for this land plot. Yet, all documents relating to land acquisition were named Trương Văn Tuấn and the HH was not able to receive compensation. The PMU was requested to resolve this.	Lap Thanh village	The compensation plan is being revised for right name of the HH. Upon completion, compensation will be paid. This mistake is due to absence of the land owner during DMS.
The HH of Lê Văn Quyện said that the project missed two electrical posts (5m of each) because although these assets were included in the DMS list but no payment was made. The PMU was requested to consider this.	Lap Thanh village	The CLFD will check the number of electrical posts again.
The HH of Bùi Thị Thâm – similar to the case of Trần Vũ Phương (the previous land owner was Nguyễn Văn Yên)	Lap Thanh village	The compensation plan is being revised for right name of the HH. Upon completion, compensation will be paid. This mistake is due to absence of the land owner during DMS
The HH of Dương Hồng Luân requested the project to promptly address his complaint. (The HH sent a complaint to Duc Hoa DPC). The PMU was requested to deal with this case.	Lap Thanh village	This person is in a civil sentence. It has been requested to cancel compensation payment for him.
HOA KHANH DONG COMMUNE		
Nguyễn Thành Thái and the HH of Phan Văn Giữa said that other HHs locating in the same road were entitled to the compensation price of VND 317,000/m ² but these two HHs were entitled to the compensation price of VND 55,000/m ²	Vong Ngang village	The CLFD will conduct a site visit to check the land status.

Source: Results of the survey

VI. Conformity between Resettlement Implementation Progress and Construction Progress

58. In Long An province, the progress of compensation implementation and site clearance will meet the progress of civil works contract award provided that compensation funds are provided sufficiently and timely. At the monitoring time, compensation payment has basically been completed for several civil works contracts, meeting the requirements of handing over construction sites. However, if the outstanding issues are not resolved timely and completely, it is likely that the hand-over of construction sites will be affected.

VII. Conclusions and Recommendations

7.1. Conclusions

59. In general, implementation of compensation and resettlement for Package 4, Package 5, and Package 6 of Duc Hoa Irrigation Area, Duc Hoa district – Long An province has substantially complied with the RP approved by ADB. Information disclosure and community consultation were carried out adequately, in an open and democratic manner. 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.

60. 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.

61. 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.

62. The monitoring results indicate that more than 90% of compensation amounts have been paid for the HHs affected by Packages 4 and 5, most of the AHs that have not received compensation are marginally affected HHs or the HHs being absent during the DMS process, few HHs have lodged their grievances, some HHs have wrong information corrected such as wrong land plots, wrong names, etc. These issues are being dealt with by the relevant authorities and this does not affect much the implementation of construction of these contracts.

63. The monitoring results also show that although more than 88% of compensation amounts have been paid under Package 6 and the number of AHs that have not received compensation is quite significant (107 HHs), time is needed to verify the HHs' queries and resolve outstanding issues prior to construction commencement.

7.2. Recommendations

64. To ensure the APs' entitlements, it is requested that the PMUs and the district RCs to resolve the outstanding issues presented in this report and answers should be sent to the APs as soon

as possible. 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.

65. 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, and then pay compensation as per the policies of the project.

66. The IMO recommend ADB and AFD to allow contract award and construction of the packages Nos. 4 and 5 – Duc Hoa Irrigation Area, Duc Hoa district – Long An.

Appendix 1: Resettlement data of Duc Hoa main canal – Long An section and Duc Hoa irrigation area

FORM 1: Number of AHs

Nr	Packages	Permanent AHs									Temp. AHs	Perm. AHs	Total
		Severe AHs			marginal AHs	Business	Vulnerable AHs						
		Amount	losing >20% of agr.land	relocation			poor	EM	Women headed	social AHs			
1	Duc Hoa main canal- Long An and 3 borow pits	166	154	24	115	2	12	0	11	28	0	283	283
2	Packages 1&2	125	120	5	862	6	12	0	6	32	-	987	987
3	Packages 3,5,6	260	245	15	1.086	9	11	0	90	56	-	1.355	1.355
4	Packages 4,7,9	219	218	6	938	18	2	0	22	113	-	1.175	1.175
5	Packages 8,10, and 4,9 (partly) and 5 borrow pits	207	195	15	1.367	22	33	0	14	109	-	1.574	1.574
	Total	977	932	65	4.368	57	70		143	338		5.368	5.368

FORM 2: Acquired land area

Nr.	Packages	Permanent acquisition (ha)						Temporary acquisition (ha)					
		Agr. Land	Residential land	Aquar land	Forest land	other land	amount	Agr. Land	Residential land	Aquar land	Forest land	other land	amount
1	Duc Hoa main canal-Long An and 3 borrow pits	87,01	0,49	0,00	0,00	1,40	88,70	0,00	0,00	0,00	0,00	0,00	0,00
2	Packages 1&2	44,80	0,94			1,30	47,00						38,25
3	Packages 3,5,6	53,90	1,60	0,00	0,00	0,02	63,80	0,00	0,00	0,00	0,00	0,00	44,29
4	Packages 4,7,9	41,10	0,00	0,00	0,00	9,30	50,60	44,40	0,00	0,00	0,00	1,78	46,19
5	Packages 8,10, and 4,9 (partly) and 5 borrow pits	84,10	0,00	0,00	0,00	12,30	96,50	51,90	0,00	0,00	0,00	3,30	55,21
	Total	310,91	3,03	0,00	0,00	24,32	346,60	96,30	0,00	0,00	0,00	5,08	183,94

FORM 3: Affected houses/structures and others

TT	Packages	Affected houses (m ²)	Crops (m ²)	Trees	Structures	Tombs (unit)	Wells (unit)
1	Duc Hoa main canal-Long An and 3 borrow pits	5.796	399.643	33.948	-	154	133
2	Packages 1&2	4.788	na	na	-	12	126
3	Packages 3,5,6	31.458	-	-	-	59	156
4	Packages 4,7,9	3.615	857.102	66.496	-	20	87
5	Packages 8,10, and 4,9 (partly) and 5 borrow pits	3.541	1.229.765	92.899	-	16	65
	Total	49.198	2.486.510	193.343		261	308

FORM 4: Status of payment as of 19/3/2013

Nr	Packages	Resettlement costs (VND)		Paid amount (VND)		Status of payment		Status of clearance	
		Approved amount	Actual amount	Paid (VND)	To be paid	Received AHs	Not received AHs	Handed	Not handed
1	Duc Hoa main canal-Long An and 3 borrow pits	156.524.423.239	137.566.144.679	124.790.798.323	12.775.346.356	262/282	20	262	20
2	Packages 1&2	115.935.286.621	103.513.648.769	97.283.978.112	6.229.670.657	846/978	132	846	132
3	Packages 3,5,6	172.250.129.097	153.520.614.169	111.895.323.848	41.625.290.321	833/1060	227	833	227
4	Packages 4,7,9	162.164.121.793	144.798.571.512	76.154.435.290	68.644.136.222	695/1299	604	695	604
5	Packages 8,10, and 4,9 (partly) and 5 borrow pits	194.304.058.059	173.485.766.124	17.788.690.308	155.697.075.816	247/1424	1.177	247	1.177
	Total	639.013.897.016	712.884.745.253	340.204.122.807	284.971.519.372	2.883/5.043	2	2.883	2.160

Appendix 2: Resettlement data of Duc Hoa main canal – Tay Ninh section and Duc Hoa irrigation area

FORM 1: Number of AHs

FORM 1: Number of AHs

Nr	Packages	Permanent AHs								Temp. AHs	Total	
		Severe AHs			marginal AHs	Business	Vulnerable AHs					
		amount	losing >20% of agr. Land	relocation			poor AHs	EM AHs	Women headed			social AHs
1	Đức Hòa main canal – Tây Ninh section	139	120	37	198	7	1	0	31	40	0	337
2	Tân Biên irrigation area – Châu Thành district	34	25	9	343	0	4	0	8	25	0	377
3	Tân Biên irrigation area– Tân Biên district	14	6	10	442	0	0	26	15	27	0	456
4	Total	187	151	56	983	7	5	26	54	92		1.170

FORM 2: Acquired land area

Nr	Packages	Permanent acquired area(ha)						Temp. acquired area (ha)						Total
		Agr. Land	Residential land	Aqua. Land	Forest land	Others	Amount	Agr. Land	Residential land	Aqua. Land	Forest land	Others	Amount	
1	Đức Hòa main canal – Tây Ninh section	27,70	1	0	0	16,71	45,11	0,00	0,00	0,00	0,00	0,00	0,00	45,11
2	Tân Biên irrigation area – Châu Thành district	36,28	0,38	0	0	1,88	38,54	0,00	0,00	0,00	0,00	0,00	0,00	38,54
3	Tân Biên irrigation area– Tân Biên district	91,39	0,76	0	0	3,26	95,41	0,00	0,00	0,00	0,00	0,00	0,00	95,41
4	Total	155,37	1,83	0,00	0,00	21,85	179,06	0,00	0,00	0,00	0,00	0,00	0,00	179,06

FORM 3: Affected houses and others

Nr	Packages	Houses/ structures(m ²)	Shops (m2)	Crops (m ²)	Trees	Tombs (unit)	Well (unit)
1	Đức Hòa main canal – Tây Ninh section	5.975	1.384	65.557	45.774	7	90
2	Tân Biên irrigation area – Châu Thành district	731	0	227.428	16.138	0	26
3	Tân Biên irrigation area – Tân Biên district	1.889	0	160.659	55.355	0	17
5	Total	8.594	1.384	453.644	117.267	7	133

FORM 4: Status of payment as of 19/3/2013

Nr	Packages	Resettlement costs (VND)		Paid amount (VND)		Status of payment		Status of clearance	
		Approved amount	Actual amount	Paid	To be paid	Received AHs	Unreceived AHs	Handed AHs	Not handed AHs
1	Đức Hòa main canal – Tây Ninh section	92.885.400.000	91.513.000.000	71.591.000.000	19.922.000.000	320/343	23	320	23
2	Tân Biên irrigation area – Châu Thành district	40.005.680.000	35.719.000.000	33.716.000.000	2.000.000.000	439/466	27	439	27
3	Tân Biên irrigation area – Tân Biên district	100.548.460.000	97.521.000.000	96.421.000.000	8.756.000.000	593/633	40	593	40
	Total	233.439.540.000	224.753.000.000	201.728.000.000	30.678.000.000	1352/1442	90	1.352	90

